

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

Date: Monday, 11 May 2015

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

**Date:** Tuesday, 19 May 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 South Planning Committee will be appointed at the Annual Council Meeting on 14 May 2015.**

Your Committee Officer is:

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

# AGENDA

## 1 Apologies for Absence

To receive any apologies for absence.

## 2 Minutes (Pages 1 - 12)

To confirm the minutes of the South Planning Committee meeting held on 10 March 2015.

Contact Linda Jeavons (01743) 252738.

## 3 Public Question Time

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

## 4 Disclosable Pecuniary Interests

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

## 5 Brian Mear (Bricks) Ltd, Former Burway Abattoir, Bromfield Road, Ludlow, Shropshire, SY8 1DN (14/00563/FUL) (Pages 13 - 22)

Demolition of existing buildings on former Burway Abattoir site and erection of proposed petrol filling station and ancillary convenience store with new vehicular access (revised scheme).

## 6 Grindle House, Grindle, Shifnal, TF11 9JR (14/01874/FUL) (Pages 23 - 58)

Application under Section 73a of the Town and Country Planning Act 1990 for the change of use of redundant agricultural buildings to commercial (class B8) use.

## 7 Hazeck, The Mines, Benthall, Broseley, TF12 5QY (14/05212/FUL) (Pages 59 - 70)

Revisions to existing planning approval for side extension.

## 8 Development Land West of Coppice Green Lane, Shifnal, Shropshire (15/00089/REM) (Pages 71 - 90)

Approval of Reserved Matters (layout, appearance, scale and landscaping) pursuant to permission 13/02989/OUT for the mixed residential development of 200 dwellings; associated parking and estate roads; landscaping works and formation of public open spaces; and associated works.

## 9 Bridgnorth Aluminium Ltd, Factory And Premises, Stourbridge Road, Bridgnorth, Shropshire, WV15 6AU (15/00371/FUL) (Pages 91 - 106)

Rolling Mill installation to include erection of air purification building and exhaust stack, increased height extension to B14a, oil filter plant, and transformer enclosure.

## 10 Proposed Development Land West of Watling Street, Craven Arms, Shropshire (15/01054/REM) (Pages 107 - 120)

Approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to outline application 14/01645/OUT for the erection of 25 no. affordable dwellings.

**11 Schedule of Appeals and Appeal Decisions (Pages 121 - 160)**

**12 Date of the Next Meeting**

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 16 June 2015, in the Shrewsbury Room, Shirehall.

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## Committee and Date

South Planning Committee

19 May 2015

## **SOUTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 10 March 2015**

**2.00 - 6.17 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

Email: [linda.jeavons@shropshire.gov.uk](mailto:linda.jeavons@shropshire.gov.uk) Tel: 01743 252738

### **Present**

Councillor (Chairman)

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

### **126 Apologies for Absence**

Apologies for absence were received from Councillors Nigel Hartin and Stuart West.

### **127 Minutes**

#### **RESOLVED:**

That the Minutes of the South Planning Committee held on 10 February 2015, be approved as a correct record and signed by the Chairman, subject to it being noted that, with reference to planning application 14/04930/FUL, Councillor Robert Tindall had circulated information relating to new rules regarding the withdrawal of subsidies to farmers who choose to use fields for solar panels.

### **128 Public Question Time**

There were no public questions, statements or petitions received.

### **129 Disclosable Pecuniary Interests**

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

With reference to planning applications 14/03842/FUL and 14/03937/COU, Councillor Cecilia Motley declared that some of the objectors were known to her. She would make a statement and then leave the room and take no part in the consideration of, or voting on, these applications.

With reference to planning application 14/02943/OUT, Councillor Robert Tindall declared that he was acquainted with the applicant and would make a statement and then leave the room and take no part in the consideration of, or voting on, the application.

With reference to planning application 15/00241/CPL, Councillor David Evans declared that he was the applicant and would leave the room and take no part in the consideration of, or voting on, the application.

### 130 **Change in Order of Business**

#### **RESOLVED:**

That Report No. 11 (Solar Farm, High Point Farm, Neen Sollars – 14/04463/FUL) be considered as the next item of business, followed by Report No. 10 (Land South of Coalport Road, Broseley, Shropshire (14/04018/OUT)).

### 131 **Solar Farm, High Point Farm, Neen Sollars (14/04463/FUL)**

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from the applicant, the applicant's agricultural and landscape consultants, Save Our Green Fields group, applicant's response to the Save Our Green Hills critique of the Planning Officer's report and Councillor Gwilym Butler.

Mr G Clayworth, representing Save Our Green Hills, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor G Wilkinson, representing Milson and Neen Sollars Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr R Amner, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Madge Shineton, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- She acknowledged that this was a beautiful site but from a farming point of view would be difficult to farm in an arable way;
- She acknowledged that appropriate conditions would be attached to any permission with regard to fencing and archaeology; and

- Commented that landowners/farmers were the custodians of the landscape and if farming became unproductive/unviable there would be no-one to manage the landscape in the future.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers and Officers. Members commented that the proposal would industrialise a farming landscape, would impact on tourism, be very visible in the landscape and because of the topography would be overlooked from the village of Neen Sollars, Conservation Area and archaeological assets. In response to a Member questioning the validity of the grading of the soil, the Principal Planner urged caution when citing agricultural reasons as a reason for refusal.

**RESOLVED:**

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

- The proposals are inappropriate in terms of scale and location and fail to protect and enhance the natural and historic environment and the character and high quality of the local countryside. They are therefore contrary to Core Strategy Policies CS5, CS6 and CS17. The proposals also fail to sustain and enhance the significance of the setting of the Neen Sollars Conservation Area and associated heritage assets and therefore conflict with paragraphs 131, 132, 137 and 137 of the National Planning Policy Framework (NPPF). The renewable energy benefits of the proposals are significantly and demonstrably outweighed by the adverse impacts.

**132 Land South of Coalport Road, Broseley, Shropshire (14/04018/OUT)**

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

Mr B Newton, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor I Pickles, representing Broseley Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr S Thomas, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- Permission for a further application on the opposite side of the road had only been granted on the Chairman's casting vote. Broseley Town Council and residents had argued then that a breach of the development boundary would lead to further opportunistic applications along what was a narrow windy road;
- Site Allocations and Management Development Plan (SAMDev) was at an advanced stage and Shropshire Council could demonstrate a five-year land supply;
- Would have a negative impact on the community;
- Building in Dark Lane would more than meet the housing requirements in Broseley;
- Issues of safety already existed outside the primary school. There was a collision history along this stretch of road. What safety measures could be provided for £5,000?
- There was a history of subsidence in the area;
- Would put additional pressure on the amenities in Broseley;
- John Wilkinson school already over-subscribed and unable to expand and the second school was filling-up fast;
- Parking in and around the town caused congestion;
- Because of funding cuts the youth club was closing; and
- Proposal would cause permanent damage to the character of a small market town by an opportunistic peripheral development.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers and Officers. The Principal Planner provided clarification on the position to date regarding SAMDev, reiterated that although Shropshire Council had a five-year land supply the margin was small and even when SAMDev had been adopted sites that were considered to be sustainable would have to be considered, and explained that the Broseley Town Plan could not be afforded the same weight as the Much Wenlock Neighbourhood Plan which had been through the full examination process and had been referred to the Government Inspector.

**RESOLVED:**

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

- The Committee acknowledged the that the housing proposed would contribute economically and socially by boosting the housing supply, including open market and affordable housing, and would also provide limited support for the existing services in the town to which weight was given. However it was considered that these factors are outweighed by the following harm: The proposed development would fall outside of the development boundary for Broseley where Core Strategy policy CS5 restricts new housing development to dwellings to house essential countryside workers and to meet identified local affordable housing need. No such need has been demonstrated in this case. In addition the application site, by reason of the openness of the eastern site boundary defined only by a post and wire fence, the topography and the open views in an easterly direction, would not be visually contained and would lead to further urbanisation of this edge to the Town, detracting from its landscape setting. The proposal is



therefore contrary to Core Strategy policies CS6 and CS17 and would conflict with the environmental role of sustainability set out in the National Planning Policy Framework. Furthermore weight was given to the fact that the proposed development was not plan led being contrary to both the current saved Bridgnorth District Local Plan, the emerging policies in the Site Allocations and Management of Development DPD and the aspirations of the Broseley Town Plan 2013 – 2026.

**133 Brian Mear (Bricks) Ltd, Former Burway Abattoir, Bromfield Road, Ludlow, Shropshire, SY8 1DN (14/00563/FUL)**

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from Councillor Boddington.

Mr P Fenwick, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr Fenwick confirmed that the applicant had agreed to fund the provision of a pedestrian crossing in an appropriate location as agreed with Shropshire Council's Highways. In response to questions from Members, Mr Fenwick provided clarification on the proposed number of petrol pumps and type of delivery vehicles.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Andy Boddington, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He acknowledged the need for a petrol station in Ludlow but expressed concerns regarding the location and drew attention to the comments of Shropshire Council's Conservation Officer set out in the report;
- He had previously expressed concerns regarding the petrol tanks but acknowledged that they would be the most robust and safe tanks that could be provided; and
- His main concern was with pedestrian safety. The results of a brief pedestrian survey had found that 250 schoolchildren passed this site on their way to and from school. The proposal would provide a "tuck-shop" on the wrong side of the road and the children would naturally want to cross the road towards it. Prior to any permission being granted appropriate pedestrian safety measures must be agreed. A light controlled pedestrian crossing, pedestrian barriers/railings, and a pedestrian refuge was needed in appropriate locations along Bromfield Road and Coronation Avenue.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers and Officers. In response to questions, the Area Highways Development Control Manager (South) provided clarification on traffic flows, confirmed that the proposed contribution from the applicant would be sufficient to provide for a zebra crossing but not a light controlled crossing and conditions to control access arrangements would be attached to any permission. The Principal Planner reiterated that works to ensure pedestrian safety would be controlled by a Section 278 Agreement; and appropriate pre-commencement conditions relating to lighting, landscaping, access etc. and conditions as suggested by the Public Protection team would be attached to any permission. Members expressed concern with regard to pedestrian safety; questioned the sufficiency of the proposed funding to cover appropriate pedestrian safety measures; expressed concern regarding the proposed number of parking spaces; and reiterated the need for sensitive and appropriate signage.

**RESOLVED:**

That this application be deferred in order for the applicant to give consideration to the location and provision of an appropriate pedestrian crossing, provide more information on the sufficiency of the car parking, and to review opening hours.

**134 Development Land East of Bridgnorth Road, Highley (14/02129/OUT)**

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, she drew Members' attention to the location. She confirmed that Members had undertaken a site visit the previous day and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from Shropshire Council's Ecology Officer and an update and amended recommendation from the Planning Officer in response to the comments of the Ecology Officer.

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

- He confirmed withdrawal of his objection in respect of landscape impact.

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

**RESOLVED:**

That, following the submission of an appeal against non-determination, the Committee gave a resolution that, had a decision been required, it would have been minded to refuse planning permission as per the amended Officer's recommendation as set out in the Schedule of Additional Letters for the following reason:

- In the absence of the agreement to make a contribution towards affordable housing provision, the proposed dwellings would be contrary to Policy CS11 of the Shropshire Council's Local Development Framework Core Strategy and to Shropshire Council's Supplementary Planning Document on the Type and Affordability of Housing.

**135 Residential Development Land To The South Of Station Road, Ditton Priors, Shropshire (14/02943/OUT)**

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from the Planning Officer.

Councillor A Primrose, representing Ditton Priors Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr P Madeley, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

By virtue of his declaration at Minute No. 129 and in accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Robert Tindall, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He supported the application and acknowledged that part of the application site was an allocated site in the emerging SAMDev for up to 12 dwellings. The development would help to sustain services in the village for the future and provide more car parking spaces for the surgery.

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

**RESOLVED:**

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

- A Section 106 Legal Agreement relating to affordable housing provision; and
- The conditions as set out in Appendix 1 to the report.

136 **Stanley Farm, Chorley, Bridgnorth, WV16 6PS (14/03842/FUL)**

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting. The Principal Planner provided a verbal update relating to further comments received following publication of the Schedule of Additional Letters as follows:

- Objection comments – Concerned about the impact on the flora and fauna and noise and light pollution; would be contrary to the Local Development Plan; and questioned whether the site would be returned to predevelopment condition.
- Support comments – Would provide a much needed facility.

Ms K Dore, representing local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr D Chantler, former Chief Executive, West Mercia Probation Trust, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor Mrs H Barratt, representing Stottesdon and Sidbury Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr M Home, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In response to questions from Members, Mr Home provided clarification on the choice and logic behind the location.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Madge Shingleton, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- She supported the proposal; and
- The Ministry of Justice and Department of Health had expressed support for the proposal.

By virtue of her declaration at Minute No. 129, Councillor Cecilia Motley made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- She expressed concerns regarding the access which was very narrow;
- Poor access for emergency services;
- She expressed concern regarding the isolated nature of the development;
- Would be outside the cluster of Stottesdon; and
- Core Strategy Policy CS5 supported replacement rather than new build.

Members considered the submitted plans and noted the comments of all speakers and Officers. In the ensuing debate, some Members expressed concern with the location given the isolated nature and closeness to the neighbouring estate.

**RESOLVED:**

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

- A Section 106 Legal Agreement requiring the removal of the buildings in the event of the rehabilitation use permanently ceasing; and
- The conditions as set out in Appendix 1 to the report.

**137 Stanley Farm, Chorley, Bridgnorth, WV16 6PS (14/03937/COU)**

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Madge Shington, as local Ward Councillor, left the room, took no part in the debate and did not vote on this item.

By virtue of her declaration at Minute No. 129, Councillor Cecilia Motley left the room, took no part in the debate and did not vote on this item.

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting. The Principal Planner provided a verbal update relating to further comments received following publication of the Schedule of Additional Letters as follows:

- Objection comments – Concerned about the impact on the flora and fauna and noise and light pollution; would be contrary to the Local Development Plan; and questioned whether the site would be returned to predevelopment condition.

Ms K Dore, representing local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr D Chantler, former Chief Executive, West Mercia Probation Trust, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor Mrs H Barratt, representing Stottesdon and Sidbury Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr M Home, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

**RESOLVED:**

That, subject to the conditions as set out in Appendix 1 to the report, a temporary planning permission be granted.

**138 Haulfryn, Halford, Craven Arms, Shropshire, SY7 9JG (15/00241/CPL)**

In accordance with his declaration at Minute No. 129, Councillor David Evans left the room during consideration of this item.

In the absence of the Vice Chairman, it was **RESOLVED:** That Councillor David Turner be elected Chairman for this item.

The Principal Planner introduced the report.

**RESOLVED:**

That a Lawful Development Certificate be issued as per the Officer's recommendation.

(The Vice Chairman returned to the meeting and resumed the Chair.)

**139 Development Management Report to seek Delegated Authority to Planning Officers**

The Principal Planning Officer introduced the report.

**RESOLVED:**

That Planning Officers be granted delegated authority to review and determine any outstanding planning applications previously considered by Committee with a resolution for approval, but which require reconsideration in light of the Ministerial Statement of 28<sup>th</sup> November 2014 and the Cabinet decision of 21<sup>st</sup> January 2015 provided that any applications, where the balance of considerations would result in a different decision to that taken by Committee, will be referred back to Committee for reconsideration.

**140 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 10 March 2015 be noted.

**141 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the North Planning Committee would be held at 2.00 pm on Tuesday, 7 April 2015 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

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Committee and date

South Planning Committee

19 May 2015

## 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> 14/00563/FUL	<b>Parish:</b>	Ludlow Town Council
<b>Proposal:</b> Demolition of existing buildings on former Burway Abattoir site and erection of proposed petrol filling station and ancillary convenience store with new vehicular access (revised scheme)		
<b>Site Address:</b> Brian Mear (Bricks) Ltd Former Burway Abattoir Bromfield Road Ludlow Shropshire SY8 1DN		
<b>Applicant:</b> Mead House Pension Scheme C/O Garrabost Trustees		
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	
<b>Grid Ref:</b> 350913 - 275383		



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**Recommendation:- Grant Permission subject to:**

1. The conditions set out in Appendix 1 of Annex 1;
2. The additional condition set out in Appendix 1;
3. A Section 106 Legal Agreement delivering off-site pedestrian improvement works.

## REPORT

### 1.0 BACKGROUND

1.1 The application was considered at the meeting on 10<sup>th</sup> March 2015 and the original officer report is included as Annex 1 of this report. The Committee resolved that the application be deferred in order:

- 1) for the applicant to give consideration to the location and provision of an appropriate pedestrian crossing,
- 2) to provide more information on the sufficiency of the car parking, and
- 3) to review opening hours.

1.2 The application details are described in Annex 1. The 3 issues referred to are assessed below.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site comprises a triangular plot between Bromfield Road and Coronation Avenue which is currently occupied by Brian Mear (Bricks) Ltd. Members visited the site prior to the March meeting.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is referred back from the March 2015 committee meeting.

### 4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee and Public Comments are detailed in Appendix 1.

### 5.0 THE MAIN ISSUES

5.1 The main issues raised by the proposals are listed in Annex 1. The main issues which need to be assessed with respect to the current update report are as follows:

- Pedestrian improvements / suitability & deliverability;
- Adequacy of internal car parking arrangements;
- Appropriateness of proposed opening hours.

### 6.0 OFFICER APPRAISAL

#### 6.1 Pedestrian improvements

6.1.1 Since the March committee meeting discussions have taken place with the

applicant regarding the proposed pedestrian improvements and the Council's Highway officer has met with the applicant on site. The applicant has made an improved financial offer to deliver the improvements which the applicant advises is contingent on a decision being reached at the May committee. Highway officers are satisfied that an effective scheme can now be delivered in the context of the proposed development. A draft of the improvement scheme is shown in plan 1 below. The following comments are taken from an email exchange between the Highways (Development Management) Officer and the local member Councillor Boddington and explain the current position:

6.1.2 Highways (Development Management) Officer:

*i. I have taken on board your comments and acknowledge that your preference would be that the developer provides two signalised crossings, one on Bromfield Road and another on Coronation Avenue to improve pedestrian safety within the vicinity of the site. Following the application being heard at Planning Committee, I spoke with the planning agent dealing with the site and asked if their client would be willing to provide a contribution that would secure the installation of the two signalised crossings. If we were seeking a contribution towards two crossing points we would need a contribution of approximately £150,000. The planning agent confirmed that if they needed to provide two signalised crossing at this location, the site would become unviable... I have now had an opportunity to visit the site with <the Divisional Surveyor>. We subsequently developed a list of improvements that we considered would improve pedestrian safety and would be suitable for the location, I have subsequently put forward the following suggestions to the developers planning agent:*

- 1) Zebra Crossing on Coronation Avenue: ... In order to introduce a Zebra Crossing we would need to reduce the vehicle approach speeds on Coronation Avenue, therefore it is also recommended that a set of speed cushions are provided on the approach, I have marked on the plan an approximate location.*
- 2) Informal Crossing Point on Bromfield Road: ... This would include dropped kerb and tactile paving, and would tie up with the internal pedestrian route within the site. As per Coronation Avenue, <the Divisional Surveyor> has recommended that vehicle approach speeds should be reduced, possibly via speed cushions on the approach, these would be subject to consultation and would need to be located so the swept path of vehicles are not affected, but it is felt that traffic calming at this location would improve pedestrian safety. I would estimate that the above works would cost within the region of £30,000-£40,000. The Developers agent has spoken with their client and they have agreed to increase their contribution to £40,000. I would consider the proposals now being put forward are reasonable in relation to the scale of development...*

*ii. I think one of the issues that have come out of this consultation is that there is a number of existing child pedestrian movements within the vicinity of this site. Therefore, I think it might be worth considering raising this issue through*

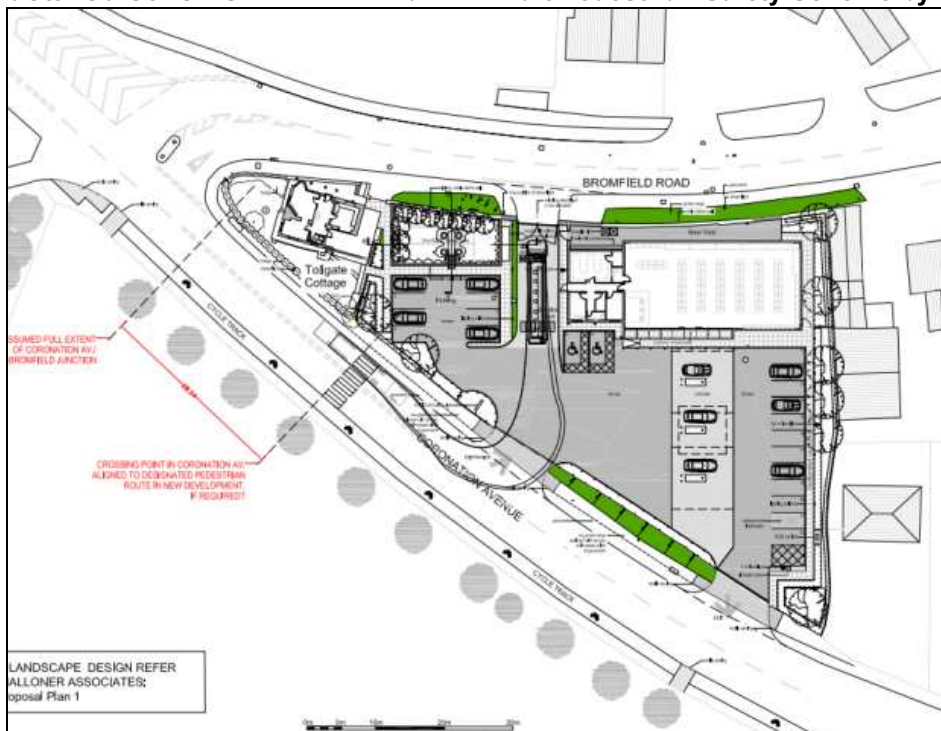
*Shropshire Council's Road Safety policy, which as you may be aware gives Town and Parish Councils an opportunity to raise road safety issues within their area. The road safety policy does not fall within my remit, however If you feel it would be a useful exercise I would be willing to meet the Town Council and yourself to go through your list of priorities.*

### 6.1.3 Councillor Boddington:

- i. ... It has always been the case that I think we need a signal crossing on Bromfield Road (where the brick yard is now) and a pedestrian refuge on Coronation Avenue. I told the South Planning Committee at its last meeting: "We need a secure crossing at the new store. On Bromfield Road, we need a lights controlled crossing but perhaps a zebra crossing would do. On Coronation Avenue, we need a pedestrian refuge."*
- ii.. The pedestrian traffic along Coronation Avenue is low compared to Bromfield Road. That's why the zebra should be in Bromfield Road. That will put it in the best place for school children to cross as well. The contribution from the developer is generous and welcome. If we can swap the crossing around and put a refuge on Coronation Avenue (which will act as traffic calming?)...*
- iii. Road safety: Thanks for the offer of coming to talk to the town council. We (unitary councillors) are reviewing pedestrian safety along the stretch from Ludlow School to Sandpits Road. This will take a few weeks to compile the basic pedestrian data and an outline set of concerns... We are also committed to a community safety survey of the entire town... with a view to collating results for the Ludlow and Clee LJC on 22 October...*

6.1.4 The Highways (Development Management) Officer has indicated that the draft scheme provides an acceptable basis to work with the Town Council to develop a suitable detailed scheme.

#### Plan 1 – Draft Pedestrian Safety Scheme by Applicant



- 6.1.5 It is considered that the applicant's improved funding offer would be sufficient to allow any pedestrian safety concerns raised specifically by the current application to be fully addressed and to lead to some wider improvement for the local area. The funding would be sufficient in principle to facilitate a pedestrian crossing and a refuge on Bromfield Road and Coronation Avenue. The Highways (Development Management) officer has advised that the exact detail of the scheme including which road the crossing is put on can be agreed subsequently as part of a consultation with the Town Council. It is considered that the level of funding offered by the applicant is appropriate and proportionate to the scale and nature of the development. It therefore meets relevant legal tests relating to legal agreements.
- 6.1.6 The applicant has produced a draft legal agreement to deliver the funding for the pedestrian improvements. This would be completed in the event that planning permission is granted at the May committee and would provide an appropriate legal mechanism to secure the improvements.
- 6.1.7 It is recognised that there are wider pre-existing concerns regarding pedestrian safety in the local area, as referred to in the Town Council's consultation response. The Highways (Development Control) Officer has advised that there are other mechanisms for addressing these wider issues and Councillor Boddington has outlined works which are ongoing in relation to this matter, with a view to reporting to the appropriate Local Joint Committee in September. Other pedestrian improvements in the wider area referred to above relate to a pre-existing situation which is not related to the current application. It is considered that a condition requiring the current application to fund any such wider improvements would not meet relevant legal tests. As noted above, an alternative mechanism available to address this issue.

## 6.2 Adequacy of internal car parking

- 6.2.1 At the March committee meeting some concern was expressed about the adequacy of internal parking provision. The level of internal parking provision has been increased from 19 full parking spaces to 22 in an updated layout plan received after the previous committee. The Highways (Development Management) has confirmed that this level of provision is acceptable and Councillor Boddington has indicated that he is satisfied with this conclusion.

## 6.3 Proposed opening hours

- 6.3.1 At the March committee meeting some concern was expressed about the proposed hours of working for the facility which are 24/7 both for fuel sales and for the proposed convenience shop. The applicant has considered potential concerns regarding the proposed use of the petrol filling station 24 hours a day due to any loss of amenity it could cause to nearby residential occupiers. Activity on the petrol filling station forecourt would be screened from the nearest property on Bromfield Road by existing outbuildings to that property that border the eastern boundary and which physically separate the residential property from forecourt activity. At their nearest point, the petrol filling station pumps are approximately 30m from that nearest residential property (Meadow View).

6.3.2 The applicant has prepared a night-time operational management plan which covers a number of matters and which has identified anti-social behaviour as possible concern to local residents. The applicant summarises the management plan as followings:

- Litter collection in the surrounding area at least three times a day, the first at 6am and last at 11pm
- Shift managers provided with conflict resolution training so that they can deal with anti-social behaviour and advised to actively engage with customers who may be creating noise or displaying anti-social behaviour, or where health and safety is an issue to engage with the police for support
- To keep a log of any events
- Taking actions as a result of external complaints and looking for ways to tackle it; including liaising with the Council and Police and taking witness statements where necessary;
- Signage requesting customers are respectful
- Setting the intercom at a lower level at night time
- CCTV monitoring of the car park and monitoring any anti-social behaviour
- It is acknowledged that idling vehicles omit fumes from their exhausts which in certain environments can lead to significant pollution. The site is not in an air quality management zone and the levels of vehicle movement during the night would not be expected to generate any significant levels of pollution which could give rise to harmful levels of emission.
- Health considerations have been found elsewhere to be a material planning consideration, for example where the proposals are close to schools and the local authority have policies in place relating to this matter. In this case we are not aware of existing or emerging policies on the matter, the proposed hours are in any case outside the hours of operation of nearby schools.
- Any traffic movements associated with the use of the site between the hours of 11pm and 6am cannot be considered to be significant in the context of the existing hours of operation. Movements will be far less compared to peak traffic during the day and therefore the access is suitable and there are no significant concerns over highway safety. Deliveries would not take place during these hours.

6.3.3 Further clarification has also been provided on the delivery regime since the previous committee. This would be as follows:

- Fuel deliveries - 2 per week
- Ambient deliveries - 3 per week
- Fresh/chill produce deliveries - 1 per day
- News deliveries - 1 per day
- Local bread deliveries - 1 per day
- Other local supply deliveries - 1 per day

All deliveries/off-loading would take place in the designated off-loading bay.

6.3.4 Officers are satisfied that there is a need for a 24/7 fuel sales facility in Ludlow and note that the site is generally well contained and isolated from residential property. The night-time operational management plan is welcomed and provides additional

reassurance regarding the ability to protect local amenities. The site is relatively well separated from privately owned residential property, with the exception of Meadow Cottages to the east which is separated by 2 outbuildings (stables). Additional screening would be provided within the eastern boundary of the site and the main site entrances are on the opposite side of the site off Coronation Avenue.

- 6.3.5 The proposed shop has the potential to generate additional traffic and pedestrian movements which are not linked specifically to fuel sales. Notwithstanding the generally well contained nature of the site, customer movements to and from the shop could add to the general level of background activity in the area, particularly during the more sensitive night-time hours (2400hrs - 0600 hrs) when the current brick yard is not operating. It is also necessary to review whether there would be any undesirable social implications from operating a shop at late night hours in this location.
- 6.3.6 In view of this and having regard to the concerns previously expressed by the committee, officers are recommending an additional condition in appendix 1. This prohibits retail non-fuel sales between 2400hrs and 0600hrs unless a monitoring and mitigation scheme has first been submitted to and approved in writing by the Local Planning Authority. Subject to this it is considered that appropriate control measures are available to allow the site to operate as proposed, without any unacceptable adverse impact to the local amenities.

## **7.0 CONCLUSION**

- 7.1 The application was deferred from the March committee so that further information could be provided on pedestrian safety, parking provision and working hours. Officers have negotiated an improved contribution from the applicant which will deliver an acceptable pedestrian improvement. Additional conditions have also been recommended to cover parking provision and provide safeguards for late night opening of the proposed shop. It is considered that these issues are capable of being satisfactorily addressed.
- 7.2 This proposal as a whole has been the subject of negotiations over several months and they have resulted in a scheme that Officers can support. The position, type and robust design of the fuel tanks are appropriate for the location and the risk of pollution is minimised to the satisfaction of the Environment Agency and the Council's Public Protection team. The design of the building, canopy and layout of the site is visually appropriate for the area. The impact of the proposal on the local highway has been thoroughly considered and the Highways Officer is satisfied that the development will not have an adverse impact on the safety of road users and pedestrians.
- 7.3 The development is in accordance with planning policies and is recommended for approval subject to conditions.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management



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

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

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than 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 1970.

## 9.0 Financial Implications

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

## 10. Background



## **Relevant Planning Policies**

### **Central Government Guidance:**

#### **National Planning Policy Framework**

Part 1: Building a strong, competitive economy

Part 2: Ensuring the vitality of town centres

Part 4: Promoting sustainable transport

Part 7: Requiring good design

Part 8: Promoting Healthy Communities

Part 10: Meeting the challenge of climate change, flooding and coastal change

Part 11: Conserving and enhancing the natural environment

Part 12: Conserving and enhancing the historic environment

#### **..... Core Strategy Development Plan Document**

CS3 The Market Towns and other Key Centres

CS6 Sustainable Design and Development Principles

CS8 Facilities, Services and Infrastructure Provision

CS13 Economic Development, Enterprise and Employment

CS15 Town and Rural Centres

CS17 Environmental Networks

CS18 Sustainable Water Management

## **RELEVANT PLANNING HISTORY:**

**13/02760/FUL** Demolition of existing buildings on former Burway Abattoir site and erection of proposed new petrol filling station and convenience store with new vehicular access WDN 5th October 2013

**09/01227/FUL** Retention of existing portacabin for a further 5 years GRANT 27th August 2009

**SS/1/03/15231/F** Retention of existing portacabin for a further 5 years PERCON 30th January 2004

**SS/1/99/009587/F** Siting of a portacabin for office-showroom. PERCON 11th February 1999

**SS/1983/376/P/** Use of land for the storage of scaffolding. PERCON 29th September 1983

### **11. Additional Information**

View details online:

<http://planningpa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N0L8Y7TDHMJ00>

List of Background Papers: Planning file 14/00563/FUL

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Andy Boddington

Appendices: APPENDIX 1 – Conditions; ANNEX 1 – Officer report for March 2015 Committee

## APPENDIX 1

### Conditions

#### **ADDITIONAL CONDITIONS TO BE ADDED TO THOSE RECOMMENDED IN THE ORIGINAL OFFICER REPORT (INCLUDED AS APPENDIX 1 OF ANNEX 1)**

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

13a. Subject to Condition 13b non-fuel retail sales to the public under the terms of this permission shall not take place outside of the following hours:

0600hrs – 2400hrs weekdays, weekends and Public Holidays

- b. Non-fuel retail sales to the public under the terms of this permission shall not take place outside of the hours specified in Condition 13a unless a scheme detailing the extended working proposals has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the following details:
- i. Monitoring measures to allow the effect of the extended working proposals to be properly assessed;
  - ii. Mitigation measures to ensure that appropriate safeguards are put in place during the extended working period to protect the amenities of the local area.

The scheme shall be implemented in accordance with the approved details.

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

*Note: For the avoidance of doubt the sales of fuel to the public may take place 24 hours a day and 7 days a week under the terms of this permission*



Committee and date  
 South Planning Committee  
 19 May 2015

## 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> 14/01874/FUL	<b>Parish:</b>	Ryton
<b>Proposal:</b> Application under Section 73a of the Town and Country Planning Act 1990 for the change of use of redundant agricultural buildings to commercial (Class B8) use		
<b>Site Address:</b> Grindle House Grindle Shifnal TF11 9JR		
<b>Applicant:</b> Graeme Manton		
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 375032 - 303045



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## REPORT

**Recommendation: Grant planning permission subject to the conditions set out in Appendix 1 and subject to the completion of a Section 106 legal agreement to provide for HGV routing, HGV traffic limits and traffic management measures as outlined in Appendix 1.**

### 1.0 THE PROPOSAL

- 1.1 The proposal is for the change of use of redundant agricultural buildings at Grindle House Farm to commercial use. It is proposed that land and buildings at the site would be used principally for storage and distribution operations (Use Class B8). The application states that the change of use commenced in March 2014. The application is therefore retrospective.
- 1.2 At the time that the application was submitted the site was occupied by two businesses, Ren-New Ltd. and the Landscape Group. At this time the Landscape Group occupied, principally, a building at the western side of the site. Its use of the site was as a depot as part of its business providing grounds maintenance services to local authorities. The Landscape Group have now vacated the site. At present land and buildings at the site are used by Ren-New for the storage and supply of traditional and reclaimed building materials. Their principal operations at the site include the internal and external storage of building materials such as roof tiles, bricks and timber. Other ancillary operations include the dipping and treatment of bricks within an existing building to provide a weathered look.
- 1.3 The proposal would provide 1248m<sup>2</sup> of internal storage space within existing buildings at the site, with 850m<sup>2</sup> of external storage space in an adjacent yard.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms part of the property known as Grindle House, which is situated within the small settlement of Grindle, approximately 2km to the southeast of the village of Kemberton. The application site covers an area of approximately 0.68 hectares and comprises a number of former agricultural outbuildings, including traditional brick built single storey barns and more modern and larger metal framed agricultural style buildings, together with a central hard surfaced yard and peripheral parking areas. Approximately 35 metres to the north of the site is Grindle House, a Grade II Listed Building. Surrounding land to the west, south and east is in agricultural use. There are a number of residential properties located approximately 60 metres to the northeast. The site and surrounding land is within the Green Belt.
- 2.2 Vehicular access to the application site is gained via an existing track which connects with the public highway to the northeast. Access to Grindle House is gained via a separate access.
- 2.3 One of the former agricultural buildings at the site is in use as an office, approval for which was issued under 'prior notification' procedures in 2014.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Member has requested that the application is decided by Planning

Committee. The Parish Council's objections to the proposal are based upon material planning reasons. Their views are contrary to the Officer recommendation and it is not considered that they can be reasonably overcome by negotiation or the imposition of conditions. The Principal Planning Officer, in consultation with the Chair of the Planning Committee, has agreed that the application should be decided by Committee.

#### 4.0 **COMMUNITY REPRESENTATIONS**

##### 4.1 **Consultee Comments**

##### 4.1.1 **Ryton and Grindle Parish Council** Objects.

Comments made following submission of revised Transport Statement.

- amended Statement remains only in draft form, and differs from the previous version only in that it removes reference to a previous tenant
- re-iterates all of its previous comments on the Statement, which remain wholly valid and relevant
- disappointed that the Applicant has chosen not to take the opportunity of addressing the genuine concerns of both this Council and local residents that have been published since the 1st Draft was issued
- Transport Statement is deliberately misleading. By referring to a particular tenant, at a particular point in time, using a particular haulier, along particular roads, the Statement does not represent a realistic assessment in the context of the Planning Application. For example, the existing particular tenant may expand their operations, or a different tenant may use a different haulier along different roads. The Statement therefore has little credence in the context of the Application being made
- In relation to para. 32 of the NPPF, by asking for a Transport Statement the Highway Authority must consider that the development will generate significant amounts of movement, and hence that there will be significant impact
- Traffic impacts include the undisputable damage to the highways and verges, and the impact of the HGV's on local residents; neither of these issues are considered in the Transport Statement, but both are highly relevant
- Development should have taken into account cost effective improvement to the transport network to limit the impacts of the development
- Transport Statement should have also considered highway improvements, as requested by the Highway Authority
- The Statement concludes that the residual cumulative impacts of development are not severe. However, what constitutes 'severe' is not defined either in the NPPF or in the Transport Statement. Informed commentary suggests that 'severe' is an unjustifiably high threshold, that was included only because ministers did not want to jeopardise developments that were important for economic growth
- definition of 'severe' should not be the same in a small rural community, as it would be for a major development important for economic growth. The residual cumulative impact of the development can already be seen in the damage to roads and verges after less than 12 months use. The cumulative impact is already severe to the local environment, and will only become more severe if regular use by HGV's is allowed to continue
- Shropshire Council and the Highway Authority are urged to regularly visit the route between Sutton Maddock and Grindle to witness for themselves the severe degradation of the highway infrastructure

- Transport Statement does not address the relevant issues; its conclusion is not justified by its selective limited approach and significant omissions
- The Statement is not therefore suitable for its purpose, and does not satisfy planning policies relevant to the Application.

Detailed comments were provided by the Parish Council in June 2014, as summarised below:

- no Ecological Assessment has been submitted with the application
- application does not demonstrate compliance with:
  - o Core Strategy Policy CS5 - the maintenance and enhancement of the countryside, and the need and benefit of the proposed development
  - o Core Strategy Clause 4.7.2 - isolated and sporadic developments in the countryside
  - o Core Strategy Policy CS6 - levels of traffic; protection; restoration; conservation and enhancement of the countryside; and health and wellbeing of communities
  - o Sustainability Appraisal for Third Local Transport Plan for Shropshire, Table 0.1 - air quality; contribution to climate change; need to travel; protection, enhancement and management of landscapes; protection and enhancement of species and wildlife habitats; noise levels; healthier communities; reducing death and injury; reducing fear of road traffic accidents; enhancement of essential services; sporting, recreational and cultural activities
  - o Policies of Planning Policy Statement 4 or 7 [note that these are no longer in force]
  - o NPPF Clause 9 - job creation; net gain for bio-diversity; improving conditions for people; and positive improvement
  - o NPPF Clause 14 - adverse impacts outweighing benefits
- application does not demonstrate that development is sustainable in accordance with accepted and stated criteria
- whilst there is a presumption in favour of small scale new economic development diversifying the rural economy, application does not demonstrate there is a need or benefit
- the Application Form is inaccurate and deliberately misleading, particularly with regard to opening hours; foul sewage; existing use; trade effluent; industrial processes; and hazardous substances
- direct evidence of excessive and significant increase of heavy goods and commercial vehicle traffic on single track roads (traffic count submitted stating that w/c 17<sup>th</sup> March 2014 there were 406 vehicles in and 412 vehicles out of the site).

Should the Planning Authority be minded to approve the application, RGPC asks that the following conditions be placed against the permission.

- a) No vehicle movement to or from the site in connection with the permitted use outside the hours of 08.00 – 17.30 Mondays to Fridays and 09.00 – 13.00 on Saturdays.  
No vehicle movements on Sundays or Bank Holidays.
- b) Restrictions on the use and future use of the site to prevent inappropriate future expansion of commercial activity.
- c) Limitation on vehicle size servicing the site (Note: Articulated and articulated-with-trailer heavy goods vehicles are considered inappropriate for single track country lanes).
- d) Weight limit on vehicles accessing the site via Ryton Bridge or Grindleforge Bridge.

- e) Provision of an appropriate number of constructed and marked passing places on the access routes, of a size appropriate to the permitted vehicle use.
- f) Planned maintenance of lanes and verges commensurate with the intrinsic character of the countryside.
- g) Limitations on the number of commercial vehicle movements to and from the site in any one day.
- h) Appropriate road safety and speed limit measures adjacent to residential properties where there are no footpaths or pavements.
- i) The provision of a newly constructed, separate access road on land owned by the applicant between the site and Sutton Maddock, to mitigate significant increase in traffic levels on public highways and damage thereto.

#### Transport Statement

- technically and factually flawed; does not demonstrate that the additional traffic generated by the application can be safely accommodated on the local highway infrastructure
- road use generated by the proposal is in addition to the historic agricultural use
- query over whether traffic figures are estimated or recorded; must be considered to be conjecture and unreliable
- only includes Grindle Road and Havenhills Road route to/from site; a different user may choose different and unrestricted access/egress therefore the whole of the local highway infrastructure should be included; report is biased and inaccurate
- no formal, signed passing places on any of the rural lanes surrounding the site, but report refers to numerous and regular passing places
- report selectively interprets NPPF
- local highway infrastructure including Grindle Road and Havenhills Road, contains many blind or limited vision bends and junctions
- stopping distances are affected by surface conditions
- local highway infrastructure is not gritted in ice or snow conditions
- anecdotal evidence of increase in the amount of skid marks on both Grindle Rd and Havenhills Rd since the commencement of operations
- area of road on B4379 nr junction of Havenhills Road is not fit for purpose in that surface does not provide an adequate level of traction due to rubberised surface
- increased safety risk to other road users

#### Further comments made 5<sup>th</sup> May 2015:

The Parish Council strongly opposes the principles of a Section 106 agreement, and has submitted independent professional advice on the matter.

- Parish Council objects to the premise that the details of a Section 106 agreement could be agreed subsequent to planning permission being granted
- Would not comply with tests for imposing conditions which state that any condition must be precise
- A S.106 obligation should meet the requirement of certainty, as an agreement that is so vague or uncertain will lack contractual force; poor drafting is a recipe for legal disputes
- As a result of the judgment in *Merritt v SSETR and Mendip District Council*, not possible to impose a condition when there is no prospects of the action in question being performed within the time limit imposed by the permission
- Wholly unrealistic to expect a timely conclusion to any negotiations on planning obligations; suggested timescales are therefore also wholly unrealistic
- Any passing places should be intervisible and at approximately 100m spacing; given

- that the places would need to be 20m long by 4m wide to accommodate an HGV off the carriageway, the concept of formal passing places must be brought into question
- Resulting road widening would have an unacceptable effect on the visual amenity of the Parish
- Agreeing the details of a S.106 agreement before planning permission would delay the planning process further
- Possibility that details of passing places, vehicle routing and access improvements would not be agreed or enforceable subsequent to granting of planning permission
- Premature to take application to May Committee in absence of any formal comment from the primary consultee SC Highways
- Any planning obligations that might be included in the planning consent should be fully detailed and agreed in the wording of the consent, together with an achievable and realistic date for implementation

Comments from Infrastructure Planning and Design (IPaD), appointed by the Parish Council, dated 30<sup>th</sup> April 2015, include:

- Approved route: common for planning conditions and/or s.106 agreements to include approved vehicle routing for servicing, deliveries, business trips and sometimes staff access; should a business have customers wishing to access the site, then it is not easy to control their routes to and from a business location, and these trips are generally omitted from such control; a route should be agreed and set down by condition/s106 and done before any decision on approval is taken
- Passing places: matter of designing the passing bays will be an important matter to resolve before the application is considered at Committee; problems may include: poor highway safety; disintegration of verges; potholes; effective carriageway width reduction; maximum spacing should be 100m
- Highway access design: only acceptable to reduce the “X” dimension from 2.4m to 2.0m if there is good visibility, which is not the case with the current site access; objects to the “Y” dimension to the east of 55m; detailed design of access needs to be agreed in advance of granting planning permission
- Conclusions: all measures identified in Highway’s Officer email should be fully detailed, proven to be deliverable, and agreed with the Highway Authority before the application is considered; agreement on an approved vehicular access route and appropriate design of passing facilities along it are reasonable measures in the circumstances; acceptance of visibility splay geometry that is of a lower standard than that set out in Manual for Streets 2 would most certainly not be appropriate.

4.1.2 **Kemberton Parish Council (adjacent parish) Objects.**

- Principle of bringing redundant farm buildings back into use is recognised and acknowledged, but question if proposed use has been accurately stated in the application given that retail trading of logs and other materials is being carried out; unclear whether machine repairs will be undertaken by the Landscape Group
- Jobs created are not new jobs but relocated ones
- Tolerance and empathy for agricultural vehicles on local roads, but substantial increase in HGVs to access the site; applicant stated that this is because of transfer of stock from original premises at Shifnal, and also routing problems but problems are still being encountered
- Suitable alternative premises available at Halesfield Industrial Estate
- Traffic movements may increase in the future
- Apley Estates has reduced employment with the new business transferring employment from the previous site



- Believe there is an element of retail activity within the business, generating additional traffic movements
- Arrival of Landscape Group vehicles at a very early hour causing traffic noise; RenNew also arrive and leave on a daily commuter basis
- Proposal will not reduce agricultural traffic to and from the farm as surrounding land remains in arable use
- Traditional agricultural activity combined with new usage will add to congestion
- Unacceptable level of danger to existing road users from additional traffic; impact of new traffic is severe
- Routing control system at site has failed resulting in HGVs meeting in the lane
- Two of the routes into the site have weak bridges; knock on effect of closure if damaged or weakened
- Passing places are informal and very small; not surfaced
- Lorries driven onto soft verges causes massive damage and safety issues
- Additional potential problems in winter due to road conditions
- Problems with traffic movements will grow if business grows
- Situation now cannot be justified purely against the past historical agricultural uses
- Potential for future agricultural buildings
- Tracking information submitted to demonstrate that lorries cannot negotiate bends without using the verge; difficulty in manoeuvring

#### 4.1.3 **Sutton Maddock Parish Council (adjacent parish) Objects.**

- the business is in an inappropriate location considering the local infrastructure which is poorly equipped to cope with the current number of large, heavy vehicles travelling to and from the site so frequently
- vehicles already having an impact on the roads
- concern that both the resulting condition of the roads and the large vehicles using them are effecting the safety of local residence and other road users i.e. cyclists and equestrians etc.

In relation to the application as originally submitted, the Parish Council provided the following comments:

- The parish is much affected by the recent upsurge in traffic volumes - involving vehicles of great size - which need a road infrastructure designed for the 21st century and which are wholly unsuited to a network of lanes from a bygone age
- No objection whatsoever to diversification per se, sensible limits must be in place to ensure that the locality and environment are able to support the proposed diversification, and without an unacceptably and unreasonably high level of adverse effects upon that locality and its residents
- Not possible for large numbers of huge, multi-ton vehicles to coexist harmoniously with the more pastoral needs and expectations of residents, cyclists, walkers, horse-riders, et al in a network of lanes unimproved since the days when they were constructed for horse-drawn traffic
- a business which is able to survive only by involving itself in great volumes of heavy-goods traffic movements does not belong in the above environment; there are a great many industrial estates, sited within a very small radius, which are absolutely ideal, and purpose-built, for such an operation.
- a meeting noted that the original route taken by vehicles through the lanes to Grindle was the subject of many complaints, and that vehicles were consequently re-routed via Havenhills Road. Councillors are unconvinced that sufficient/any thought was given to whether the current route is an improvement; the residents affected are

convinced that it is not.

**4.1.4 SC Highways** Recommends imposition of conditions and completion of a Section 106 Agreement.

Background

The development site is located in a rural location approx. 2.2 miles from the B4379. Grindle Farm comprises of 650 acres and therefore already has an established agricultural use, however it is understood that whilst the agricultural land will remain in use the associated farm buildings are not currently used for agricultural activities. Planning Permission for the change of use of agricultural buildings to 176m<sup>2</sup>, B1 office space was granted in January 2014 under permitted development rights. Therefore, the application under consideration relates to the retrospective proposed change of use of the remaining agricultural site to 2098m<sup>2</sup> of B8 usage (storage and distribution).

Pre-application advice

In response to initial concerns raised regarding the change in operation of activities at Grindle Farm. An assessment of various routes between the B4379 /A464 and Grindle Farm were undertaken. Site observations noted that due to the rural location of the proposed development, the majority of the surrounding highway network within proximity of Grindle Farm is restricted to a single carriageway width. Whilst it is accepted that visitors and deliveries to the site could potentially come from the direction of Albrighton, the majority of concerns raised related to vehicle movements between Shifnal and Grindle Farm and vehicles travelling through the Village of Kembleton.

Assessments of the following four routes were undertaken;

Route 1- B4379 via Kemberton Village (Hill Lane)/Grindle Road

Route 2 – A464 Hinnington Road (Park Lane Shifnal via Old Forge Bridge to Grindle House)

Route 3 - B4379 Madbrook/ Havenhills Road via Field House to Grindle Cottage

Route 4 - B4379 Madbrook/Havenhills Road via New Houses

Route 1 – It was considered that Route 1 was unsuitable for the classification of vehicle potentially associated with a storage and distribution company. Whilst Route 1 was considered to be a reasonable direct route between the B4379, it was considered that the restricted carriageway width, limited opportunity to provide passing places and number of residential properties along the route that the promotion of HGV deliveries along this route was not in the interest of highway safety.

Route 2 considered unsuitable for the promotion of HGV, due to the restricted carriageway width along sections of the route and Old Forge Bridge. Whilst there is no existing weight restriction on Old Forge Bridge it was considered that promoting this route as a HGV route which resulted in additional vehicle movements travelling past St Andrews Primary School, Shifnal was not in the interest of Highway safety.

An assessment of Route 3 and Route 4 indicated that whilst the carriageway width between the junction with the B4379 along Havenshill Road is restricted, site

observations noted that verges along this route were already over-run indicating that the route was already used by agricultural vehicles. In addition, in comparison to Route 1 and Route 2, Havenshill Road provided more opportunities for two vehicles to pass.

In consideration of the above, it was recommended that in the interim whilst retrospective planning permission was sort, that Route 4 was promoted as the main deliver route for vehicles to and from Grindle Farm. This restricted access to and from the site and discouraged vehicles travelling west towards the village of Kembleton.

### Access

As outlined within the submitted Transport Statement, the appropriate design criteria for assessing visibility at the access to the site, is Department for Transport, Manual for Streets 2. Based on criteria set out within Manual for Streets 2, it is accepted the set-back criteria can be reduced to 2.0metres to take into account the vehicle flow and anticipated vehicle speeds along Grindle Road. It is also accepted that the visibility to the west (left) can be measured to the centreline to take it account that due to the restricted carriageway width it is unlikely that vehicles will be overtaking.

Based on the above mentioned assumptions, a visibility splay to the west of the access of 2.0 metres by 55 metres can be achieved. Whilst it is accepted that vehicle speeds along Grindle Road are restricted due to the reduced carriageway, Grindle Road remains derestricted. Forward visibility has been demonstrated to exceed minimum requirements, and therefore it should assumed that vehicles could be travelling in excess of 35mph. The existing visibility splay based on a 2 metre set back only provides a minimum stopping sight distance for vehicles travelling just over 35mph.

It is therefore recommended that further improvements could be made to the existing access to maximise visibility for vehicles emerging. Visibility to the west is restricted by the listed wall, whilst it is acknowledged that the wall cannot be partially removed, an initial enquiry to the Land registry concluded that the land to the east (right) of the existing access falls within the applicants title, therefore there is scope to make localised improvements to the access.

It is therefore recommended that details of improvements to the access are submitted for approval within 1 month of planning permission being granted and works implemented 2 months on receipt of approval of details submitted.

### Impact on the surrounding road network

The submitted Transport Statement provides a break-down of estimated traffic flows based on the existing businesses occupying the site. The revised Transport Statement indicates that the site is not open to the general public for retail supply as the company supplies customers via scheduled deliveries. Ren-new currently has 12 staff based at Grindle Farm, resulting in 24 movements per day. Some staff leave the site during the day resulting in a further 4 to 6 movements in private cars or motorcycles. Operating hours are between 07.30 and 17.00.

Whilst the projected traffic flows from the existing business provide a valuable indication with regard to the likely flows, it is possible that the site could be sold to a third party, who could operate an alternative storage and distribution business. Therefore, any assessment to establish if a development is acceptable in highway terms needs to take into account the permitted use of the site, not the existing user. In order to make a full

assessment of the likely impact of the development, then an independent evaluation of the likely impact of the proposed B8 use was made. Whilst the new office's form part of this submission, the impact of the B1 use has not been taken into account because the applicant already has planning permission under permitted development rights for the 176m<sup>2</sup> B1 office space. Interrogation of the TRIC's database indicates that a development of 2098m<sup>2</sup> of B8 usage is likely to generate 11 trips within the Morning peak and 15 Trips in the evening peak hour.

Section 3.8 of the submitted Transport Statement provides a breakdown of vehicle movements based on the average crop yield prior to the reduction in farm activity in 2011. Whilst it is accepted that in times of harvest, Grindle Farm would have generated a number of HGV movements, the figures provided do not reflect the average number of vehicle movements that the agricultural use would have generated. It can therefore be assumed that the proposed development will result in additional vehicle movements on the highway network and mitigation measures are required to make this application acceptable in Highway terms.

#### Proposed Routing and deliveries

Due to the retrospective nature of this planning application, an opportunity has been provided to monitor the impact of the development in terms of highway impact and safety. A number of concerns have been raised with regard to the routing of HGV along the network and over-running of verges. The submitted Transport Statement indicates that all deliveries to ren-new are scheduled and the contracted drivers are in contact with ren-new who confirm whether it's acceptable for them to travel to and from the site. In addition HGV'S are fitted with trackers to monitor their position and an email system is used if the vehicle deviates from its approved route.

As outlined above, prior to the application under consideration being submitted, initial highway advice provided requested that HGV'S visiting the site should use the route via Havenshill Road. Informal signing directing HGV'S are located at the access to the site and at the junction of Grindle Road and Havenshill Road.

Representation has been received from local residents to indicate that HGV's were travelling from the direction of Hinnington Road, via Old Forge Bridge (Route 2). Whilst on initial assessment this route was considered unsuitable, there are currently no restrictions preventing any HGV's using this route. However, it is possible that due to the relocation of the business from the centre of Shifnal, delivery vehicles initially drove towards the previous site and then took the most direct route to the new premises. In addition to the above mentioned incident, it has been reported that on one occasion a HGV attempted to deliver to Grindle House Farm at approximately 8pm. This contradicts information submitted within the Transport Statement specifically paragraph 3.3 and 3.4.

Information subsequently received from the applicant as part of the application process confirms that drivers are given the necessary information prior to delivering to site with regard to delivery times and a map of the approved delivery route. HGV drivers are to be advised to travel at low speed along Brockton Road and to give way to other road users, and are required to contact Grindle Farm 30 minutes before arrival at the site to agree arrival time and to ensure that they will not be conflicting with another HGV entering or leaving the site.

Delivery times are currently restricted to 9am to 3pm and 4pm to 5pm, No HGV movements are permitted between 8.15 and 9.00am or between 3.15 and 4.00pm on Monday to Friday to avoid peak commuting and school hours. There are no HGV movements on Saturdays or Sundays

A written apology has also been received from the delivery firm W C.H. Robinson regarding the above mentioned breach of delivery procedure. The Applicant has also confirmed that Nationwide Reclamation Limited (Ren-new) have subsequently stopped W.C.H Robinson from delivering to Grindle House Farm and have instructed that all deliveries should be made to the hauliers yard in Bridgnorth.

The Applicant, as Landowner, has controls within the signed Tenancy Agreement with the current occupier to ensure that these measures are adhered to and as a local land owner has given an undertaking that they are willing to work with the local community to ensure that the disruption to local people is kept to a minimum.

#### Directional Signing

As stated above, temporary signing has been in place since the site became occupied directing vehicles at the access to the site and at the junction of Grindle Road and Havenshill Road. It is recommended that a suitably worded condition is placed upon any permission granted. Proposals should be submitted within one month of the granting of any permission to formalise existing temporary signing and replace with directional sign to reinforce the routing agreement. All signs should be erected on site 3 months from approval being granted.

#### Passing Places

The carriageway width along Havenshill Road and Grindle Road is restricted, as outlined within section 2.33 of the submitted Transport Statement. However, there are limited opportunities for vehicles to pass, at informal passing places. Inspection of the carriageway indicates that similar to many rural lanes vehicles are over-running the verge. It is recommended that an assessment of the Havenshill Road and Grindle Road is undertaken and details are submitted to formalise the existing passing places to improve highway safety and reduce further deterioration of the existing carriageway and verge. It is anticipated that there are possibly 5 keys locations where passing places should be provided;

- 1) South of New Houses
- 2) Junction of Haverlock/Brockton Road and Grindle Road.
- 3) West of Barn Cottages
- 4) West of The Chestnuts
- 5) East of Junction with B4379 – East of New Bungalow.

It is recommend that construction details are submitted within one month of any permission granted, and passing places constructed within 3 months of approval of details.

#### Recommendation

The National Planning Policy Framework (NPPF) considers the acceptability of developments in terms of highway and transport matters. Paragraph 32 states that; *'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.*

It is considered in terms of location, a storage and distribution unit is ideally accessed directly off main distributor road to avoid distribution to the local highway network, and it is considered that the proposed development would be better located where the surrounding highway network can better support associated vehicles movements with this type of development.

However, the application has been put forward, and an assessment then needs to be made to establish if the additional vehicle movements generated by the development will have a significant impact on the highway network and if a highway objection on this basis could be sustained in an appeal situation.

Based on the number of additional vehicle movements the proposed development will generate, compared to the permitted use and the potential improvements that could be undertaken on the highway network in terms of improvements to the proposed access, formal routing agreement, restriction of the number and times of deliveries, formalised HGV directional signing and provision of passing places, the highway authority does not consider that a highway objection could be sustained in an appeal situation therefore raises no objection to the granting of consent, subject to the a Section 106 Agreement and the Planning Conditions or similar listed below:

#### Section 106 Agreement

Planning obligations under Section 106 of the Town and Country Planning Act 1990, (s106 agreements), are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. If the s106 is not complied with, it is enforceable against the person that entered into the obligation and any subsequent owner. The s106 can be enforced by injunction and in case of a breach of the obligation the authority can take direct action and recover expenses.

It is recommended that in the event planning permission is granted the permission is subject to a Section 106 Agreement , and a formal routing agreement is put into place with the applicant to restrict HGV access to the preferred route, ‘Route 4’. In addition it is recommended that a further restriction placed on the time of the deliveries to ensure deliveries only take place between 9am to 3pm, and 4pm to 5pm, on a working day.

Section 3.3 of the revised submitted Transport Statement also provides an indication with regard to the number of HGV deliveries that take place in one working day. Typically there are currently 1-2 HGV deliveries per day, to a maximum of five, resulting in ten HGV movements per day. It is recommended that any Section 106 Agreement restricts the number of HGV deliveries to five per day.

#### Terms of Section 106 Agreement

Subject to Legal advice it is recommended that consideration is given to the inclusion of

the following clauses in any agreement signed, in addition to relevant clauses relating to the time and number of HGV deliveries mentioned above;

#### Routing

- drivers of HGVs to be informed in writing that only the Approved Route shall be used to/from the site
- map and notice of Approved Route to be displayed at the site office
- sign to be erected at the site entrance indicated the Approved Route
- Approved Route to be referenced on all advertisements, contracts, for the site
- Records of HGVs attending the site and route taken to be made
- Implementation of warning and barring system to drivers in event of non-adherence to Approved Route
- payment of Penalty Monies to the Council as contribution to costs of monitoring and providing evidence of infringements, and extraordinary maintenance and improvement works
- review of use of Approved Route

#### Conditions

It is recommended that conditions are imposed on any permission granted to provide for the following:

- submission of details for approval of means of access, including the layout, construction and sightlines
- submission of details for approval of passing places along Havenshill Road and Grindle Road
- submission of details for approval of junction directional signs.

- 4.1.5 **SC Conservation** Grindle House is a Grade II listed house dating from circa 1840. There are a number of associated outbuildings within the curtilage of the house that appear to pre date 1948 and therefore would be considered curtilage listed.

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

The application is for change of use of a number of redundant agricultural buildings to commercial use. From the details submitted with the application it appears that there are no physical alterations proposed to the existing buildings to accommodate the new use, if this is the case, there would be no detrimental effect from the change of use on the fabric of the curtilage listed barns. If however any internal or external alterations are proposed a listed building consent would be required, as the buildings are curtilage listed.

The application mentions the storage of materials externally. There are no details as to where, how and how much will be stored. It would be beneficial to know how much material is to be stored and where and the potential height of any storage, in order to assess if there will be any detrimental effect on the setting of the listed buildings. It would be useful for a condition to be imposed on any permission to control the maximum height and location of storage to ensure it doesn't encroach or overpower the existing buildings or setting of listed buildings.

[The Conservation Officer has previously queried whether one of the buildings that has been removed from the site would be considered curtilage listed. Following the provision of additional details of this building from the applicant, the Officer has confirmed that this would not be considered curtilage listed. No further action is therefore necessary.]

4.1.6 **SC Ecology** Recommends conditions and the completion of a 3 tests matrix.

[It should be noted that the bat survey undertaken surveyed three buildings at the property. Only one of these buildings (Building 1) lies within the application site.]

The Planning Officer must complete tests 1 and 2 on the European Protected Species Three tests matrix and include the finished matrix within their report.

Bats: A traditional brick building (Building 1) was found by Greenscape (2014) to contain a small amount of bat droppings commensurate with pipistrelle bats. Building 2 is attached to this. Building 3 contains stables on the ground floor and no evidence of bat use was found during the internal inspection. Three bat activity surveys were carried out and these recorded common pipistrelle bats emerging from Building 1 and the roost site on the internal west gable end identified. A brown long-eared bat was also recorded. Long eared bats were observed in the stable block (Building 3), however this is not part of the current application.

Work on the conversion of Building 1 will need to be conducted under licence from Natural England. A method statement for re-roofing building 1 under an ecological clerk of works is provided. Greenscape (2014) state that a bat loft will be created in the roof void of Building 2.

Conditions should be attached to the decision notice to require that development or demolition work on Building 1 shall not be commenced until a European Protected Species Mitigation Licence in respect of bats has been obtained and submitted to the local planning authority. In addition, work shall be carried out strictly in accordance with the Environmental Survey including the bat mitigation method statement and replacement bat roost provision.

Japanese knotweed: A clump of Japanese knotweed was observed north of the buildings, outside of the application site boundary. An informative is recommended (see Appendix 1).

Nesting Birds: No evidence of nesting birds was found during the survey. In case birds nest in the future an informative is recommended (see Appendix 1).

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 17 residential properties in the local area have been individually notified. Objections from 57 residents have been received on grounds which are summarised below. Most public comments are objections that in some way relate to the surrounding lanes being unsuitable for both the weight of HGVs and the predicted volume of HGV traffic. In addition 18 letters of support have been received.



#### 4.2.2 Grounds of objections:

##### Traffic Safety

Safety hazard for cyclists, pedestrians and other motorists from HGV traffic. The lane is not wide enough for even two cars to pass and the few available passing areas, whilst large enough for tractors, are too small for other HGVs such as lorries. The number of suitable passing places claimed by Apley Estate is hotly disputed by local residents, as is the extent of the increased vehicular usage.

The lane is unable to cope with an increased volume of HGV traffic and is not designed for the axle weight of HGVs. This will result in an unsafe and damaged road surface. There is a blind bend on the lane, which is shared by motorists and pedestrians, making it unsuitable and unsafe for HGV usage.

Passing places mainly consist of small muddy verges

Concern that the site is also intended for retail, resulting in an even greater increase in traffic.

A sign warning of the presence of pedestrians in the road ahead has already been knocked down, presumably by an HGV.

Water filled ruts have started to appear, this situation will worsen with increased usage and in winter.

In the winter it will be dark for some of the operating hours, creating an even greater safety risk on the lane. Furthermore winter will bring wet and icier weather, making the roads even more dangerous.

Furthermore hot weather in the summer can begin to melt the tarmac. This leads to HGVs churning up the road, resulting in damage to the lane. This is a particular issue at the junction of Havenhills Lane with the B4379

No formal traffic survey has been carried out by the council.

The inability of large vehicles to pass would be particularly dangerous in the event of an emergency service vehicle using the lane.

HGVs already have to contend with both schools buses and public buses.

The speed at which some of the HGVs are travelling at is of particular concern.

##### Equestrian usage

Lanes are not wide enough for a HGV to pass a horse, thus making horse riding on the lane very dangerous if not impossible.

The business of a local horse riding school is suffering as a result of this issue.

##### Parking

No details of on site parking for commercial vehicles; only cars have been allocated parking spaces.

##### Damage to the landscape and the community.

HGVs will damage a grade II listed bridge which is not designed for such weight.

Damage to the verges along the lane already occurs as a result of vehicles trying to pass; this situation will only be exacerbated.

Damage to hedgerows by HGV traffic.

There has been no bat, owl or wildlife survey. It is claimed that already bat and owl nests on sight have been disturbed.

Detrimental impact on the character of the Hamlet and the local rural beauty.

There will be an increase in pollution as a result of the increase in traffic.

Since the operation is just relocating, the new industrial usage will not even create local jobs or boost the local economy.

The site is operating out of its claimed operating hours, resulting in passing HGV traffic at unsociable hours, such as before 7am and on weekends.

#### Damage to property

Vibrations from passing vehicles may damage nearby properties. One property was built in 1734 and another has HGVs passing just one metre away.

Nearby properties may, or already have, suffer from mud and water damage as a result of passing HGVs.

Gateways may also be damaged by passing HGV traffic.

The change of usage of the site will result in properties depreciating in value.

#### Legality and Procedure

The legality of the current activity on the site, operating without planning permission, is questioned.

The behaviour of an Apley Estate representative at a Parish Council meeting has also been brought into question.

Sale of logs is occurring at the site; this is not covered under proposed class of use.

It is suggested that the council would receive many more complaint letters but many nearby residents live in cottages owned by Apley Estate and fear their landlord.

An on site listed building has been illegally removed by Apley Estate.

Apley Estate's claim that the site has not had agricultural for over two years has been brought into question. It is suggested that dairy cattle were housed there right up until February 2014, which is when current industrial activity began.

Apley Estate has applied on the basis that the tenants have agreed that lorries will only approach the site via Havenhills road. This is an informal gesture and not enforceable by the Council through conditions of consent of planning permission. Indeed even if this agreement was upheld by the current tenants, there would be no way of forcing future tenants to agree to a similar arrangement. Furthermore the tenants' route uses roads with a 7.5 tonne weight restriction.

#### Suitable Alternatives

There are nearby areas that would be far more suitable for this kind of operation; there are industrial estates within just a few miles of the sight.

The site in question would be more suitable for residential conversion.

#### 4.2.3 Reasons for support:

In addition to the objections, 18 supporting comments and a single general comment have also been received. These are summarised below.

#### Traffic Safety

The tenants have a clear route through which their lorries are to leave and exit the sight. Their vehicles also phone ahead before entering the lanes to make sure there is not another vehicle coming the other way.

The HGV drivers take extreme care and consideration whilst using the narrow lanes. Many individuals who runs, walk and cycle around the area in question have never encountered any issues.

The vehicular movement is not excessive and is no different to the vehicular movement that would occur if the site was used for agricultural purposes.

The site has been a busy, working farm within the last ten years. During this period the farm was accessed by HGVs/tractors regularly, with particular heavy usage during harvest.

The damaged sections of roads and verges were damaged long before activity at the site began and furthermore the roads in question are public with no weight restriction. It would be hypocritical to stop industrial activity at the site in question when other HGVs would still be able to use the local lanes anyway. Indeed stopping industrial activity at the site would almost certainly not prevent HGVs from using the local lanes.

HGVs spotted in the area that have nothing to do with the site in question are often assumed by locals to be associated with the site.

Passing HGVs is part of rural life.

Ren-new have only been using the site for a short amount of time. Initial disruption is inevitable and this will ease in the near future.

### Landscape and Community

The business operating out of the site sells old heritage products that suit the area.

Money is being invested to renovate the site and to repair the onsite buildings. If these previously disused farm buildings were to again become disused they would be left to fall further into disrepair.

Jobs have been generated by the onsite industrial operations and more may be generated in the future. Several local residents testify that the tenants Ren-new have offered them employment, in some cases after long periods of unemployment. Ren-new claim to have taken on 8 new members of staff since relocation and state that virtually all of their staff members are local.

New activity at the site may create an increase in economic activity for other local businesses, for example nearby public houses may have an increase in trade.

The site is being used by local customers who would otherwise have to travel much further distances for the same services.

The supposedly controversial sale of logs accounts for just 5% of Ren-new's business and accounts for just 15 vehicles a week over a 4-5 month period each year.

Ren-new's work is environmentally friendly and helps to reduce carbon emissions.

If permission is not granted, this could result in Apley Estate trying to build houses on the site. There is possibly space for more than 80 houses and this would cause far more disruption to the local area.

## 5.0 THE MAIN ISSUES

- Principle of development
- Green Belt considerations
- Siting, scale and design
- Impact on heritage assets
- Local amenity, drainage and pollution considerations
- Ecological considerations
- Traffic and access considerations

## 6.0 OFFICER APPRAISAL

**6.1 Principle of development**

- 6.1.1 The applicant has advised that the buildings and yard at Grindle are no longer required as part of agricultural operations as the Apley Estate has more modern buildings nearby. The buildings are therefore redundant and show signs of deterioration. The proposal would allow for the re-use of some of these redundant buildings as part of storage and distribution uses.
- 6.1.2 The NPPF states that a set of core land-use planning principles should underpin decision-taking, and these include: proactively driving and supporting economic development; and encouraging the effective use of land by reusing land that has been previously developed. In relation to rural areas, the NPPF states that planning should support a prosperous rural economy by supporting the sustainable growth and expansion of all types of business and enterprise, including through the conversion of existing buildings.
- 6.1.3 The application site lies outside of any identified development boundary and is therefore classed as a countryside location for planning purposes. Core Strategy Policy CS5 gives support for development on appropriate sites in the countryside which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits. It states that this is particularly the case in relation to certain types of proposals, including: the conversion or replacement of suitably located buildings for small-scale economic development / employment generating use, and the conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and countryside.
- 6.1.4 Planning restrictions on changes of use have recently been relaxed and are as set out in the Town and Country Planning (General Permitted Development) Order 2015. Class R allows for a change of use of buildings and land in its curtilage from agricultural to uses such as storage or distribution (Use Class B8) as proposed, or business (Use Class B1). The use of one of the outbuildings at Grindle House has changed from agricultural to business under the recently-revised permitted development regulations (formerly Class M). The current proposal for a change of use would result in a change of use of floor space totalling 1248m<sup>2</sup>, and therefore exceeds the 'permitted development' allowance of 500m<sup>2</sup>. The proposal therefore does not benefit from 'permitted development' rights. It is relevant to note however that in principle (and subject to the potential need for prior approval from the local planning authority) a significant part of the site could be used for the storage operations proposed without the need for planning permission.
- 6.1.5 The application states that the proposal is providing employment for 12 staff. The proposal would bring back into use buildings which are no longer required for their original purpose and which are showing signs of deterioration. It is considered that the proposed change of use is supported in principle by national and Development Plan policy. The extent to which the current proposal is acceptable in relation to its potential impact on the local area is discussed in sections below.

**6.2 Green Belt consideration**

- 6.2.1 The site lies within the Green Belt and the purposes of these areas include the safeguarding of the countryside from encroachment of other development, and the prevention of towns from merging into one another (para. 80 of the NPPF). The NPPF

states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt through, for example, enhancing visual amenity and improving damaged or derelict land. The NPPF states that inappropriate development in the Green Belt includes, subject to certain exceptions, the construction of new buildings. The current proposal relates to a change of use of buildings, and no new buildings are proposed. The NPPF states that the re-use of buildings is not inappropriate development in the Green Belt provided that the buildings are of permanent and substantial construction and that it preserves the openness of the Green Belt.

6.2.2 The buildings that are the subject of this application are former agricultural buildings, some of brick and tile construction, some of block and timber boarding construction. Whilst repairs to some of the buildings may be necessary in order to make them watertight, in general it is considered that the buildings are fit for re-use for the storage uses proposed. The proposal would not result in an increase in the footprint of the built development at Grindle, and external storage would be confined to the yard area encircled by the buildings. In this respect it is not considered that the proposal would reduce the openness of this part of the Green Belt. Overall it is considered that the proposed change of use is not in conflict with the purposes of the Green Belt designation.

### **6.3 Siting, scale and design**

6.3.1 Core Strategy Policy CS6 states that developments should be designed to a high quality. In addition the NPPF states that good design is a key aspect of sustainable development, and that planning should aim to ensure that developments add to the overall quality of the area. Core Strategy Policy CS5 states that developments in the countryside should maintain and enhance countryside vitality and character.

6.3.2 The proposal would utilise existing land, buildings and infrastructure at the site. It is considered that this would assist in preserving these otherwise redundant buildings, and in maintaining the character of the area. An existing former agricultural building at the site has recently been converted to office accommodation and this would be used to support the renovation business. Access to the site would be gained via the existing access road which served the agricultural buildings. The application site contains a range of different styles of building, including single storey traditional brick barns and larger more modern metal framed barns. The buildings are accessed from the central yard area, which is proposed to be used for external storage. It is considered that the proposed site provides an acceptable standard of internal and external space to accommodate the proposed Class B8 storage use. However it is accepted that some repairs may be required to some of the buildings, to ensure that they remain weatherproof.

6.3.3 The buildings at the site provide a significant degree of visual screening of the central yard area, where external storage of building materials would occur, from surrounding areas, including the residential properties to the northeast. The application states that building materials would be stored three pallets high – approximately 2.5 to 3 metres. – and that such storage would therefore be lower than the eaves of any of the buildings on the site. It would however be appropriate to impose a condition restricting the height of externally stored materials in order to avoid adverse visual impacts.

6.3.4 Subject to such a restriction, it is not considered that the use of the land and buildings for the storage operations proposed would adversely affect the visual character of the

area. Nevertheless the applicant has confirmed that hedgerow and infill planting would be undertaken along the boundaries of the site, and it is considered that this would improve the general appearance of the area. Detailed specification of landscape planting can be secured through a planning condition.

- 6.3.5 Overall it is considered that, subject to conditions regarding landscaping and external storage and a restriction on additional buildings or structures at the site, the proposed change of use would not significantly harm the visual character of the rural area.
- 6.3.6 There does not appear to be any over-riding justification for the Ren-New business to be located at this particular site, for instance in terms of proximity to source of materials or customers. However the application is being considered on the basis of the acceptability of the site for storage operations in general, not specifically in relation to Ren-New. These matters are discussed below.

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

- 6.4.1 The application site is situated approximately 35 metres from Grindle House, which is a Grade II Listed Building. 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.
- 6.4.2 The existing former agricultural buildings to the south of Grindle House restrict views of the proposed operation from the Listed Building itself. However the Council's Conservation Officer considers that a number of the associated outbuildings within the curtilage of Grindle House pre date 1948 and therefore would be considered to be curtilage listed. On the basis that there are no physical alterations proposed to these buildings the Conservation Officer has confirmed that the proposal would not have a detrimental effect on the fabric of the curtilage listed barns.
- 6.4.3 Restrictions on the height of externally stored material can be imposed by planning condition, as discussed in section 6.3 above. A plan has been provided which confirms that materials would only be stored in the central parts of the yard, and not peripheral areas of the site. A condition can be imposed requiring that this layout is adhered to. Subject to these conditions, it is not considered that the proposed change of use would adversely affecting the setting of the nearby Listed Building given the physical separation of Grindle House from the site and also the screening afforded by the existing outbuildings. In relation to the curtilage listed barns, it is recognised that materials are likely to have been stored in the yard as part of the former agricultural use of the site. It is considered that the external storage of building materials can be satisfactorily controlled in terms of height and location to ensure that their setting is not detrimentally affected. In the context of the permitted uses of the site and the benefits of the re-use of the existing buildings it is not considered that the proposal would conflict with policies for the protection of heritage assets, including Core Strategy Policy CS6 and as set out in Chapter 12 of the NPPF. In arriving at this conclusion due regard has been had to the requirements under Section 66 of the above Act and the desirability of preserving

the setting of listed buildings.

## **6.5 Local amenity and pollution considerations**

6.5.1 Core Strategy Policy CS6 requires that development safeguards residential and local amenity, and natural resources. Policy CS18 seeks to ensure that developments avoid an adverse impact on water quality and quantity, and integrate measures to reduce flood risk. The primary use of the site would be restricted to Use Class B8 (storage and distribution). Operations at the site include brick cutting for brick slips, and brick dipping. These are small scale operations and it is considered that they are being undertaken at a level which can be considered to be ancillary to the overall storage operation, and that separate planning permission for these uses at this level is not required.

6.5.2 It is not anticipated that operations proposed to take place at the site would be likely to adversely affect residential or local amenity, particularly given the distance that the nearest residential properties are from the site and the attenuation provided by the existing buildings on the site. Nevertheless it is considered that it would be appropriate to impose conditions to limit hours of operation of the site in recognition of the existence of dwellings in the locality.

6.5.3 No additional buildings are proposed and it is therefore not anticipated that existing surface water drainage arrangements would be adversely affected. Additionally given the types of operations being proposed it is not anticipated that the proposal would result in pollution to ground or surface waters. In view of the above it is not considered that the change of use of the site to storage/distribution uses would adversely affect local and residential amenity or present pollution issues. The proposal is therefore acceptable in relation to Core Strategy Policies CS6 and CS18.

## **6.6 Ecological considerations**

6.6.1 Core Strategy Policy CS17 (Environmental Networks) requires that development protects and enhances the diversity, high quality and local character of Shropshire's natural environment and does not adversely affect the ecological values of these assets. Ecological surveys, including bat activity surveys, have been undertaken at the site and other buildings at the property. The bat survey found evidence of a small roost of common pipistrelle bats in one of the traditional barns within the application site.

6.6.2 The proposed development is for a change of use of buildings, and physical building works would be limited to the repair of buildings. Nevertheless the ecological consultants recommend that any work on the conversion of the traditional barn will need to be conducted under licence from Natural England, and that enhancements would need to be made to compensate for the loss of a roost site. The ecology report recommends that a bat loft is created in the roof void of one of the traditional barns at the property. The ecological consultants have provided a specification and plan of this loft. A planning condition can be imposed to require that bat mitigation works, including the provision of a bat loft, is undertaken as recommended by the Council's Ecologist (see Appendix 1).

6.6.3 The Council's Ecologist has advised that a European Protected Species (EPS) Mitigation Licence will be required, and that the 3 tests as required by the Conservation of Habitats and Species Regulations 2010 must be considered as part of the determination of the planning application. This seeks to confirm (i) that the

development is for reasons of overriding public interest, (ii) that there is no satisfactory alternative, and (iii) that the proposal is not detrimental to the maintenance of the bat population at a favourable conservation status. The proposal would provide benefits in terms of the re-use of redundant agricultural buildings, providing an acceptable site for storage operations and facilitating the repair of buildings. The 3 tests form is included as Appendix 2.

6.6.4 The ecological report advises that no other protected species were recorded in the vicinity of the buildings, and the Council's Ecologist has not raised any further issues in relation to the proposed development.

#### 6.7 **Traffic, access and rights of way considerations**

6.7.1 The main grounds for objection to the proposals by local residents and land users concern the potential impact of the proposals on the local highway network. Objectors are particularly concerned about the appropriateness of the local roads to accommodate the level of traffic that would be generated by the proposal, and the impacts on other road users.

6.7.2 Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires that development safeguards residential and local amenity, and ensures that there is capacity and availability of infrastructure to serve the development. Policy CS7 (Communications and Transport) seeks a sustainable pattern of development through the maintenance and improvement of transport infrastructure, including by promoting and enabling improvements to the local highway network. Policy CS8 seeks to facilitate the provision of additional infrastructure. Saved Policy D6 of the Bridgnorth Local Plan states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated; on site parking and circulation is acceptable; a Transport Assessment has been carried out if required; and adequate servicing of the development is possible without detriment to the surrounding landscape or to road safety. The NPPF requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment. It states that decisions should take account of matters such as whether safe and suitable access to the site can be achieved for all people, and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF states (para. 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### 6.7.3 Traffic movements:

At the time that the application was originally submitted, the site was occupied by two businesses. The originally submitted Transport Statement indicated that vehicle traffic associated with one of these businesses, the Landscape Group, amounted to 72 movements per day and that these movements occurred over a period of two hours during the day (0700 – 0800, and 1600 – 1700). The Landscape Group vacated the site around January this year. As a result, the amount of traffic to the site has reduced considerably from when the retrospective application was first submitted, and since many of the objections from local residents were received.

6.7.4 Nevertheless the concerns of local residents and the Parish Councils regarding traffic impacts are acknowledged. The Transport Statement has now been updated to reflect this position. It states that HGV deliveries to the site are up to a maximum of five per



day, resulting in 10 HGV movements per day.

- 6.7.5 In terms of historic activities at the site, the Transport Statement states that during the period 2006 to 2011, 80 – 183 HGV's were identified as travelling to/from the site in association with crop production. The Transport Statement acknowledges that the current activities at the site represent an increase in activity over the year. However it also states that in terms of HGV movements, the historic farming activities would have resulted in significantly more than 5 loads per day during harvesting times.
- 6.7.6 Site access:  
Vehicular access to the site would be gained via the existing access which has traditionally served the farm. This provides access to Grindle Road, a single vehicle width public highway. The western side of the access is bounded by a brick wall which forms part of the Grade II listed Grindle House. The eastern side is bounded by a hedgerow. This section of the public highway is relatively straight, however the Highways Officer considers that localised improvements are required to the access to relocate it away from the wall in order to maximise visibility for vehicles emerging onto the public highway. The land either side of the access is within the applicant's ownership and the applicant has confirmed that these improvements can be undertaken. This matter can be dealt with by planning condition (see Appendix 1).
- 6.7.7 Impact on local highway network, and traffic routing:  
The approach roads to the site are generally single vehicle width rural lanes with restricted opportunities for two vehicles to pass each other. It is considered that the most appropriate route for heavy vehicles to take to/from the site from the nearest B class road is by using Grindle Road to the east of the site and the Havenhills Road which connects to the B4379.
- 6.7.8 This route does however entail vehicles travelling along single vehicle width roads for a distance of approximately 3.8km. There are a number of passing places along the route which allow two vehicles to pass, however these are not formal passing places. Opportunities for passing are generally restricted to these informal passing places. It is accepted that the use of this route by additional heavy traffic has the potential to have an adverse impact on the local area, including disturbance to residents living alongside the route, inconvenience to other road users, and potential damage to highway verges.
- 6.7.9 In relation to other traffic, permission for retail use of the site is not being sought, and therefore additional impacts associated with retail traffic to/from the site are not anticipated. Based upon the estimates of vehicle movements provided in the revised Transport Statement it is not considered that the traffic impacts of the Ren-New operation can be considered to be severe, i.e. the test set out in para. 32 of the NPPF. On this basis it is not considered that refusal of the application on highway grounds can be justified. Nevertheless in recognition of the additional traffic that would be associated with the proposed development, the Highways Officer has recommended that the applicant formalises the existing passing places, in order to improve highway safety and reduce further deterioration of the existing carriageway and verge. The Officer has advised that there are five key locations where passing places should be provided along the sections of public highway between the site and the B4379. The applicant has agreed in principle to undertaking some highway improvement works.
- 6.7.10 The Parish Council considers that any passing places should be inter visible and at

approximately 100 metre spacing, and considers that even if this could be achieved, the resulting road widening would have an unacceptable effect on the visual amenity of the Parish. Officers consider that the provision of five passing places, at key locations on the network, would be proportionate to the highway impacts that are likely to be raised by the proposed development. In addition Officers consider that the provision of five passing places would be reasonable, particularly when considered in conjunction with the additional traffic management controls that can be imposed through a Section 106 agreement, as discussed below.

- 6.7.11 The proposed route to the site includes sections where there are relatively wide verges and informal passing places. It is considered that the formalisation of these passing places can be undertaken without detriment to the character of the area and surrounding landscape. As such this element of the proposed improvements would not conflict with saved Policy D6 of the Bridgnorth Local Plan.
- 6.7.12 In addition to passing places, the Highways Officer has recommended that a routing agreement is secured, and that formal signing is provided. It is considered that it would be appropriate to deal with this matter by way of a Section 106 legal agreement to be entered into with Apley Estates, the owner of the site. It is considered that sufficient controls can be imposed on the use of the site for storage operations, and on traffic management and routing, without restricting the use of the site to the current business, Ren-New. Apley Estates has confirmed that they would be happy to agree routing by a Section 106 agreement if required.
- 6.7.13 In relation to the current operation, the revised Transport Statement states that Ren-New maintains a high level of control over the timing of its deliveries and the arrival/departure times of the drivers. It states that all deliveries are scheduled and the contracted drivers are in contact with Ren-New who can confirm it is acceptable for them to travel to or from the site. As a result the Transport Statement advises that the company can manage HGV's to/from the site to avoid conflict with each other on the local roads. It is acknowledged that a number of objections have been received which identify that such conflicts do occur from time to time. In addition concern has been raised regarding potential traffic impact should a different company operate from the site.
- 6.7.14 The Highways Officer has sought clarification from the applicant as to whether they would be willing to accept a condition on any planning permission to restrict the use of the site to the current occupant, Ren-New. It is recognised that different Class B8 storage operations can potentially generate different levels of traffic flows. As such, if permission is granted for a Class B8 storage operation without limitation then this would not prevent a different company from occupying the site which generates significantly different traffic levels. However planning practice guidance (Use of Planning Conditions) states that it is inappropriate to restrict planning permission to a company, as the shares of the company can be transferred to other persons without affecting the legal personality of the company.
- 6.7.15 In this particular case it is considered that specific controls and limitations can be imposed on the planning permission, including through the Section 106 agreement, to ensure that the impact of the development is satisfactorily controlled irrespective of which company is occupying the site. Additional traffic management measures that can be imposed include restricting the maximum number of heavy traffic movements to the

site through the provisions of the Section 106 agreement, and agreeing a traffic management plan to seek to ensure that heavy traffic to/from the site avoids peak times. This traffic management plan can be required through the Section 106 agreement and agreed by the local planning authority in consultation with the highways authority. In addition, Apley Estates as land owner would be able to supplement the Section 106 by making its terms clear in leases, and they are able to ensure control over traffic management matters such as routing, by incorporating these requirements into leases.

- 6.7.16 The concerns of local residents and the Parish Councils over traffic impacts are acknowledged. However the Highways Officer has raised no objections to the proposal, and it is considered that there are sufficient controls that can be imposed on storage operations at the site to ensure that impacts on the local area and highway network are minimised to an acceptable levels. As such it is considered that the proposal can be accepted in relation to Core Strategy Policy CS6 and saved Bridgnorth Local Plan Policy D6.

## **7.0 CONCLUSION**

- 7.1 The proposal for a change of use of agricultural buildings at Grindle has generated a significant amount of public objections, particularly in relation to impacts on the local highway network. The proposal would enable the redundant agricultural buildings at the site to be brought back into beneficial use, and can be undertaken without adversely affecting the visual character of the area, undermining Green Belt objectives, or adversely affecting the setting of listed buildings. Ecological impacts can be satisfactorily mitigated through the provision of a bat loft and other measures. The proposal would result in additional traffic on the local approach roads to the site which have limitations in terms of width. However the proposal would provide an opportunity to improve the local highway network to all users, through the formalisation of passing places. In addition to this, it is considered that a satisfactory level of control can be imposed on the operation to ensure that impacts in the local area, including in relation to traffic management and routing, would be minimised.

- 7.2 Overall it is considered that the impacts of the proposal, including those from traffic would not be unacceptable and would be outweighed by the benefits in the re-use of the redundant buildings for a relatively small scale storage operation. On this basis it is considered that the proposed development can be supported in relation to Development Plan policies and other material considerations, and that planning permission can be granted subject to the conditions set out in Appendix 1, and the completion of a Section 106 legal agreement to provide for traffic routing and other traffic management measures.

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

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

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

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 Financial Implications

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

## 10. Background

### 10.1 Relevant Planning Policies

#### 10.1.1 Shropshire Core Strategy

Policy CS5 (Countryside and Green Belt)

Policy CS6 (Sustainable Design and Development Principles)

Policy CS7 (Communications and Transport)

Policy CS13 (Economic Development, Enterprise and Employment)

Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire’s environmental assets

Policy CS18 (Sustainable Water Management)

#### 10.1.2 Bridgnorth Local Plan saved policies

- Policy D6 (Highway and Car Parking Standards)

#### 10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF): The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the core planning principles include: proactively drive and support sustainable economic development; to protect Green Belts; encourage the effective use of land by reusing land that has been previously developed; conserve heritage assets in a manner appropriate to their significance; focus significant developments in locations which are or can be made sustainable. Amongst other matters, the NPPF: seeks to build a strong, competitive economy (Chapter 1); supports a prosperous rural economy (Chapter 3); promotes sustainable transport (Chapter 4); promotes good design as a key aspect of sustainable development (Chapter 7); seeks to protect Green Belt land (Chapter 9); seeks to contribute to and enhance the natural and local environment (Chapter 11); seeks to conserve and enhance the historic environment (Chapter 12).

#### 10.3 Emerging policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: The SAMDev has now been submitted to the Secretary of State and has undergone a process of examination. 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)

MD4 (Managing Employment Development) – allows for employment development where they are on suitable small scale development sites, comprises Class B or sui generis uses which include industrial or commercial employment opportunities, are compatible with adjoining uses, satisfy the relevant settlement policy

MD6 (Green Belt) – allows for changes of use on previously developed land in the Green Belt where the development is for employment or economic uses, and it enhances the site and its contribution to the landscape setting

MD7b (General Management of Development in the Countryside)

MD8 (Infrastructure Provision)

MD12 (Natural Environment)

MD13 (Historic Environment)

#### 10.4 Relevant Planning History:

13/04835/P3MPA Prior Approval under Part 3 (Class M) of the Town & Country Planning (General Permitted Development) Order 2013 for the change of use of agricultural building to A2 (office) Use - Prior approval not required 9th January 2014

**11. Additional Information**

View details on line: <http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

The application ref. 14/1874/FUL and supporting information and consultation responses.

Cabinet Member (Portfolio Holder):  
Cllr M. Price

Local Member:  
Cllr Michael Wood (Worfield)

Appendices:  
APPENDIX 1 – Conditions  
APPENDIX 2 – European Protected Species 3 tests matrix

**APPENDIX 1 – s106 agreement provisions, and planning Conditions****1. Section 106 legal agreement provisions****HGV Routing**

- drivers of HGVs to be informed in writing that only the Approved Route shall be used to/from the site
- map and notice of Approved Route to be displayed at the site office
- sign to be erected at the site entrance indicated the Approved Route
- Approved Route to be referenced on all advertisements, contracts, for the site
- Records of HGVs attending the site and route taken to be made
- Implementation of warning and barring system to drivers in event of non-adherence to Approved Route
- payment of Penalty Monies to the Council as contribution to costs of monitoring and providing evidence of infringements, and extraordinary maintenance and improvement works
- review of use of Approved Route

**HGV traffic limits**

- management of traffic to restrict HGV deliveries to a maximum of 5 per day

**HGV traffic management**

- restriction placed on the time of HGV deliveries to ensure deliveries only take place between 9am to 3pm, and 4pm to 5pm, on a working day

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

1. Within one month of the date of planning permission, full engineering details of the provision of passing places along Havenshill Road and Grindle Road shall be submitted to and approved in writing by the Local Planning Authority. The passing places shall be fully implemented within three months of details being approved.

Reason: In order to provide an appropriate level of highway improvement in view of the impact of the proposals on the local rural highway network.

2. Within one month of the date of planning permission details of the means of access, including the layout, construction and sightlines shall be submitted in writing for the approval of the Local Planning Authority. The agreed details shall be fully implemented within two months of receipt of approval.

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

3. Within one month of the date of planning permission details of the provision of junction directional signs shall be submitted in writing for the approval of the Local Planning Authority. The works shall be fully implemented within 3 months of receipt of approval.

Reason: In the interest of Highway safety.

4. Storage operations within Building 1 identified in the Environmental Survey shall not take place until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of bats, a European Protected Species.

5. Work shall be carried out strictly in accordance with the Phase 1 and Phase 2 Environmental Survey by Greenscape Environmental dated August 2014 including the bat mitigation method statement and replacement bat roost provision unless otherwise agreed in writing by the local planning authority. The bat mitigation shall be completed before first commercial use of Building 1.

Reason: To ensure the protection of bats, a European Protected Species.

6. Within one month of the date of planning permission a landscaping scheme shall be submitted in writing for the approval of the local planning authority. The submitted scheme shall provide for the landscaping of the perimeter of the site, and shall be implemented as approved, and include:

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

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

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

7. (a) The site shall be used for Class B8 use only, as set out in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

(b) The primary use of the site shall be for the storage and distribution of building materials.

Reason: In order to restrict the use of the site in the interest of the amenities of the area.

8. Retail sales shall not take place at the site.

Reason: To control the level of traffic at the site in order to protect local amenities.

9. Materials shall not be stored externally at the site other than in the areas shown as External storage area on the plan entitled Grindle Farm received 18th March 2015.



Reason: To protect visual character, preserve the setting of the nearby Listed Building, and ensure that sufficient land is available for parking.

10. The height of any materials stored externally shall not exceed 3 metres.

Reason: To protect visual character and preserve the setting of the nearby Listed Building.

11. Vehicular access to the site in connection with the uses hereby permitted shall not be gained other than between 08.00 - 17.30 Mondays to Fridays and 09.00 - 13.00 on Saturdays. No such vehicle access shall be gained on Sundays or Bank Holidays.

Reason: To restrict vehicle traffic in order to protect local amenities.

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

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

### **Informatives**

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

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

Central Government Guidance:  
National Planning Policy Framework

Core Strategy:  
Policy CS5 (Countryside and Green Belt)  
Policy CS6 (Sustainable Design and Development Principles)  
Policy CS7 (Communications and Transport)  
Policy CS13 (Economic Development, Enterprise and Employment)  
Policy CS17 (Environmental Networks)  
Policy CS18 (Sustainable Water Management)

3. The local planning authority has worked proactively with the applicant to overcome issues raised during the planning process, as required by para. 187 of the NPPF.

4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge

conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

5. Japanese knotweed is an Invasive Non-Native Species listed on Schedule 9 of the Wildlife and Countryside Act. Any soil excavated that contains parts of this plant is classed as 'controlled waste' and as such must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991.

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

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

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

**APPENDIX 2: – 3 tests matrix****EUROPEAN PROTECTED SPECIES – Consideration of the three tests**

Application name and reference number:

14/01874/FUL

Grindle House, Grindle, Shifnal, TF11 9JR

Application under Section 73a of the Town and Country Planning Act 1990 for the change of use of redundant agricultural buildings to commercial use

Date of consideration of three tests:

20<sup>th</sup> March 2015

Consideration of three tests carried out by:

Alison Slade

Planning Ecologist (01743 252578)

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

Kelvin Hall

Technical Specialist Planning Officer

01743 258713

**1 Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?**

The proposed development would provide benefits in terms of enabling the re-use of redundant agricultural buildings for an acceptable use. The proposal would have economic benefits in terms of providing an acceptable site for business use for storage operations, and result in benefits by facilitating the repair of buildings. The proposal is supported by local and national planning policy. The proposal is acceptable in land-use planning terms.

**2 Is there ‘no satisfactory alternative’?**

There are no known satisfactory alternatives which would provide an equivalent or more acceptable site for storage operations at the premises. It is not considered that an alternative layout of the development proposed would be more beneficial in land-use terms than that proposed.

**3 Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?**

A traditional brick building (building 1) was found by Greenscape (2014) to contain small amounts of bat droppings commensurate with pipistrelle bats. Building 2 is attached to this. Building 3 contains stables on the ground floor and no evidence of bat use was found during the internal inspection of this building. Greenscape carried out 3 bat activity surveys in June and July 2014. These recorded common pipistrelle bats emerging from Building 1 and the roost site on the internal west gable end identified. Long eared bats were observed in the stable block (Building 3), however this is not part of the current application. Greenscape advise that work on the conversion of Building 1 will need to be

conducted under licence from Natural England. A method statement for re-roofing building 1 under an ecological clerk of works is provided. Greenscape (2014) state that a bat loft will be created in the roof void of Building 2 and provide details of this. The proposed development will not be detrimental to the maintenance of the populations of common pipistrelle bats at a favourable conservation status within their natural range, provided that the conditions and informatives detailed in the response from Alison Slade to Kelvin Hall dated 20<sup>th</sup> March 2014 are attached to any consent and thereafter implemented.

### Conditions

1. No development or demolition procedures shall commence on conversion of Building 1 identified in the Environmental Survey until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

### Reason: To ensure the protection of bats, a European Protected Species

2. Work shall be carried out strictly in accordance with the Phase 1 and Phase 2 Environmental Survey by Greenscape Environmental dated August 2014 including the bat mitigation method statement and replacement bat roost provision unless otherwise agreed in writing by the local planning authority. The bat mitigation shall be completed before first commercial use of Building 1.

### Reason: To ensure the protection of bats, a European Protected Species

### Guidance for filling in the EPS form

The three tests detailed below must be satisfied in all cases where a European Protected Species may be affected and where derogation under Article 16 of the EC Habitats Directive 1992 would be required – i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary; since no offence is likely to be committed, it is not appropriate to consider the three tests.

Test 1 'overriding public interest' and test 2 'no satisfactory alternative' should be addressed by Shropshire Council planning team. Test 3 'favourable conservation status' should be addressed by Shropshire Council Ecologists with guidance from Natural England.

### **1 Is the purpose of the development/damaging activity for '*Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?***

NB in order to meet this test, the purpose of preserving public health or public safety must also be shown to constitute a reason of overriding public interest. You would need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public.

If an unstable structure ( e.g. buildings, trees) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.

If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992), projects that are entirely in the interest of companies or individuals would generally not be considered covered.

## **2 Is there no satisfactory alternative?**

An assessment of alternatives needs to be provided. If there are any viable alternatives which would not have an impact on a European Protected species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort. Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) are there any other solutions, and c) will the alternative solutions resolve the problem or specific question in (a)?

## **3 Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?**

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if it has a detrimental effect on the conservation status or the attainment of favourable conservation status for a species at all levels. The net result of a derogation should be neutral or positive for a species. In the case of destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected. Compensation measures do not replace or marginalise any of the three tests, all three tests must still be satisfied.

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Committee and date

South Planning Committee

19 May 2015

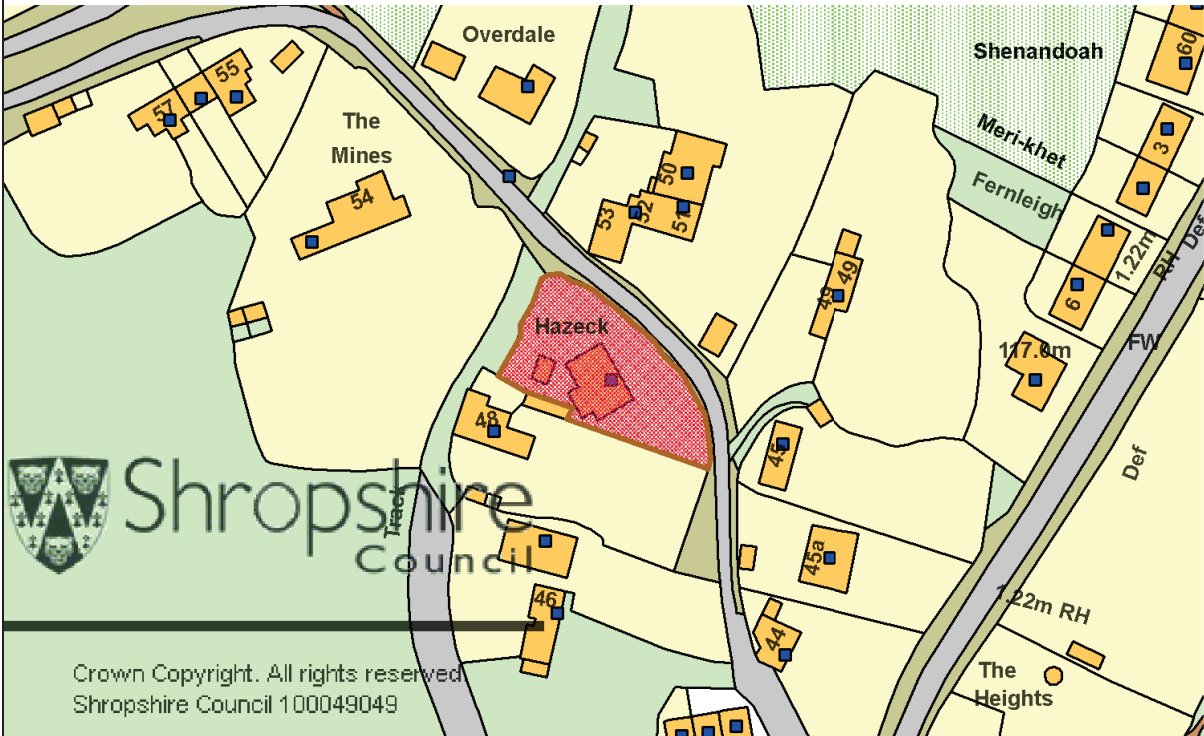
## Development Management Report

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> 14/05212/FUL	<b>Parish:</b>	Barrow
<b>Proposal:</b> Revisions to existing planning approval for side extension		
<b>Site Address:</b> Hazeck The Mines Benthall Broseley TF12 5QY		
<b>Applicant:</b> Paul Craven		
<b>Case Officer:</b> Lynn Parker		<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>

**Grid Ref:** 366960 - 302719



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This application is an amendment to the extension on the north west facing side elevation of the dwelling which formed part of the scheme delegated as approved at Hazeck, the Mines, Broseley under Planning Ref: 13/02940/FUL for the 'Erection of a single storey extension to include balcony, replacement of existing roof to include dormer windows' on 21<sup>st</sup> November 2013. The changes originally proposed were as follows:

- o Increase in the size of the living/bedroom extension on the north west facing side elevation by extending a further 1.55m to the north east and widening it from the 4.65m approved to 4.75m. (But see 1.2 below).
- o Insertion of an additional dormer window on the north east facing front elevation of the north west side extension to serve the bedroom and to match the two already approved under 13/02940/FUL on the roof of the existing dwelling. (But see 1.2 below).
- o Increase in height of the gable on the side extension (approved as stepped down by 1.3m) and replacement of the previously approved obscure glazed round window with a recessed brick feature of similar appearance. There is therefore no opening at first floor level on this gable.
- o Erection of a single storey glazed area on the south west facing rear elevation off the dining room and living area measuring 3.44m wide x 2m in depth.

The extension to the north west facing side elevation as originally proposed and the glazed addition to the south west facing rear elevation are the same as those which formed part of the scheme of extensions proposed under Planning Ref: 14/01341/FUL refused at the 14<sup>th</sup> October 2014 South Planning Committee. The refusal reason for that scheme of extensions, which included an extension off the south east side elevation which does not form part of this current application, stated:

The proposed development, by reason of its massing and inappropriate design and the loss of trees would result in overdevelopment of the site, would detract from the character and appearance of the built and historic environment and would have an adverse impact on neighbouring amenities. The development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17 and paragraphs 56 to 58; 60; 64 and 131 of the National Planning Policy Framework.

1.2 During the course of the application, the agent has submitted amended plans which:



- reduce the depth of the side extension to that already approved under Planning Ref: 13/02940/FUL i.e. stepped 1m back from the north east facing front elevation, however retaining it amended width.
  - have omitted the insertion of the dormer window on the north east facing front elevation and replacing it with a rooflight, again as approved under Planning Ref: 13/02940/FUL.
- 1.3 All materials are proposed to match the existing including facing brick walls, plain roof tiles and white UPVC windows. No alterations are proposed to accesses.
- 1.4 The footprint of the dwelling before approval of the development under planning ref: 13/02940/FUL (comprising a bungalow with a kitchen, living room, bathroom, lean-to conservatory and two bedrooms at ground floor level, and a bedroom in the roof space served by 2 roof lights on the south west facing rear elevation) amounted to approximately 91m<sup>2</sup>. The footprint was enlarged under 13/02940/FUL to approximately 112m<sup>2</sup>, an increase of 24%. Under this amended proposal, the footprint is increased to approximately 130m<sup>2</sup>, totalling a 42% increase in the original footprint.
- 2.0 SITE LOCATION/DESCRIPTION
- 2.1 The site falls within the Key Centre settlement of Broseley and is located to the north of the main service area. The dwellings in this part of Broseley are largely older stone and brick dwellings of historic merit associated with the Industrial Revolution period, hence the site falls within Broseley Conservation Area. However, the dwelling at Hazeck was a latter half 20<sup>th</sup> Century bungalow with accommodation in the roof. Apart from the historical buildings, the area is characterised by steep winding narrow streets off which access is directly gained.
- 2.2 The extensions and alterations approved under Planning Ref: 13/02940/FUL are already under way, the upper portions are clearly visible to neighbouring properties as well as from across the Benthall valley to the east. Landscaping works have also already been carried out at the site including the erection of boundary fencing retrospectively approved under Planning Ref: 13/03694/FUL on 6<sup>th</sup> January 2014, and removal and replanting of trees at the site. A retained tall, prominent Norway Spruce tree is visible from some distance away, positioned as it is on the south east boundary of the site where the land falls away steeply below it. The land is level around the dwelling and access, however, it rises up to the west and slopes more steeply down to the south east. Thus the gardens are landscaped to reflect the change in ground level and there is a lower lawn to the south east of the dwelling which is itself positioned above the road. There are wide views from this side of the dwelling across the valley. Access is gained into the site from a track which also serves a number other properties, however, it is close to its junction with the road.
- 2.3 There are adjacent dwellings on all sides of the property, but no rational patterning is formed. The dwelling to the north west at no. 54 is approximately 35m away, its rear garden sharing a boundary with the access track. Dwellings across the road at nos. 51, 52 and 53 directly face towards the application property, however, the

frontage of Hazeck is angled to face north east towards garaging and front gardens. To the south east no. 48 is approximately 10m away but set at a higher level and there is brick outbuilding between the two properties. The rear elevation of Hazeck faces towards the north west corner of no. 48 whose main garden area slopes gradually down to the south east. No. 47 to the south is approximately 20m way beyond the garden of no. 48 and faces directly east so that its side gable is closest to Hazeck. There are also dwellings beyond the road to the east, but these are set at a much lower level and only their roof tops are clearly visible from Hazeck.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

### 4.0 Community Representations

#### 4.1 - Consultee Comments

4.1.1 Barrow Parish Council - We object to this application.

The proposed changes to the existing permitted building would add to the over development of the site. The existing footprint of the permitted building is already too large for its position within the conservation area and for its impact on neighbouring properties. The proposed increase in height would further impact on both the conservation area and neighbouring properties. Because of the position of this building, these changes would be visible from the road as well as from many properties in the area.

In view of the number of applications submitted for this property, we would request that when decisions are made, the changes due to previous successful applications are taken into account and that in addition the new applications are all considered at the same time.

4.1.2 SC Conservation - The proposed revisions to the existing planning approval will result in an extension of much greater massing and bulk than that previously approved. It may result in an overly dominant impact on the conservation area.

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

#### 4.2 - Public Comments

4.2.1 Five letters of public representation have been received from four different neighbouring properties which are available to view in full online. The comments also relate to the other three current applications for this property however, the concerns relating to this application are summarised below:

- o The development is significantly extends the property, which has already been extended way beyond the previous bungalow.
- o We are of the opinion that no further building should take place on this site. If

- the applicant wanted a 5 bedroom, 2 storey house then he should not have purchased a small bungalow on a small piece of land.
- o The original bungalow is lost within an enormous 2 storey house.
  - o The majority of houses in the immediate locale are cottages, not 5 bedroom executive developments.
  - o The size and modern architecture is totally inappropriate to the site which is surrounded by 18<sup>th</sup> Century properties and is within a Conservation Area.
  - o This revision is a further increase in roof height to the enormous size of the already constructed building, the protruding triangular section also at an increased width and height now at the roof ridge, will bring the building closer to our boundary.
  - o Two 2<sup>nd</sup> floor windows are proposed which will directly overlook my property.
  - o There is an increase in glazing which is a further intrusion of our privacy, creating an overbearing and imposing effect, impinging on our home.
  - o This revision will require the removal of a large Bramley Apple Tree and Silver Birch Tree.
  - o It is abundantly clear, that rather than using the appeals process to have the previous application refusal reconsidered, the applicant is submitting separate applications for each part of the proposed development in the hope that the Council will turn a blind eye or find insufficient grounds to refuse.

## 5.0 THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

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

### 6.2 Design, scale and character

6.2.1 As noted above in paragraph 1.4, the increase in the footprint of the dwelling now proposed amounts to approximately 42% of that of the former bungalow, a dwelling with limited internal provision not necessarily desirable in terms of modern living standards. A footprint enlargement of 42% is not unreasonable in this case, or generally on most other residential properties that have not been previously extensively developed. The plot is of a size capable of absorbing the increase in footprint without significant loss to the level of outside amenity space afforded to the property.

- 6.2.2 It is considered that measures have been taken in the design of the extensions, which whilst they are not necessarily subservient to the main dwelling, provide a balanced appearance to it, modernise and improve it visually from the basic latter half 20<sup>th</sup> Century bungalow that it was and which itself was not in character with the adjacent older traditional properties. The appearance of the former bungalow had a neutral impact on the surrounding Conservation Area, however, the higher quality of the proposed design will have a positive contribution to it. Features have been included which add interest, such as the high level apex window and wholly glazed area. An improved appearance to the dwelling is considered important as it is set in an elevated position within the Conservation Area where it can be viewed from some distance away, particularly following the extensive clearance of the site which has already taken place.
- 6.2.3 Objections have been raised to the increase in the height of the gable, however it will not extend beyond the height of the existing roof ridge and there will be a distance of approximately 4m between its south west facing elevation and the boundary on that side, 10m between the elevation and the neighbouring dwelling. The majority of the surrounding properties are already two storey and the combination of the differing land levels around the plot and space between it and the adjacent dwellings allows for the proposed increase in height of the side extension to be appropriately absorbed into the street scene and conservation area surroundings.
- 6.3 Impact on neighbours/residential amenity
- 6.3.1 Whilst the concerns of the neighbours are appreciated, it is felt that the amendment to the proposed side extension and additionally proposed glazed area to the rear retains consideration for the adjacent dwellings in its design. The bungalow has already been changed into a dormer bungalow following the approval of planning ref: 13/02940/FUL and the higher and marginally wider side extension now proposed does not alter this fact. As discussed above in paragraph 6.2.3 there is considered to be sufficient space around the dwelling for no overbearing or overshadowing impact to be felt from the higher gable, certainly no more than there would have been from former mature trees at the site which were closer to the surrounding properties
- 6.3.2 The potential for overlooking created by windows on the proposed side extension is limited as the rear gable does not have a first floor window, but a solid brick feature to replace the obscure glazed window previously approved, thus reducing the overall number of first floor windows on that elevation. The triangular apex window proposed to the north west facing side elevation is high level i.e. to be installed above head height, the bottom being approximately 1.95m above floor level, and will therefore not allow for views of neighbouring properties. The aspect of the roof light proposed to the north east facing front elevation is towards a gap between neighbouring dwellings across the road which comprises garages and garden ends, and there are already dormer windows approved on this elevation. The closest dwelling is 11m away to the north and presents a south facing gable end to the road which has no openings. Otherwise properties to the front of the proposed side extension are approximately 20m away. It is unlikely that any overlooking will occur from proposed ground floor windows.

#### 6.4 Impact on surrounding Conservation Area

6.4.1 Although the proposed works will be visible from the wider Conservation Area, it is considered that the design of the alterations will contribute favourably to a more balanced, higher quality visual appearance which will have a positive rather than negative impact upon the character and appearance of the Conservation Area. For the reasons described in section 6.2 above, the proposed appearance of the dwelling is considered to be of greater visual merit than that of the former bungalow. This current proposal would not result in the loss of trees.

6.4.2 Whilst SC Conservation have commented that the proposed extensions may result in an overly dominant impact on the Conservation Area, no objections were raised to the previously refused scheme, and it is considered that this aspect of the proposals would not harm the character or appearance of the conservation area when the site context is taken into account.

#### 7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies and will not adversely affect the existing building, the site, the amenities of adjacent neighbours, or the surrounding Conservation Area.

#### 8.0 Risk Assessment and Opportunities Appraisal

##### 8.1 Risk Management

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

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

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

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

##### 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be



balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

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

Broseley Town Plan 2013 - 2026

### RELEVANT PLANNING HISTORY:

14/05211/FUL – Erection of a new double garage with external staircase to room above.  
**Pending Consideration.**

14/05210/FUL – New chimneys to existing roof. **Granted 11<sup>th</sup> February 2015.**

14/05209/FUL – Proposed side kitchen extension. **Pending Consideration.**

14/01341/FUL - Erection of two single storey extension to side elevations; increase in roof height to allow for first floor accommodation to include insertion of dormer windows and rooflight to front and rear roofline (amended description). Refused 29<sup>th</sup> October 2014.

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

#### 11. Additional Information

View details online: <http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

None submitted

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Turner

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITIONS

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

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

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

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

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

3. The external materials shall be as specified on the submitted application form to match those of the existing building and there shall be no variation.

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

4. No windows or other openings shall be formed in the south west facing rear gable elevation at first floor level, and no further openings other than those hereby approved shall be formed in the north west facing side elevation without the prior consent of the Local Planning Authority.

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

### Informatives

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

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

Central Government Guidance:  
National Planning Policy Framework

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



Broseley Town Plan 2013 - 2026

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

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Committee and date

South Planning Committee

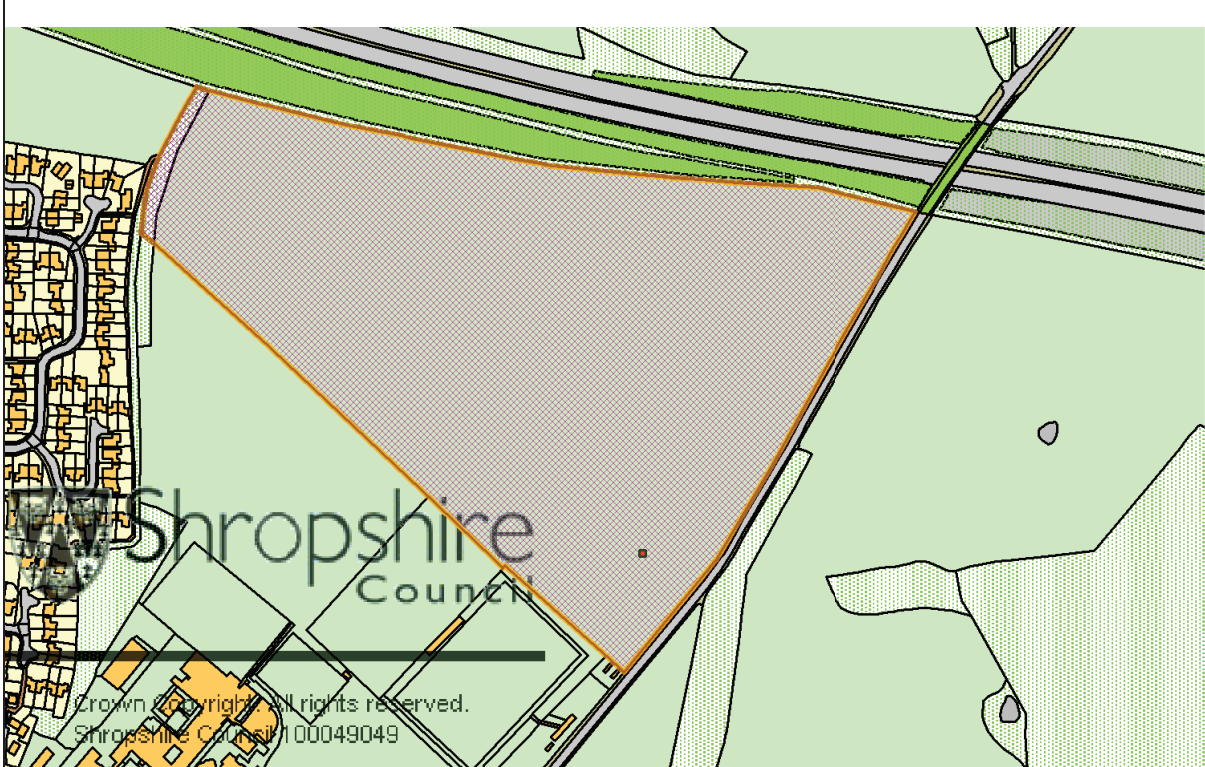
19 May 2015

## 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> 15/00089/REM	<b>Parish:</b>	Shifnal
<b>Proposal:</b> Approval of Reserved Matters (layout, appearance, scale and landscaping) pursuant to permission 13/02989/OUT for the mixed residential development of 200 dwellings; associated parking and estate roads; landscaping works and formation of public open spaces; and associated works		
<b>Site Address:</b> Development Land West Of Coppice Green Lane Shifnal Shropshire		
<b>Applicant:</b> Barratt West Midlands/David Wilson Homes		
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	
<b>Grid Ref:</b> 375725 - 308518		



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This proposal relates to some 10.4 hectares (25 acres) of land immediately to the north east of the current built up area of the town. The application site extends northwards to the M54 boundary, to Coppice Green Lane to the east, the playing fields to Idsall School and the Shifnal FC football ground to the south, and the Admirals Farm residential development to the west, along with a field area adjoining the north western site corner.
- 1.2 The South Planning Committee resolved to grant outline planning permission for residential development on this land at the February 2014 meeting, subject to a Section 106 Agreement relating to Affordable housing provision; contributions to the Travel and Movement Strategy for Shifnal and reduction in speed limit on a section of Coppice Green Lane. (ref 13/02989/OUT). The decision to grant outline consent was re-affirmed at the September 2014 Committee meeting when the change to the 5 year housing supply situation was taken into account. The outline permission was subsequently issued on the 16<sup>th</sup> October 2014. This permission includes the details of the two vehicular access points onto Coppice Green Lane and the widening works to the lane. The principle of residential development on this land cannot be re-visited in the consideration of this reserved matters application.
- 1.3 The layout of the proposed development follows the principles of the indicative master plan submitted with the outline application. There would be an internal loop road linking the two access points, which would have a carriageway width of 5 metres with 2 metre footpaths on either side. The site area within the road loop would be subdivided into six areas by roads, footpaths and a green corridor link. The roads would comprise of one which bisects this area on a meandering route with footpaths on either side; a blocked paved cul-de-sac, also with a separate footpath on one side for part of its length, and with private drives leading off the turning head running parallel to the landscaped buffer strip containing a footpath on the site boundary with Coppice Green Lane; and a shared surface road varying in width from some 3.5m to 5m. There would be a mix of detached and semi-detached houses in these areas, along with a terrace of four affordable dwellings on the southern side at the junction of the bisecting road with the loop road. There would be a mix of detached and integral garages, with some parking bays on the back edge of footways.

- 1.4 A footpath would run the entire length of the south western site boundary. On entering the site at the southern vehicular access point there would be a short private drive serving three detached properties of different which would face onto Coppice Green Lane. The south western side of the loop road would then be fronted by a detached dwelling and two pairs of semi-detached properties before a cluster of properties, comprising of two terraces each of four dwellings and two pairs of semi-detached dwellings are reached, served by a combination of a shared surface road around a 'village green' feature and a private drive. After this group two detached dwellings would front the road, after which there would be a private drive serving three detached dwellings which would face onto a landscaped green link connecting the footpath on the site boundary to the internal loop road. The area immediately to the north west of the green link would contain eight detached dwellings, with six of them served by a shared surface cul-de-sac and short private drive.
- 1.5 At the western end of the loop road there would be two shared surface, block paved cul-de-sacs leading to an area of public open space at the western end of the application site, which would also contain a balancing pond as part of the sustainable urban drainage (SuDS) system, a play area and native woodland mix planting that would extend the existing tree belt along the northern site boundary with the M54. A green corridor link adjacent to private drives serving dwellings in this area would provide a 'north-south' connection. The dwellings in these areas would be a mix of eight different detached dwelling types, with a mix of detached and integral garages.
- 1.6 Along the northern boundary of the site there would be a woodland belt, incorporating a 2m high acoustic landscaped earth bund centrally to the belt, supplemented by a 2m high noise attenuation fence to the east and west of the bund, together with as public open space corridor. The dwellings to the south of the woodland belt and public open space would be a mix of detached, semi detached and terraced properties of 11 different house types. The designs would have a combination of detached garages, integral garages and parking at 90 degrees to the back edge of the footpath. At the eastern end of the northern boundary, and also adjoining Coppice Green Lane itself, the land here is the highest part of the site and this would provide a substantial area of public open space, incorporating a play area.
- 1.7 Most properties would have two parking spaces in addition to garages, although some of the terraced dwellings would each have a single space and share visitor spaces. There would be a total of 31 different house types in the proposed development, comprising of 4 one bedroomed; 14 two bedroomed; 43 three bedroomed; 126 four bedroomed and 13 five bedroomed properties. Of this total 10 dwellings would be for shared ownership (6 two bed and 4 three bed) and 20 would be for rent (4 one bed; 8 two bed and 8 three bed). Nineteen of the four and five bedroomed houses would feature chimneys, which would be positioned at key focal points within the development. The dwellings would contain a mix of 2 and 2.5 storey properties, with the latter having dormers also being at key focal points in the

streetscene. There would be a variety of design features in the dwellings, including some with two storey gable front or rear projections; dual pitched, mono pitched and flat roofed canopy porches; bay windows; predominantly full gable ends to roofs but some hipped ends. External wall finishes would comprise of three types of main facing bricks, a render finish and two types of roof tile in four colour combinations.

- 1.8 The application is accompanied by tracked drawings showing how refuse vehicles could manoeuvre through the development and identifies bin collection points for dwellings which would be situated off private drives. The landscaping scheme would include new native hedging to parts of the boundaries of curtilages and private drives to the footpath corridors and green link corridors areas; beech/holly hedging to some residential curtilage boundaries onto the streets; reinforcing and replacing where necessary to accommodate visibility splays the existing boundary hedge with Coppice Green Lane; and extra heavy standard tree planting in grassed areas. The tree species proposed include Alder, Silver Birch, Hornbeam, Sweet Chestnut, Hawthorn, Beech, Sweet Gum, Crab Apple, Wild Cherry, Pear, Oak, Mountain Ash and Wych Elm.
- 1.9 A Design and Access Statement and updated ecological survey accompanies the application, along with other documents to address conditions on the outline application which can only be formally considered through the submission of a separate discharge of condition application.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is situated outside of the Shifnal development boundary shown in the Bridgnorth District Local Plan and is on safeguarded land which is excluded from the Green Belt. The site is currently in agricultural use, with the topography having a gradual slope down from the north-east to the south-west, with a small farm drain to the western boundary of the site. It is enclosed to the east by an established hedgerow along the Coppice Green Lane boundary, which also contains two trees. There are a number of trees surrounding the site along the northern boundary adjoining the M54 and established trees within the hedgerow on the edge of the site. Trees and hedges feature along the western site boundary and a hedge along the boundary with the sports pitches. The present vehicular access into the site is in the centre of the eastern boundary of the site, via an existing field gate, and there are informal pedestrian access points from the residential area but no official rights of way across the site.

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

- 3.1 The Town Council has submitted a view contrary to the Officer recommendation. The Area Planning Manager in consultation with the Chairman agree that the application should be determined by Committee.



## 4.0 Community Representations

### - Consultee Comments

(Please note that where consultees have made several comments the latest comments are listed first, as these record the outcome of discussions and demonstrate whether any concerns raised earlier have been addressed).

#### 4.1 Shifnal Town Council – Object:

1. Not in accordance with the SAMDev 2013 previously submitted by Shifnal Town Council.
2. Concerns regarding flooding and water run-off.
3. Lack of green spaces included in the application.

#### 4.2 SC Highways Development Control – No Objection: The principle of development has been established at outline planning stage.

### **Access**

Vehicle access to the development has been established at outline planning stage, prior to commencement of works on site, a Section 278 Agreement under the Highways Act 1980 should be entered into prior to cover all works on the existing highway.

### **Design and Layout**

Shropshire Council as Highway Authority does not raise an objection in principle to the overall layout of the development, however would raise concerns with regard to the level of proposed parking for some dwellings.

Shropshire Council as Highway Authority raises no objection to the proposed areas of block paving however would prefer the area of carriageway adjacent to Plot 117 to be standard construction unless there is another reason for its inclusion.

### **Footway Provision**

Whilst it is acknowledged that the development has been designed to Manual Streets, it is recommended that footway provision is made on at least one side of the carriageway between Plot 195 and Plot 66 to encourage linkage within the site to the area of public open space to the north. Details of construction should be submitted and approved prior to commencement of works.

### **Provision of cycle parking/Sheds**

The residential travel plan submitted makes reference to secure cycle parking provision being provided for individual dwellings, a number of dwellings do not have garages, and there does not appear to be any provision for cycle parking. It is recommended that provision is made for properties without garages.

### **Construction**

A detailed construction management plan should be submitted prior to commencement of works. Details of phasing and any proposed temporary turning

facilities should be submitted be subject to an appropriate planning condition.

### **Parking and Plot layout**

A number of plots allocated parking is outside the curtilage of the Plot, for example Plots 1, 20, 58, 63. It is recommended that rear access and a hard paved link to the property is provided encourage parking within the allocated space and discourage on-street parking.

The proposed level of parking for a number of plots to include Plots 10, 11, 14, 15, 91, 92, 174 to 179, 187, 188, 190, appears to only be one space per dwelling, which may lead to on-street parking. It is recommended that consideration is given where possible to increasing the number of allocated parking spaces for the above mentioned dwellings or direct reference to these properties within the travel plan to ensure that car usage is minimised.

Plots 147 and 163 are both located on the two main accesses to the site, allocated parking is one space plus the garage, which is permitted, however in view of the size of the proposed dwelling (4 bed detached) it is likely that on street parking will occur. It is recommended that consideration is given to relocating these plots away from the main accesses into the site, or increasing the number of allocated parking spaces.

### **Recommendation**

It is recommended that the following planning conditions are attached to any permission granted;

1. Prior to the commencement of development full engineering details of the new access roads, footways, parking areas, highway surface water drainage, street lighting and carriageway markings/signs shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details with the estate roads, footways, vehicle manoeuvring and turning areas completed to at least base course macadam level and made available for use before the dwellings they serve are first occupied.

Reason: To ensure a satisfactory access to the site and dwellings, in the interests of highway safety.

#### **4.3 SC Drainage – Comment:**

The following drainage details, plan and calculations should be submitted for approval prior to the approval of the Reserved Matters as per Drainage Condition 7 on Outline Application 13/02989/OUT (Officer Comment: An application to discharge conditions has subsequently been received and is under consideration):

1. A contoured plan of the proposed layout should be provided to ensure that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12. Exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the



development site or contribute to surface water flooding of any area outside of the development site.

Although the piped surface water system has been checked against flooding for a 100 year plus 30% storm, highway gullies are typically designed to accept flows up to the 5 year rainfall event only, with exceedance flows being generated beyond this return period.

There are a number of properties which are vulnerable to surface water flooding from exceedance flow where the floor levels are below the adjacent carriageway. Properties adjacent to SWS chambers S14, S30, S45, S48 and S55 appear to be particularly at risk.

Confirmation is required that the gullies will be able to convey the 100 year plus 30% storm to the piped network or areas identified where exceedance will be stored prior to entering the piped network together with the expected flood volumes.

2. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway

3. Details should be provided of the proposed maintenance regime for the attenuation pond and watercourse on the western boundary, including details of who will take responsibility.

4. The drainage strategy drawing 14073-5 shows area of lined permeable paving. Details of the surface and construction specifications should be submitted for approval.

4.4 SC Learning and Skills – Comment::

Shropshire Council Learning and Skills reports that this development, in aggregation with others in the town, will cause capacity pressures at the local primary schools in the near future. It is therefore essential that the developers of this and any other new housing in the town contribute towards the consequential cost of any additional places/facilities considered necessary at the schools.

4.5 SC Affordable Housing – No Objection:

The layout plan shows the correct number, size and tenure of affordable housing for this site.

4.6 SC Trees- No Objection:

I have reviewed the landscape proposals plans (c-1216- 01B 07B inclusive, PDP Associates) and Landscape Management Plan (PDP Associates, undated but registered 27 Jan 2015) and confirm that I have no objection to the tree and hedge planting and maintenance proposals contained within those documents. I would therefore be happy to recommend discharge of the planting related conditions to

this application.

However, I note that condition 18 to the original approval required a tree protection plan to be submitted and implemented to the written satisfaction of the LPA, prior to commencement of development. To the best of my knowledge, the Tree Protection Plan is submitted as Appendix 4 to the Arboricultural Impact Assessment / Method Statement (13/AIA/SHROPS/20 (RevA), Tree Solutions Ltd, 29 September 2014). Appendix 5 of that document describes the sequence of operations and methods to be followed to ensure damage during construction is avoided to retained and adjacent offsite trees and hedges.

Providing the approved development is implemented in accordance with the precautions and controls described in Appendix 4 and Appendix 5, I would be happy to recommend discharge of tree protection conditions. However, I would point out that the LPAs approval is required to sign-off the tree protective fencing prior to commencement of development.

4.7 Highways Agency – No Objection.

4.8 SC Archaeology – Comment:

We understand that Condition 16 (Programme of Archaeological Work) was a pre-commencement condition of the Outline Planning Permission (Ref. 13/02989/OUT). We confirm approval of the archaeological Written Scheme of Investigation by AOC Archaeology for a pre-commencement archaeological evaluation that has now been submitted in relation to this condition. However, we will only be able to advise that Condition 16 can be fully discharged once the works specified therein has been completed and fully reported on, and where necessary a program for any further archaeological mitigation has also been agreed and completed.

4.9 SC Conservation – No comments to make in relation to conservation matters.

4.10 SC Ecology – No Objection:

I have read the above application and the supporting documents including the Ecological survey update report by CME dated August 2014.

Recommendation:

The landscaping scheme proposed is considered acceptable.

Bat survey

An oak and an ash tree on the Coppice Lane boundary were found to have moderate potential for roosting bats. The REPORT ON A DAYTIME BAT, BIRD AND BADGER SURVEY June 2013 recommends that if any mature trees are to be lost they should be examined further for bats prior to felling, preferably by aerial inspection with an endoscope.

#### Environmental network

The landscaping scheme proposed is considered acceptable.

#### Badgers

The 2014 update of the badger survey confirms that the previous recommendations are still valid.

- 4.11 SC Waste Management – Guidance for architects and developers relating to domestic refuse and recycling storage and collection requirements supplied, but no specific observations made on application.

- 4.12 -Public Comments  
13 Objections, which are summarised below. The full text of the objections may be read on the Council's web site:

-Did not receive the October 2014 newsletter about the consultation.

-Local road network not able to cope with an additional 400 cars (2 per house).

-Not enough parking in the centre of Shifnal.

-Rush hour traffic clogs up the town.

-£500,000 contribution does not illustrate any proposals for easing congestion.

-Coppice Green highway proposals do not comply with SCC specification for residential/industrial estate roads in that the carriageway width for access to residential areas up to 200 dwellings should be 5.5m wide; do not comply with the Dept. for Transport Manual for Streets requiring a maximum design limit of 20mph and street dimensions should take into account the functions of the street, i.e. residential and school traffic.

-Appears to be no restrictions on traffic travelling northwards along Coppice Green Lane towards the former A5.

-Will make surrounding lanes too dangerous to walk or cycle.

-No reference made to the impact of the Aston Fields development on the traffic situation.

-Coppice Green Lane not wide enough to accommodate traffic; suggest all access should come off the back of Admirals Close.

-Put the education facilities, dentists and doctors in the town under strain.

-Any additional development will destroy the fabric and essence of Shifnal. Character of town is under threat.

-15% affordable housing is inadequate for Shifnal; developments will cause

massive house price inflation in Shifnal.

-Concerned that development will put existing properties at risk of surface water flooding, as existing ditch will not be adequate to cope..

-Concerned that the proposed sewer connection in Jellicoe Crescent would not be able to cope with an extra 200 homes.

-Will impact on bird life visiting existing gardens.

-Harm to wildlife through the removal of trees and hedgerows.

-Work already started on hedges to lane.

-Would affect privacy and security of adjacent residential properties; field proposed for development higher than adjacent bungalows; would be overlooked and suffer noise and light pollution.

-Construction activities will cause disturbance and will last about 5 years, harming quality of life.

-Not prepared to allow services to cross their property.

#### 4.13 Idsall School Headteacher – Comment:

-No objection in principle, but raises issue of lack of class room space; dining room space at capacity and this should be addressed alongside the development.

-Lighting of footpath from the site outside Idsall School

-Traffic surveys were conducted at 4.00pm after the majority of school traffic had already left.

-Need to address issues that buses cannot pass cars on Coppice Green Lane without mounting pavement.

-Fencing needed to prevent school grounds being used as a cut through to village and for the safety of students and this is an added expense the school cannot afford.

-Greenspace links to school shown on drawing cannot happen as this would seriously impede the security of their students and site.

## 5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structures

Landscaping and Ecology

Open Space

Residential Amenity

Highway Safety

Housing Mix

## 6.0 OFFICER APPRAISAL

## **6.1 Principle of development**

6.1.1 The principle of residential development on this site has been accepted with the grant of outline planning permission 13/02989/OUT. The issue of access onto Coppice Green Lane and the associated highway improvements was considered at the outline stage and these details are controlled through conditions on the outline consent and the associated Section 106 Agreement. The precise foul and surface water drainage details, the specification for the acoustic barrier along the northern site boundary, the content of a Travel Plan, archaeological investigation, the provision of a landscape management plan, tree protection details and an arboricultural method statement are all matters covered by conditions on the outline consent requiring the approval of details by the local planning authority. A discharge of condition application to cover these matters (ref 15/01101/DIS) is currently under consideration. The matters for consideration in this reserved matters application are solely those relating to the layout, appearance, scale, landscaping and access arrangements within the application site.

## **6.2 Siting, scale and design of structures**

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It cautions at paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also sees to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2.2 The proposed house types would be well proportioned and appropriate for this location. The predominant use of brick and tile, but with some units being rendered with and without brick plinths, would reflect features found in and around Shifnal. The inclusion of short projecting front gables to some dwellings, in a variety of forms and styles, bay windows, canopy porches and chimneys on plots at focal points within the development would provide variety and interest to the street scenes. The 2.5 storey dwellings, featuring dormers, would add to the variation in ridge heights within the development and some of these units would form landmark features at junctions within the development. There would be variations in the depth of set back of dwellings from the roads. The block paved surface treatment to some road junctions within the development, to the cul-de-sacs and shared surface road areas and the curving alignment of road sections would also enhance the street scenes.

6.2.3 There is a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for local authorities to have a specific duty to have special regard to the desirability of preserving listed buildings or its setting or any features of

special architectural or historic interest which it possesses in the carrying out of statutory functions. Coppice Green House is a listed building to the north of the site on the opposite side of the M54 and is screened from the application site. Aston Hall and the buildings adjacent to it are also listed and are situated some 320 metres to the south of the application site at its closest point, and are opposite the Idsall School buildings. The Council's Conservation Officer is content that the layout, appearance, scale and landscaping of the proposed development would not impact adversely upon the setting of these listed buildings and has no conservation comments to make.

### **6.3 Landscaping and ecology**

6.3.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. At the outline stage the Council's Planning Ecologist was content that the development would not harm ecological interests. An ecological survey update has been submitted which concludes there has been no change to the status of the land and its features from the ecological perspective. The Council's Planning Ecologist has studied the update and is in agreement with its findings. She considers that the proposed landscaping scheme is acceptable from an ecological perspective, providing an environmental framework in the development.

6.3.2 Core Strategy policies CS6 and CS17 also seek to protect and enhance those features which contribute to local character, which includes the hedgerows around the application site. The County Arboriculturalist has no objection to the tree and hedge planting proposals within the landscaping scheme, and they are considered appropriate for this location. The additional tree planting along the Coppice Green frontage, coupled with that proposed for the areas of public open space and the green links within the development, would assist in assimilating the development into the edge of town setting.

6.3.3 It is considered therefore, for the reasons explained in Section 6.2 of this report and paragraphs 6.3.1 and 6.3.2 above, that the proposed development would be appropriate in scale, density, pattern and design as required by Core Strategy policy CS6 and would not detract from the quality of the built environment and landscape setting to this part of Shifnal, satisfying also Core Strategy policy CS17.

### **6.4 Open Space**

6.4.1 The Council adopted in January 2012 Open Space Interim Planning Guidance. This guidance has been updated and is being incorporated into the emerging Site Allocations and Management of Development Plan (SAMDev) in policy MD 2 which advises that the amount of public open space to be provided by a residential development should be calculated on the basis of 30 sqm per bedroom. The existing and emerging guidance allows for sustainable urban drainage (SuDS) areas to be counted as part of the open space in a development where they are shown to be capable of dual use. For example a SuDS pool which does not hold water permanently and has gentle gradients to its banks can function as part of the public open space. The section 106 agreement which forms part of the outline



planning permission confirms this basis for the calculation of the public open space requirement and the potential dual use of areas for open space and the surface water drainage function. In this particular case there would be 730 bedrooms in the development, which would generate a requirement for 21,900 sqm of public open space. The public open space areas comprise of an area that could contain a LEAP in the north east corner of the site; a linear strip adjacent to the northern site boundary; an area at the western end of the site where another LEAP could be accommodated together with a balancing pond; a linear strip along the Coppice Green Lane frontage; and two green links which would divide the site into three zones and areas of grass adjacent to footpath links and the first internal road junction in the site reached from the southern access. The open space requirement is met by the proposed site layout with the exclusion of the balancing pond 30 year storage volume area.

6.4.2 Measures to secure the future maintenance of the open space are included in the Section 106 Agreement which forms part of the outline consent and through condition 17 of that consent.

## **6.5 Residential Amenity**

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are those at Collingwood Court and on Admirals Way, which are situated to the west of the application site. The nearest for these dwellings would be some 18 metres from the application site boundary, where an area of public open space and the attenuation pond would be located, with the nearest dwellings in the proposed development some 85 metres from the existing dwellings at the closest point. It is considered that these separation distances would not result in any undue harm to the residential amenities of the existing dwellings. The location of the open space area, which would include a landscaped buffer along its western boundary, would not significantly impact on the living conditions of nearby properties.

6.5.2 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself. The positioning and orientation of the proposed dwellings along the northern side of the site, coupled with the acoustic mounding and barrier covered by condition 6 of the outline consent, and condition 5 that requires the incorporation of noise reduction measures in accordance with the approved Noise Assessment Report, would ensure there would be no undue harm to the residential amenities of properties in the proposed site layout.

6.5.3 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue has been addressed by a condition on the outline permission restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays to mitigate the temporary impact.

## **6.6 Highway Safety**

6.6.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:

“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. It is acknowledged that there are concerns about the impact of development on the traffic situation within the centre of Shifnal and this aspect of the proposal was fully appraised in the consideration of the outline application. All details of the accesses onto Coppice Green Lane and the improvements to Coppice Green Lane have been approved under planning permission 13/02989/OUT, with the associated legal agreement providing funds to the Shifnal Travel and Movement Strategy. The highway considerations in this reserved matters application relate solely to the road and parking layouts within the site.

6.6.2 Highways Development Control are content that the proposed highway layout within the site is acceptable on highway safety grounds and would allow for adequate access by service vehicles. The comments made by Highways Development control in relation to parking at specific plots are noted, but the amount of car parking proposed for the dwellings would satisfy the parking standards of the former Bridgnorth District Council which are still in force in the south east Shropshire area. At the time of writing this report the possibility of adjusting the parking allocations and the provision of cycle parking for plots without garages are matters being discussed with the applicant and the Committee will be updated on these matters at the meeting. A construction method statement is required by condition 14 of outline planning permission 13/02989/OUT.

## **6.7 Housing Mix**

6.7.1 Throughout the whole development there would be 4 one bedroomed properties, 14 two bedroomed properties; 43 three bedroomed properties; 126 four bedroomed properties and 13 five bedroomed properties. The Council's Affordable housing team are content with the mix, positioning and tenure of the 30 units of affordable housing within the proposed development, which matches the current 15% prevailing rate for affordable housing in Shifnal under Core Strategy policies CS9 and CS11. The precise dwelling mix is a marketing decision for the applicant, but it is considered that the mix of development proposed here in the Shifnal context with existing and proposed developments would be in accordance with Core Strategy policy CS11, which seeks to achieve mixed, balanced and inclusive communities.



## 7.0 CONCLUSION

7.1 The principle of a residential development of 200 dwellings on this land, along with the access arrangements off Coppice Green Lane and the improvements to that road, together with a financial contribution of £2500 per dwelling to the Travel and Movement Strategy for Shifnal has been accepted with the grant of outline planning permission 13/02989/OUT. The proposed scheme in terms of layout, scale, appearance and landscaping would not detract from the wider landscape setting of Shifnal of the immediately locality, including the setting of the listed Aston Hall and residential conversions opposite Idsall School to the south of the site, and that of the listed Coppice Green House which is situated on the northern side of the M54. The amount of public open space within the development would comply with the Council's interim planning guidance. The design of the internal road network would not be detrimental to highway safety and the amount of off road parking would accord with the standards of the former Bridgnorth District Council which still apply to south east Shropshire. The design of the proposed development would have no significant impact on neighbour amenity. The reserved matters scheme would deliver affordable housing at the current prevailing rate for Shifnal.

7.2

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:  
CS6 Sustainable Design and Development Principles  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
D6 Access and Parking

SPD on the Type and Affordability of Housing  
Open Space IPG

RELEVANT PLANNING HISTORY:

13/02849/SCR Residential development EAN 24th September 2013  
 13/02989/OUT Outline application (access) for mixed residential development with associated parking, public open space, SUDs pond, landscaping and other ancillary works GRANT 16th October 2014  
 14/04979/SCR Screening opinion for a residential development EAN 24th November 2014

11. Additional Information

View details online:

<http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

- Design and Access Statement
- Ecological Survey Update
- Traffic Assessment Addendum
- Flood Risk Assessment Supplement
- Landscape Management Plan
- Ground Investigation Report

Cabinet Member (Portfolio Holder)  
Cllr M. Price

Local Member  
  
Cllr Kevin Turley

Appendices  
APPENDIX 1 - Conditions

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

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 new access roads, footways, parking areas, highway surface water drainage, street lighting and carriageway marking/signs shall be fully implemented in accordance with details to be approved in writing by the Local Planning Authority, with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings that they would serve are first occupied.

Reason - To ensure the provision of adequate means of infrastructure and access prior to occupation, in the interests of highway safety.

3. All hard and soft landscaping works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that, within a period of five years after planting are removed, become seriously damaged or diseased 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

**Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. The land and premises referred to in outline permission 13/02989/OUT are the subject of an agreement under Section 106 of the Town and Country Planning Act 1990.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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Committee and date

South Planning Committee

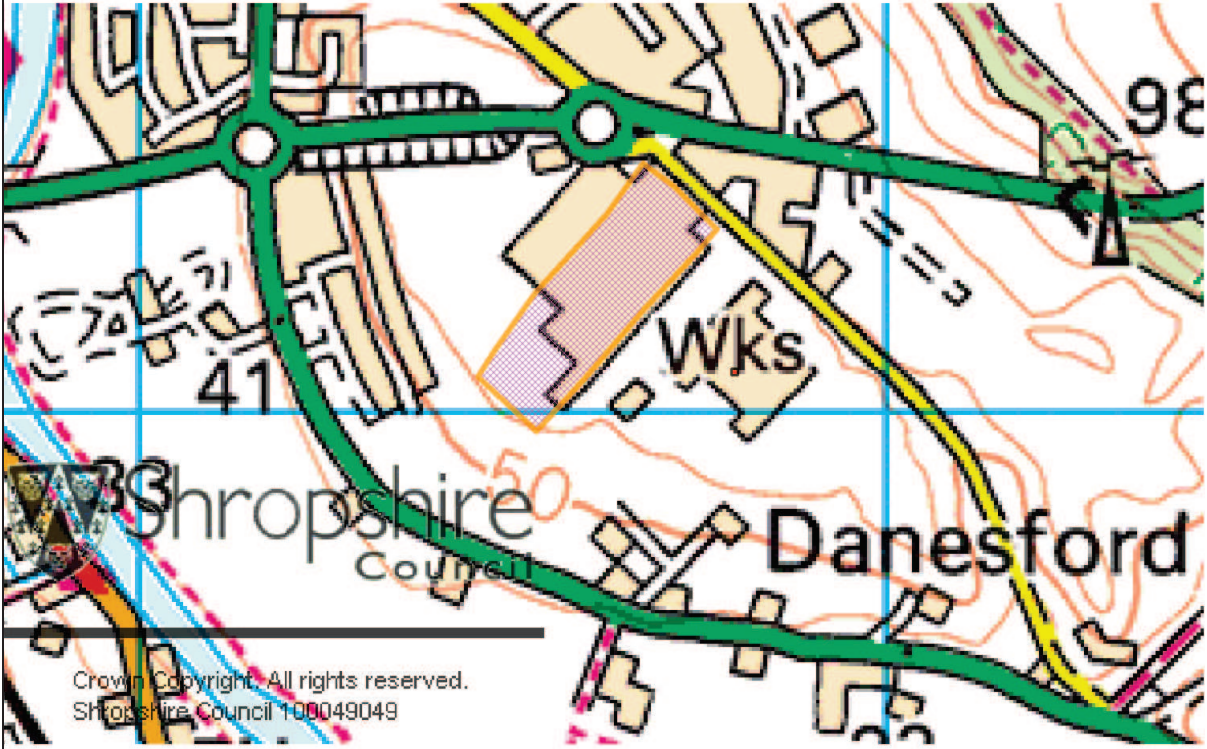
19 May 2015

## 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> 15/00371/FUL	<b>Parish:</b>	Bridgnorth Town Council
<b>Proposal:</b> Rolling Mill installation to include erection of air purification building and exhaust stack, increased height extension to B14a, oil filter plant, and transformer enclosure.		
<b>Site Address:</b> Bridgnorth Aluminium Ltd Factory And Premises Stourbridge Road Bridgnorth Shropshire		
<b>Applicant:</b> Mr Paul Smith		
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	
<b>Grid Ref:</b> 372796 - 292053		



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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 drawings as originally submitted included a number of elements, including a new loading canopy on the north east elevation of building B4, facing towards Old Worcester Road. No proposed elevation drawings were supplied of this structure. These drawings were requested, but the applicants have decided to delete this proposal from the current application. The final proposed design of this loading canopy has not yet been concluded and it will now be the subject of a separate planning application in the future.
- 1.2 The proposed transformer enclosures and oil filtration plant building on the north eastern side of building B14, in the gap between it and building B3 would be 'permitted development' under Schedule 2, Part 7, Class H of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.3 The proposals to be considered in this application are therefore the raising of the height of part of an existing building (B14A) and the installation of three new exhaust air stacks and boiler flue on that building, the construction of an air purification building and the 26.5m high fume stack associated with the purification building.
- 1.4 The roof of the existing building extension at the southern end of building B14, which measures some 11.5 metres by 30.5 metres in footprint, would be raised by 2.5 metres, and would maintain the shallow, dual pitched roof form of this building section, which links onto the older part of the building. It would be clad in profiled steel sheeting. The proposed exhaust air stacks and boiler flue further north on the older part of this building would match closely the height of the proposed raised roof area. The air purification building and stack would be situated in an area between buildings B14 and B3, and existing buildings would screen the former from distant views from the north, east and west. The air purification building would be some 9.8 metres wide, by 18.2 metres long and would be approximately 13 metres high to the ridge of its shallow, dual pitched roof. It would be clad in profiled steel sheeting. The air pure stack would be some 4.4 metres diameter at its base and extend 17.4 meters at this diameter, closely equating to the height of the building on the eastern side of its site, before reducing to 1.8 metre diameter over the top section and extending to a total height of approximately 26 metres above ground level.



- 1.5 The agent has explained that the proposals are part of a £40 million investment to install a new aluminium strip production line in the existing buildings occupied by Novelis until 2010. The production line would extend the applicants capability on the production of high quality lithographic material. Once completed the production volumes from the applicant's operations would rise from the current 90k T/annum to 120k T/annum. The expansion would create 65 new jobs by 2019 and interim work for a number of contractors and suppliers. The existing building B14 previously contained five foil mills when Novelis operated from the site and one new mill is proposed as part of the investment.
- 1.6 With regard to the new fume stack and air purification building, the supporting statement explains that the coil rolling mill uses light oil as a coolant and lubricant. Some of this oil is given off as vapour during the production process and is extracted via a mechanically driven exhaust system. The fume is delivered to an external stack via large diameter ventilation ducts. In the new cold rolling mill equipment the extracted fume would be routed through an air purification system which would extract the oil fume from the exhaust gas before it is released to atmosphere. The recovered oil would be cleaned and processed and returned to the lubrication system. The gas, which will be clean air, would be discharged to the atmosphere via the stack. The air purification system would be in a new building adjacent to the new stack and would replace an existing welding bay and workshop building.
- 1.7 The proposed increase in height to building B14A is due to the proposed new aluminium coil finishing process including a facility to produce annealed coils. The previous Novelis operation included four electric annealing ovens in this area, but the new production line requires a larger size of annealing ovens.
- 1.8 The applicants currently have a waste management plan which requires that all waste be diverted away from landfill where facilities allow. The proposed development would be managed under the existing waste management plan.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is situated on the south-eastern side of Bridgnorth and falls within the Town's development boundary. The whole factory site extends to some 24 hectares and is bounded by a section of the A458 Bridgnorth by-pass to the north, Old Worcester Road to the north east, on the opposite side of which is commercial development; Green Belt agricultural land and the scatter of properties forming Danesford village to the south and east and residential properties on Hillside Avenue to the west. The site is accessed from Old Worcester Road. The works proposed in this application are within the north western part of the site and within the existing building group.

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

- 3.1 The Area Planning Manager, in consultation with the Principal Planning Officer and Committee Chairman, considers that the application is one which raises planning issues that would warrant determination by the South Planning Committee.

#### 4.0 Community Representations

- Consultee Comments

- 4.1 Bridgnorth Town Council – Comment:

Recommends approval in respect of planning application 15/00371/FUL subject to reservations about the height of the stack and an examination of the necessity of this. Approval is also subject to appropriate consultation with the Public Protection Specialist with a view to minimising the noise pollution and further consultation with residents. The visual impact of the stack also needs to be minimised to the best of the company's ability. This includes the painting of the stack in a colour agreeable with local residents.

- 4.2 SC Public Protection (09-03-15) – Comment:

The assessment has been carried out on the principle that the existing operations on site are part of the baseline noise levels and hence the background noise levels have been taken with all the existing noise sources in operations. Whilst this is acceptable as a principle I do have some concerns regarding accepting it in this particular scenario. The noise monitoring to assess background noise levels was carried out between 28th July and 1st August 2014, during this period there were a number of existing noise sources on the site that were resulting in complaints and for which mitigation works were taking place.

I therefore am concerned that accepting a background level taken at a time when the existing noise environment was not considered acceptable would allow a gradual creeping increase in noise levels. The cumulative impact from the continued development on this site needs to be considered as part of this assessment to ensure there is not a gradual increase in noise levels.

The WHO guidance levels for night time noise are already exceeded at most of the locations and as the background noise levels were taken prior to other noise issues being resolved I would recommend that the new plant is designed to achieve a noise rating level that is 5dB below the background levels to ensure there is not a further impact on the noise environment.

The noise report specifies levels of attenuation that are required to achieve acceptable noise levels. The level of attenuation needs to be agreed and it needs to be demonstrated that this level of attenuation can be achieved. A noise mitigation scheme will need to be provided demonstrating how the required

attenuation levels will be achieved.

Where a level of attenuation from the building structure has been assumed this should be specified and the reasoning explained.

In relation to construction noise I will be recommending that our standard construction hours condition is applied to any consent. This limits construction to between 7.30am to 6pm Mon- fri, 8am 1pm on Saturdays and no work on Sundays and bank holidays, if it is necessary to carry out construction works outside of these hours a justification as to why this is necessary and a noise management plan detailing how noise will be controlled will need to be provided.

Accordingly, if the application is successful I recommend that the following conditions be attached to any approval:

1. No development shall take place until a noise mitigation scheme for the insulation of the building in respect of noise and vibration has been submitted to and approved by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained.

Reason: To protect the amenities of occupiers of nearby properties from excessive noise.

2. Demolition or construction works shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

4.3 SC Drainage – No Objection:

No additional impermeable drained areas are being created therefore the surface water drainage should connect and discharge in accordance with the overall surface water drainage system, as detailed on drawing 11.28 A04 Rev G, agreed in application 12/04986/DIS.

4.4 SC Archaeology – Comment:

The proposed development lies c.1000m to the southeast of Bridgnorth Castle Scheduled Ancient Monument (National ref. 1410132).

In their consultation response of 13 March 2015 English Heritage state that they consider the proposed development to be within the setting of Bridgnorth Castle Scheduled Monument. They have therefore recommended that the use of visually recessive materials should be considered in order to reduce the visual impact of the development.

4.5 English Heritage (Historic England) – Comment:

Offer the following observations: The proposed development is within the setting of Bridgnorth Castle Scheduled Ancient Monument (UDS: 1410132). If planning permission is granted the use of visually recessive materials should be considered in order to reduce the visual impact of the development.

-Public Comments

4.6 8 Objections, which are summarised below. The full text of the objections may be read on the Council's web site:

-Adding to the already massive blight on our beautiful valley.

-Proposals contained within existing structures but continued expansion plans mean new buildings will be inevitable in the future.

-26m stack will add to the industrial skyline.

-Concerned that further expansion will follow.

-Stack will not only dominate the skyline but the emissions will not be monitored by any agency; will add to noise levels from motorised fans.

-Promises made with reference to noise pollution from the new cast house have not been entirely honoured; waiting for retro-active attenuation measures to be carried out.

-Hope that sound attenuation is incorporated in the development design and conditioned on any planning permission.

-Note that Novelis had more mills in the building but believe that was light industry; surprised that only one mill needs five stacks.

-Business operates 24/7 and requires greater noise controls than sites away from town and residential communities that operate these hours.

-Base modelling for noise report done at a time when there was a lot of noise disturbance on site, and so the base level for calculations was high and this should be given particular attention..

-No engineering reason for the 26m high stack, which has already been purchased second hand and just happens to be that tall; request that height reduced to the minimum needed to carry out its function.

-There is an existing stack on Building B1A (which also houses a Litho plant) which carries out the same function as the proposed stack, containing an oil/purification system as proposed, but is far shorter.

-Query where the HGVs will park with the 50% increase in deliveries to the site; comment that HGVs currently park on Old Worcester Road, before speeding back through Danesford in the early hours of the morning.

-Concerned about road safety on approach roads.

-Request application be considered by Committee.

-Question accuracy of photographs submitted with application in showing true

landscape impact of proposals.

-Company should do more to minimise visual impact of site.

-Note the valuable employment BA provides but tourism and other businesses also provide a great deal of employment with significantly less impact.

-More effort should be made by BA to ensure minimum impact on the local environment before it commences any new development

-Need better balance between large industry and residential neighbours.

#### 4.7 Bridgnorth Civic Society- Comment:

-The exhaust stack proposed is unnecessarily high and would be visually obtrusive. The stack should only be built to the minimum height needed, rather than simply erect one that has been previously used. This is a visually sensitive part of Bridgnorth which is prominent and can be seen across the valley from many parts of the town for some distance.

-The proposals must provide for adequate sound insulation from the noise that inevitably would come from the proposed increased industrial activity. The likely continuous industrial noise would adversely affect not only residents living nearby but also most of Bridgnorth. The economic benefits to be derived by the community from the expansion of Bridgnorth Aluminium's activities must be balanced by avoiding the damage to residents' quality of life and their right to enjoy reasonable levels of quietness in their homes, especially at night.

-The proposals are silent as to how traffic is to be managed that will inevitably follow from increased production. We suggest therefore that as part of this decision traffic is restricted to cars and light vehicles along Old Worcester Lane past the entrance to the factory, and that all heavy goods vehicles are physically prevented from using that Lane as a through road.

-Apart from the above concerns Bridgnorth Civic Society has no objections to the proposals.

## 5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structures and visual impact

Residential Amenity

Highway Safety

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The proposed development is related to an established major employer in

Bridgnorth and the proposed works are contained wholly within the curtilage of the industrial premises. The site is also within the Bridgnorth Development Boundary. There is no in principle planning policy objection to the proposed development. Core Strategy policy CS3 identifies the Market Towns as the foci for economic development and policy CS13 seeks to deliver sustainable economic growth and prosperous communities. This proposal accords with these objectives.

## **6.2 Siting, scale and design of structures and visual impact**

6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. The existing industrial complex of buildings occupies a skyline position when approached from the south, and form part of the current local context and character. The proposed increase on the roof light of the existing building B14a extension and its dual pitched roof form would not be out of keeping with the scale and massing of the adjacent industrial buildings. The colour of the cladding would be conditioned on any approval issued. The short stacks which would be installed on building B14 would project through the north light roof form of the building, but would not exceed the height of the adjacent B3 building and would not be prominent additions to the roofscape. The proposed air pure building would not exceed the height of building B4 on its eastern side, would be lower than building B3 that would enclose its eastern and northern sides and would have a shallow dual pitched roof form with profiled steel external cladding in keeping with the adjacent buildings. Again, the colour of the external cladding would be conditioned on any approval issued. It is considered that these elements of the proposals would be visually acceptable additions to this complex of industrial buildings.

6.2.2 The proposed air pure stack would be a more prominent addition to the premises, adding an additional stack to the skyline. At a meeting of the Bridgnorth Aluminium-Residents Liaison Group meeting, which was held on 5<sup>th</sup> March 2015, a question was asked about the height of the stack and the verbal response given by the Company representative was that the height could be adjusted. A shorter stack would clearly have less visual impact and the agent for the planning application was asked to explore whether a lower stack was possible without compromising its functionality. A response to this enquiry has been sent in the form of a technical statement as to why the stack has to be approximately 26 metres from the manufacturers Achenbach Buschhutten. This states:

*“The scrubber (washing tower) of an AIRPURE system is a functional part of a complete system. The scrubber is used to clean the contaminated exhaust air coming from the rolling mills.*

*This is done by a special washing technique inside the scrubber. To ensure the proper function of the scrubber a minimum height is required. The cylindrical part must be approx. 18 m. This is needed to have a laminal air stream inside the scrubber and the incorporated exchange packing.*

*The cleaned air leaves the scrubber via an on-mounted stack. This stack must be*



*approximately 8 m high to be able to do reliable exhaust air measurements.*

*German law is prescribing that any emission source must be higher than the surrounding buildings. This is to ensure that no fumes can be trapped between buildings and the fumes are distributed and transported away from the emission source by wind. This law exists in most other European countries as well. It differs only in the requested height above the buildings.”*

The comments made at the residents meeting were correct with regard to the fume extraction process, but the above statement from the Airpure stack designers show that the additional height above the process area is required for accurate emissions monitoring. The agent has also commented that the Airpure design represents the current best technology. He advises that it is very effective at stopping oil emissions to atmosphere, which is to the benefit of the surrounding community and the environment as a whole. He states that the applicants did not need to purchase this system in order to operate the mill, but did so at significant additional expense to ensure that any emissions meet or exceed air quality standards as part of their genuine commitment to environmental sustainability. With regard to the comparison with the stack on building B1A raised by a neighbour, the agent has explained that the system installed there is a basic droplet scrubber and bears no relation to the Airpure system.

- 6.2.3 It is considered that the explanation in paragraph 6.2.2 above is a sufficient justification as to why the stack would have to be of the height proposed. The colour of the stack is a matter which can be the subject of a condition on any planning permission issued to address the comments made by English Heritage (now Historic England). There are existing stacks at the Bridgnorth Aluminium premises. In appraising the application the site has been viewed from vantage points close to the premises, and from locations further away on both sides of the river, including from Stourbridge Road, Danesford, the Knowlesands/Cankhorn area, Oldbury, Castle Walk and the Middleton Priors Road. The main cluster of existing stacks is on the southern part of the site and this proposal would be more centrally positioned with the lower half largely hidden from view by buildings in the immediate vicinity. It is considered that the impact of the stack structure upon the visual amenities of the area would not be sufficient to warrant a refusal of this application. The comments by English Heritage, in not wishing to comment in detail, support the Officer view that the setting of heritage assets would not be compromised by the proposed development.

### **6.3 Residential Amenity**

- 6.3.1 Core Strategy policy CS6 seeks to safeguard neighbour amenity. The purpose of the proposed buildings and structures to house air purification equipment is to ensure that the installation of the second rolling mill would not lead to a deterioration in air quality. With regard to potential noise and vibration, this planning application can only consider that which may be generated by the works which need planning permission, which does not include the installation of new equipment inside the existing Class B2 General Industrial buildings. The noise report submitted with the application addresses the factory upgrade and refurbishment

and identifies the internal and external equipment. The Council's Public Protection Team has raised some queries about the back ground/base line noise levels used as a basis for the assessment, which are set out at 4.2 above. Discussions are continuing between Public Protection and the applicant's agent and noise consultant on this issue and how the appropriate attenuation would be achieved at the time of writing this report. Given that the noise and vibration issue is broader than the elements of the proposal which require planning permission, it is considered that a 'Grampian' type condition should be attached to any approval stating:

"Before work commences on the raising of the roof on part of building B14a, the construction of the air purification building, the installation of the air purification stack and the installation of the stacks and flues on the roofs of building B14/B14a, a mitigation scheme for the insulation of these buildings/equipment in respect of noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation and use of these buildings and equipment and shall thereafter be retained.

Reason: This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before development proceeds in order to ensure a sustainable development which protects the residential amenities of the area."

- 6.3.2 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed in developments through the condition recommended by Public Protection limiting construction hours to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and no work on Sundays, Public or Bank Holidays) to mitigate the temporary impact of construction works.

## **6.4 Highway Safety**

- 6.4.1 Saved Local Plan policy D6 requires that the local highway network and access is capable of accommodating safely the type and scale of traffic likely to be generated. The proposed investment would increase the volume of lorry traffic compared to the recent period when Novelis has ceased operation and other tenants have used that part of the site, but the types of vehicle would not differ from those already serving the Bridgnorth Aluminium premises and the re-commencement of a Class B2 use in these buildings does not require planning permission. The proposals in this application would not enlarge the amount of production floor space at the premises and would not result in a reduction in the amount of space available on site for vehicle parking. It is considered that the highway network and site are adequate on highway safety grounds in relation to these application proposals.

## **7.0 CONCLUSION**

There is no in principle planning policy objection to the proposed development at



this established industrial site. The proposed built form of the air purification building and stack, the raising of the roof on a section of building B14a and the additional stacks/flue on B14/B14a would not unduly harm the visual amenities of the area or compromise the setting of heritage assets in the locality. The residential amenities of the locality can be safeguarded through the recommended planning conditions.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

recommendation.

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:  
CS1 Strategic Approach  
CS3 The Market Towns and other Key Centres  
CS6 Sustainable Design and Development Principles  
CS13 Economic Development, Enterprise and Employment  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
CS19 Waste Management Infrastructure  
S1 Development Boundaries  
D6 Access and Parking

### RELEVANT PLANNING HISTORY:

09/00312/FUL Installation of a five bay modular building GRANT 28th May 2009  
11/04203/OUT Outline planning application for the erection of an extension to the existing cast house building to house a new melting furnace, holding furnace and slab casting line to include access GRANT 2nd February 2012

12/02183/FUL Erection of an extension to the existing cast house building to house a new melting furnace, holding furnace and slab casting line GRANT 1st August 2012  
 12/04986/DIS Discharge of Conditions 4, 7 & 8 on planning permission 12/02183/FUL - Erection of an extension to the existing cast house building to house a new melting furnace, holding furnace and slab casting line DISAPP 20th March 2014  
 13/02406/VAR Variation of condition 2 (Development Plans) attached to planning permission 12/02183/FUL for the erection of an extension to the existing cast house building to house a new melting furnace, holding furnace and slab casting line GRANT 3rd March 2014  
 14/03999/FUL Siting of 2 temporary structures for storage of components (Amended description) GRANT 22nd January 2015  
 BR/APP/LDCP/08/0344 Certificate of lawfulness to ascertain that the re-cladding of existing roof to cast house does not require planning permission PDDEV 10th June 2008  
 BR/APP/FUL/02/0309 Erection of extension GRANT 27th May 2002  
 BR/APP/FUL/01/0903 Erection of extension to hot strip mill GRANT 13th March 2002  
 BR/APP/FUL/06/0661 ERECTION OF AN EXTENSION TO GATE HOUSE GRANT 17th October 2006

#### 11. Additional Information

View details online:

<http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Design and Access Statement

Noise Impact Assessment

Trade Effluent Consent

Photomontages

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Christian Lea

Cllr William Parr

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

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

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

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

3. Before work commences on the raising of the roof on part of building B14a, the construction of the air purification building, the installation of the air purification stack and the installation of the stacks and flues on the roofs of building B14/B14a, a mitigation scheme for the insulation of these buildings/equipment in respect of noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation and use of these buildings and equipment and shall thereafter be retained.

Reason: This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before development proceeds in order to ensure a sustainable development which protects the residential amenities of the area.

4. Notwithstanding the information contained in the application documents, before the installation of the external cladding to the air purification building and the building extension, and before installation of the air purification stack, details of the colour(s) that the external surfaces of these buildings and structure shall be painted or treated shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details on installation.

Reason: In the interests of the visual amenities of the area.

5. Demolition or construction work shall not take place outside the following times:  
-Monday to Friday 07.30 hrs to 18.00 hrs (But at no times on Bank or Public Holidays)  
-Saturday 08.00 hrs to 13.00hrs.  
No demolition or construction work shall take place on Sundays.

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

6. All surface water from the proposed development shall be discharged to the existing factory surface water drainage system.

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

7. This permission does not convey approval for the new loading canopy shown on drawing number P.02 Rev A -Overall site plan as proposed, which was deleted from the application by letter dated 28th April 2015.

Reason: To define the permission, for the avoidance of any doubt.

### **Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

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Committee and date

South Planning Committee

19 May 2015

## 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> 15/01054/REM	<b>Parish:</b> Sibdon Carwood
<b>Proposal:</b> Approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to outline application 14/01645/OUT for the erection of 25 no. affordable dwellings	
<b>Site Address:</b> Proposed Development, Land West of Watling Street, Craven Arms Shropshire	
<b>Applicant:</b> Shropshire Housing Group	
<b>Case Officer:</b> Graham French	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>

### Grid Ref: 342415 – 282896 - Plan 1



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**Recommendation:- Grant Approval of reserved matters subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Background: The South Planning Committee resolved to grant outline planning permission for an affordable residential development on the site at the November 2014 meeting. Outline planning permission was subsequently issued on the 17<sup>th</sup> February 2015 and contains a number of planning conditions. Some of these require the submission of additional information and form the subject of a separate discharge of conditions application (15/01588/DIS). This has recently been submitted and should be read in conjunction with the current application.
- 1.2 The principle of residential development on this land with access off Watling Street has been established and cannot be re-visited in the consideration of this reserved matters application. The outline planning permission relates to the erection of up to 25 affordable dwellings with gardens and 50 parking spaces, including the necessary access and curtilage provisions. All other details including scale, appearance, layout and landscaping form the subject of the current reserved matters application.
- 1.3 The layout of the proposed development follows the principles of the indicative master plan submitted with the outline application. The proposed housing is a mix of 1,2 & 3 bedroom housing. A small proportion of which will be flatted accommodation. The proposed mix is as follows. Numbers in brackets denote the original outline housing mix:
- 1 Bedroom Flats x 4 (4) (59.1 sq m)
  - 1 Bedroom House x 4 (4) (55 sq m)
  - 2 bedroom bungalow x 4 (4) (65.5 sq m)
  - 2 Bedroom House x 8 (10) (75 sq m)
  - 3 Bedroom House x 5 (3) (87 sq m)
  - Total Dwellings = 25
- 1.4 The site plan shows 21 houses accessed by an adopted road off Watling Street to the north of the existing dwellings. A further 4 dwellings would be accessed by a private drive to the south of the existing dwellings. The houses would be set back from Watling Street and the new adopted road by private drives. The Shropshire Way public footpath would continue to run through the western section of the site, from Watling Street to the north-western corner, but it is proposed to divert the footpath and enhance the route though the site.
- 1.5 A landscaping plan accompanies this application. A substantial landscaping zone of planting has been proposed on the western side of the site with the intention of screening views into the site from the Shropshire Hills AONB. All new external amenity areas would be well maintained under a landscape management plan agreed and provided by the applicant. The proposed single storey accommodation has been sited along the Southern boundary again to reduce the impact on the surrounding environment. Further detailed landscaping is proposed along other boundaries.





Plan 1 – Proposed layout

- 1.6 Most properties would have two parking spaces. The front boundaries between properties will be clearly defined. The rear gardens are to be turfed whilst any garden space to the front of the proposed will predominantly consist of turfed lawn with areas of shrubs, small trees and paving. New boundaries between the dwellings will consist of 1.8m & 1.2m high close boarded fence. Demarcation between areas of private ownership and public open space will be fenced with riven fencing to enhance the semi-rural feel.
- 1.7 There would be a variety of design features in the dwellings, including corbelled brick band courses, brick sills and arched window heads. Elevational treatments include a variety of brick and render finishes, forward facing gables and lean-to roofs to ground floor projections. Rendered panels would either face onto Watling Street to reflect the existing housing stock or into the site to reduce the visibility from AONB. Rendered panels would either face onto Watling Street to reflect the existing housing stock or into the site to reduce the visibility from AONB. Entrance canopies with large profile timbers would be provided to main entrances through-out to afford sheltered access to the properties (Plan 3).
- 1.8 A Design and Access Statement accompanies the application, along with other documents to address conditions on the outline application which can only be formally considered through the submission of a separate discharge of condition application.



**Plan 3 – Photomontage of the site from Watling Street**

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is an identified SAMDev affordable housing exceptions site (CRAV002), located on agricultural land to the west of Watling Street. It is adjacent to the western development boundary of the town of Craven Arms and to the east of the hamlet of Sibdon Carwood.
- 2.2 The 1.28 hectare site is currently farmed in arable crop rotation and is surrounded by agricultural land to the north, south and west. It surrounds two semi-detached dwellings 'Sunningdale' and 'Castle View' and is located to the west of the Roman Downs residential development.
- 2.3 The site lies within a 10% Affordable Housing Zone. The Shropshire Hills Area of Outstanding Natural Beauty lies in close proximity to the east and west of the site. The Shropshire Way public footpath currently runs across the site. Craven Arms has good public transport links with a railway station and bus service linking it with Ludlow and Shrewsbury.

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

- 3.1 The application has been referred back to committee at the reserved matters stage as a requirement of the committee resolution on the outline application.

## **4.0 Community Representations**

- Consultee Comments

- 4.1 Sibdon Carwood Parish Council/final Town Council – Object:
1. We note that details satisfying Conditions 4, 5 and 6 have yet to be submitted and require approval from the Committee before the development commences. We await details of these proposals. We are particularly concerned about the surface water and drainage issues and please do note the comments made by Mrs Aplin on the website.
  2. The height of the proposed houses is very high.
  3. The SCALE of the development in open countryside is not in keeping with this small, rural parish
  4. There are no details of the colour of the proposed tiles, brickwork and render which are obviously crucial to the appearance of the houses.
  5. The landscaping buffer zone should include some trees which will mature to a height to attempt to mask the view of the development from the Shropshire Hills and the AONB.
  6. The proposed screening of the development as viewed from the Shropshire Way, (on page 5 of the Munro Associates report), shows only a low hedge which would not screen the houses from anything.
  7. The diversion of the footpath, 'Wart Hill Wander' will not --"enhance" the route and will be to the detriment of all walkers.
  8. In point 2.3 of Berrys report it says the site has been identified as a "suitable and sustainable location for the development of affordable homes". As the developer would be responsible for the improvements needed to be made to Watling Street we would argue that the cost of carrying out all reserve matters would make this development neither suitable nor sustainable.
- To conclude we object strongly to the appearance, landscaping and scale of this whole proposed development, as we have done consistently since 2007.
- 4.2 SC Highways Development Control – No objections were raised at the outline stage when the proposals to extend the existing 40mph speed limit along Watling Street were supported. It was advised that a contribution to cover the cost of a traffic regulation should be secured through the Section 106 Agreement. The internal layout at the outline stage was considered to be acceptable in highway terms. Any further comments on the current reserved matters application will be reported verbally.
- 4.3 SC Drainage – Comment: No drainage details, calculations and plan as requested in our Drainage Comments dated 24 April 2014 under outline application 14/01645/OUT have been provided for comment.  
(Note: These are included in a separate reserved discharge of conditions application which SC Drainage has been consulted on)
- 4.4 SC Waste Management: It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.
- 4.5 SC Affordable Housing – No objection: The development offers a range of affordable housing sizes which meets some of the current need in the local area.
- 4.6 SC Trees - No objection: There are no significant tree issues associated with his site but

the Tree Service did comment on the landscape plan submitted with application 14/01645/OUT. The revised landscape plan is satisfactory and the tree service is happy to recommend that this reserved aspect of the application could be discharged.

- 4.7 SC Rights of Way – No objection. An application has been received to divert as section of the Shropshire Way which crosses the development site. This will progressed in the near future.
- 4.8 SC Archaeology – No comments received.
- 4.9 SC Conservation – No comments received.
- 4.10 SC Ecology – No comments received.
- 4.11 SC Learning & Skills - No comments received.
- 4.12 SC Parks And Recreation - No comments received.

#### Public Comments

- 4.13 Seven public objections have been received. The full text of the objections may be read on the Council's web site. The main concerns listed are as follows:
- will ruin quality of life;
  - inappropriate development in countryside / effect on AONB;
  - development is out of scale with a small parish;
  - will reduce house value;
  - will cause light pollution;
  - we cause noise pollution;
  - will increase traffic and impact on road / pedestrian safety, concerns about existing road safety;
  - will affect privacy;
  - will affect insurance premiums;
  - will increase crime:
  - plots within the town should be developed before an exception site;
  - precedent for further development in Sibdon Parish;
  - questioning the affordability and marketability of the houses;
  - effect on agricultural land;
  - concerns about drainage and sewerage capacity and strain on emergency services;
  - lack of employment opportunity in Craven Arms;
  - effect on Watling Street businesses reliant on rural location;
  - effect on users of The Shropshire Way.

## **5.0 THE MAIN ISSUES**

Principle of development  
Siting, scale and design of structures  
Landscaping and Ecology  
Open Space  
Residential Amenity

Highway Safety  
Housing Mix

## 6.0 OFFICER APPRAISAL

### Principle of development

- 6.1 The principle of residential development on this site with access from Watling Street has been accepted with the grant of outline planning permission 14/01645/OUT. The precise details of surface water drainage, highway / junction construction / design and landscaping are all matters covered by pre-commencement conditions on the outline consent requiring the approval of details by the local planning authority. A discharge of conditions application to cover these matters (ref 15/01588/DIS) is currently under consideration. The matters for consideration in this reserved matters application are solely those relating to the layout, appearance, scale and landscaping arrangements within the application site.

### Siting, scale and design of structures

- 6.2 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It advises at paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.
- 6.3 It is considered that the development would provide an appropriate mix of housing types and the design of the properties would be appropriate for this location. The predominant use of brick and tile, with some render and tiled canopies would reflect features found in this local area on the edge of Craven Arms. The inclusion of short projecting front gables to some dwellings, and chimneys on plots at focal points within the development and arched window heads would add variety and interest to the street scene. The dwellings, featuring dormers, forward facing gables, lean-to roofs to ground floor projections and changes in ridge heights would also add to the variation within the development. In addition, there would be variations in the positioning of dwellings, including a significant set back from Watling Street behind hedging and internal access roads. The shared surface road areas with curving road sections would also enhance the street scene.

### Landscaping and ecology

- 6.4 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. At the outline stage the Council's Planning Ecologist was content that the development would not harm ecological interests and it is considered that the proposed landscaping scheme would deliver an ecological enhancement for the area.
- 6.5 Core Strategy policies CS6 and CS17 also seek to protect and enhance those features which contribute to local character, which includes the hedgerows around the application

site. No mature trees would be affected. The County Arboriculturalist has no objection to the updated tree and hedge planting proposals within the landscaping scheme which is considered appropriate for this location.

- 6.6 Objectors have expressed concern amongst other matters that the proposals would have an adverse impact on the setting of the AONB 650m to the west. The principle of the development was established by the outline application. However, the applicant has provided a photomontage as part of the current application which shows how the proposals would appear from a nearby viewpoint on elevated land within the AONB. This highlights the screening effect of intervening vegetation and the effect of the proposed planting on the site's western margin. The proposal to place single height dwellings on the site's western margin also provides further visual mitigation for views from the nearest parts of the AONB. It is not therefore considered that there would be any unacceptable impact on the AONB.
- 6.7 It is considered that the proposed development would be appropriate in scale, density, pattern and design as required by Core Strategy policy CS6. It is not considered that the development would detract from the quality of the built environment or landscape setting to this part of Craven Arms, including views from the AONB. The proposal also therefore satisfies Core Strategy policy CS17.

#### **Open Space**

- 6.8 The Council adopted in January 2012 Open Space Interim Planning Guidance. This guidance has been updated and is being incorporated into the emerging Site Allocations and Management of Development Plan (SAMDev) in policy MD 2 which advises that the amount of public open space to be provided by a residential development should be calculated on the basis of 30 sqm per bedroom. The existing and emerging guidance allows for sustainable urban drainage (SuDS) areas to be counted as part of the open space in a development where they are shown to be capable of dual use. In this particular case the open space requirement is met by the proposed site layout and landscaping scheme.
- 6.9 The application confirms that the landscape / open space areas would be maintained by the applicant as part of the overall maintenance schedule for this affordable housing development.

#### **Residential Amenity**

- 6.10 Core Strategy policy CS6 seeks to safeguard residential amenity. There are 2 existing semi-detached properties at the centre of the site off Watling Street. It is considered that the layout of the proposed properties has been sensitively designed to protect the amenity of these existing properties. Two proposed bungalows (plots 3 & 4) face towards the garden of Sunningdale (the southern existing property), but with a separation of 20m and existing and proposed vegetation in the intervening area. It is not considered that there would be any overlooking or shading issues. Plot 2, a 2 storey property, is 18m from the façade of Sunningdale, but the principal windows face east and west, away from Sunningdale. Obscure glazing would be used for the north elevation so privacy is preserved. Privacy is maintained between plots 1&2 and 3 by the right angled orientation and use of obscure glazing on subordinate elevations.
- 6.11 The same general relationships apply between Castle View (the northern existing property) and the proposed dwellings. Plot 13, a smaller 2 storey property, is 3.7m from

the rear garden of Castle View, but principal windows face to the east and west, away from the garden. A small ground floor window facing the garden would be obscure glazed. The side elevation of Plot 18, a 2 bedroom 2 storey property is 6.5m from the garden of Castle View. Two small windows would face south towards the garden, but would be obscure glazed so there would be no overlooking. Nor would there be any shading issues given that Plot 18 is located to the north of Castle View. The principal windows of plots 14, 15 face those of plots 16 and 17. These are all 2 storey semi-detached dwellings. However, there is a separation distance of 20m which complies with generally adopted separation criteria.

- 6.12 The location of the open space area, which would include a landscaped buffer along its western boundary, would not significantly impact on the living conditions of nearby properties. There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself. The positioning and orientation of the proposed dwellings would ensure there would be no undue harm to the residential amenities of properties in the proposed site layout.
- 6.13 Building works within the site may cause some disturbance to adjoining residents. It is recommended that this issue is addressed by a condition restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays to mitigate the temporary impact (included in Appendix 1).

#### **Highway Safety**

- 6.14 The NPPF seeks to promote sustainable transport and states (para 32) that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether: “- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” Core Strategy policy CS6 also seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.
- 6.15 Concerns have been expressed by the Parish Council and some local residents about the impact of the development on highway safety at Watling street. However, Highways Development Control did not object to the proposals, subject to a legal agreement covering the costs of a traffic order to extend the existing 40mph speed limit on Watling Street. This agreement has since been completed. The amount of internal car parking proposed for the dwellings would satisfy relevant parking standards. The exact detail of road and junction construction is the subject of a separate discharge of conditions application which is currently under consideration. Officers would note that the highways design submitted in connection with that application is compliant with relevant standards.

#### **Housing Mix**

- 6.16 The housing mix is described in section 1.3 above. The Council's Affordable housing team are content with the mix, positioning and tenure of the affordable housing units within the proposed development. It is considered that the mix of development proposed would be in accordance with Core Strategy policy CS11, which seeks to achieve mixed, balanced and inclusive communities.



**Other matters**

- 6.17 Detailed drainage proposals for the site have been provided as part of the discharge of conditions application which is currently under consideration. Footway construction for the proposed upgraded right of way and an archaeological written scheme of investigation have also been provided. The current reserved matters application has been referred to committee as a requirement of the previous committee resolution. The Council's scheme of delegation allows discharge of conditions applications to be determined under officer delegation. Officers will however update the Parish Council on the status of the discharge of conditions application.

**7.0 CONCLUSION**

- 7.1 The principle of an affordable residential development of 24 dwellings on this land, along with the access arrangements off Watling Street has been accepted with the grant of outline planning permission 14/01645/OUT. The proposed scheme would not detract from the wider landscape setting of Craven Arms and the AONB in terms of layout, scale, appearance and landscaping. The amount of public open space within the development would comply with the Council's interim planning guidance. The design of the internal road network would not be detrimental to highway safety and the amount of off road parking would accord with relevant standards. The design of the proposed development would have no significant impact on neighbour amenity and would deliver much needed mix of affordable housing for the locality.

**8.0 Risk Assessment and Opportunities Appraisal****8.1 Risk Management**

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

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

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

**8.2 Human Rights**

Article 8 gives the right to respect for private and family life and First Protocol Article 1



allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:  
CS6 Sustainable Design and Development Principles  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
D6 Access and Parking

SPD on the Type and Affordability of Housing  
Open Space IPG

### RELEVANT PLANNING HISTORY:

14/01645/OUT Outline application (access for approval) for mixed (affordable) residential development GRANT 17th February 2015

15/01054/REM Approval of Reserved Matters (appearance, landscaping, layout and scale) pursuant to outline application 14/01645/OUT for the erection of 25 no. affordable dwellings PDE

15/01588/DIS Discharge of Conditions 4 (Access, Layout and Construction) 5 (Surface Water Disposal and 6 (Archaeological WSI) for planning application number 14/01645/OUT PCO

11. Additional Information

View details online:

<http://planningpa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NKT1HZTDIZK00>

List of Background Papers

Design and Access Statement

Ecological Survey Update

Traffic Assessment Addendum

Flood Risk Assessment Supplement

Landscape Management Plan

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member: Cllr. Lee Chapman; Cllr David Evans

Appendices

APPENDIX 1 - Conditions

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

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 new access roads, footways, parking areas, highway surface water drainage, street lighting and carriageway marking/signs shall be fully implemented in accordance with details to be approved in writing by the Local Planning Authority, with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings that they would serve are first occupied.

Reason - To ensure the provision of adequate means of infrastructure and access prior to occupation, in the interests of highway safety.

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

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

4. A construction method statement shall be submitted to and approved in writing by the Local Planning prior to the commencement of any development under the terms of this permission.

Reason: To protect the amenities of the nearest residential properties during the construction phase.

5. Hours of working for the construction phase shall be restricted to 07.30 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays. There shall be no construction work on Sundays, Public or Bank Holidays.

Reason: To protect the amenities of the nearest residential properties during the construction phase.

**Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.
3. Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.
4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: [snn@shropshire.gov.uk](mailto:snn@shropshire.gov.uk). Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.



Committee and date

South Planning Committee

19 May 2015

## Development Management Report Schedule of Appeals and Appeal Decisions

<b>LPA reference</b>	14/03472/FUL
<b>Appeal against</b>	Non-Determination
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Paul Stokes
<b>Proposal</b>	Erection of 2No one bedroom flats
<b>Location</b>	Site at 7 Steeple Close Cleobury Mortimer DY14 8PD
<b>Date of appeal</b>	04.03.15
<b>Appeal method</b>	Changed to a Hearing from Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/01075/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs C Olink
<b>Proposal</b>	Repositioning of access
<b>Location</b>	Spring Cottage Steventon Road Ludlow Shropshire
<b>Date of appeal</b>	03.12.14
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	03.03.15
<b>Date of appeal decision</b>	09.03.15
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	13/01633/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Mr and Mrs J Hickman (Norton Estates)
<b>Proposal</b>	Outline application for residential development (14 houses) to include access (revised proposal)
<b>Location</b>	Land Off Corvedale Road, Craven Arms, Shropshire
<b>Date of appeal</b>	24.09.2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	09.03.15
<b>Date of appeal decision</b>	24.03.15
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	14/02212/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Andrew Maiden
<b>Proposal</b>	Erection of two (semi-detached) dwellings with detached garage/stores; alterations to existing vehicular access; provision of driveways, parking areas and amenity areas
<b>Location</b>	Land S Of Netherton Farm Cottages Netherton Lane Highley Shropshire
<b>Date of appeal</b>	07/03/2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/01150/FUL
<b>Appeal against</b>	Conditions Imposed
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	P Williams
<b>Proposal</b>	Erection of 3-bay stable block to include hardstanding and the change of use of land for the keeping of horses.
<b>Location</b>	Land South Of B4385, Twitchen, Clunbury
<b>Date of appeal</b>	18.03.15
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	13/04956/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	G C Rickards Ltd
<b>Proposal</b>	Erection of one dwelling and formation of access
<b>Location</b>	Land east of 30 to 31 The Habit East Castle Street Bridgnorth Shropshire
<b>Date of appeal</b>	19.03.15
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	13/02194/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Mr David Mottershead
<b>Proposal</b>	Erection of one wind turbine with with 60m hub and 86.5m tip height.
<b>Location</b>	The Hills The Down Bridgnorth WV16 6UB
<b>Date of appeal</b>	22/05/2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	27/01/2015
<b>Date of appeal decision</b>	20/03/2015
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	14/04841/PMBPA
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr B Millman
<b>Proposal</b>	Application for Prior Approval under Part3, Class (MB) of the Town & Country Planning (General Permitted Development) (Amendment & Consequential Provisions) (England) Order 2014 for the Change of Use from agriculture to dwelling
<b>Location</b>	66 Linley Brook Britons Lane The Smithies Bridgnorth Shropshire WV16 4TA
<b>Date of appeal</b>	20/03/2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	13/04603/FUL
<b>Appeal against</b>	Non-Determination
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	Mrs Sandra Davies
<b>Proposal</b>	Erection of 1 no.15kW wind turbine with a hub height of 15.4m and blade diameter of 11.1m and all associated works
<b>Location</b>	Three Birches, Mardu, Newcastle on Clun, SY7 8QX
<b>Date of appeal</b>	10.10.14
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	03.03.15
<b>Date of appeal decision</b>	30.03.15
<b>Costs awarded</b>	
<b>Appeal decision</b>	Appeal Dismissed

<b>LPA reference</b>	13/03110/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr I Taylor
<b>Proposal</b>	Outline application (all matters reserved) for the erection of seven dwellings
<b>Location</b>	Land South of Meadow Bank, Coreley, Hints
<b>Date of appeal</b>	20.06.14
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	25.03.15
<b>Date of appeal decision</b>	13.04.15
<b>Costs awarded</b>	YES
<b>Appeal decision</b>	Appeal Dismissed

<b>LPA reference</b>	14/04516/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs Adrian Price
<b>Proposal</b>	Erection of balcony on rear elevation
<b>Location</b>	17 The Woodlands Jackfield Telford TF8 7LN
<b>Date of appeal</b>	24/02/2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	08.04.2015
<b>Date of appeal decision</b>	16.04.2015
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed



<b>LPA reference</b>	14/04464/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	G C Rickards (Investments) Ltd
<b>Proposal</b>	Erection of one dwelling (revised scheme)
<b>Location</b>	Land East Of 30 To 31 East Castle Street Bridgnorth Shropshire
<b>Date of appeal</b>	19/03/2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/02411/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Miss M Pinches
<b>Proposal</b>	Erection of dwelling with detached garage (outline application with all matters reserved)
<b>Location</b>	Proposed Dwelling To The South Of Woodbatch Road Bishops Castle Shropshire
<b>Date of appeal</b>	22/04/2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/01125/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Mrs L Garbett
<b>Proposal</b>	Outline application to include access and layout (scale, appearance & landscaping reserved) for the residential development of six detached houses; formation of vehicular access and estate roads (amended description)
<b>Location</b>	Land Off Park View Broseley Shropshire
<b>Date of appeal</b>	29/04/2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/03645/FUL
<b>Appeal against</b>	Non Determination
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	Mr A Gardener
<b>Proposal</b>	Demolition of existing farm building and erection of a two bedroom detached affordable home
<b>Location</b>	The Parkes, The Knowle, Clee Hill, Ludlow
<b>Date of appeal</b>	20.01.15
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	31.03.15
<b>Date of appeal decision</b>	30.04.15
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

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# Appeal Decision

Site visit made on 8 April 2015

**by Tom Cannon BA DIP TP MRTPI**

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

**Decision date: 16 April 2015**

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**Appeal Ref: APP/L3245/D/15/3003818**  
**17 The Woodlands, Jackfield, Telford TF8 7LN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Price against the decision of Shropshire Council.
  - The application Ref 14/04516/FUL, was refused by notice dated 17 December 2014.
  - The development proposed is a proposed balcony to rear elevation.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this appeal are:
  - (i) the effect of the proposal on the character and appearance of the host building and whether it would preserve or enhance the character or appearance of the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area; and,
  - (ii) the effect of the development on the living conditions of No 12 The Woodlands, with particular regard to outlook.

## Reasons

### *Character and appearance*

3. The Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area comprise of a steeply sided valley, with the River Severn at its heart. The banks of the Gorge are defined by areas of dense woodland and tree cover, interspersed with sporadic housing development and larger, more imposing industrial buildings which are a fundamental part of the areas industrial heritage. The simple design and form of these buildings, combined with their regimented fenestration pattern and detailing make a significant contribution to local character and distinctiveness.
4. No 17 The Woodlands forms part of a modern gated development on the southern banks of the Ironbridge Gorge. Properties have been arranged in a series of blocks to reflect the scale and proportions of traditional industrial buildings in Jackfield. The simplicity of its design and uniform configuration of window and door openings, cills and headers also respond to the local context. As such, despite being a relative modern addition, The Woodlands contributes to the significance of the World Heritage Site and Conservation Area.
5. The appeal property benefits from a modest Juliet balcony which projects slightly beyond the rear wall of the building. It is one of three identical

balconies which are evenly spaced along the rear elevation of the block. Due to their limited proportions and consistency of design the existing balconies do not dominate this aspect of the building. In contrast the proposed replacement balcony would be a substantial structure which would extend out 1.2 metres from the original rear wall. It would also have a width of 3.4 metres and be accessed via French doors serving the lounge of the apartment.

6. I recognise that the balcony would be of a similar design and constructed from materials to match the adjacent structures. Views of the balcony from within the World Heritage Site and Conservation Area would also be partially restricted due to its position to the rear of the site, directly alongside a raised embankment and woodland area. Nevertheless, by virtue of its extensive size and proportions, the proposed structure would introduce a visually imposing feature which would physically dominate the rear of the building. The scale of the balcony would also dilute the sense of rhythm provided by the uniform fenestration pattern which is a defining characteristic of the existing structure and buildings in the locality.
7. Thus, the appeal development would have a detrimental effect on the character and appearance of the host building and fail to preserve or enhance the character or appearance of the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area. It would therefore conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) which require development to contribute to local distinctiveness and protect and enhance the local character of Shropshire's historic environment.
8. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
9. In the context of the Framework's policies both World Heritage Sites and Conservation Areas are heritage assets. Where the harm to the heritage asset would be less than substantial, that harm should be weighed against any public benefit from the proposal, including securing optimum viable use. It seems to me that the significance of this part of the World Heritage Site and Conservation Area lies mainly in the steep sided woodland Gorge, interspersed with imposing industrial buildings and smaller residential properties, which are simple in design and form. On this basis, I consider that the harm I have identified would fall within the category of 'less than substantial', meaning that it should be weighed against any public benefits associated with the development.
10. In the context of the Framework policies for good quality housing, improving accommodation is capable of being a public benefit. The development would provide improved accommodation for the appellants. However, this would not outweigh the harm I have identified to the World Heritage Site and Conservation Area.

#### *Living conditions*

11. The proposed balcony would be positioned directly above the main living area serving No 12 The Woodlands. I recognise the balcony has been designed as a

light weight structure which allows light to flow through it, and would be situated about 2.85 metres above ground level. Nonetheless, a combination of the proximity of the raised embankment to the rear of the building and scale of the proposed balcony would serve to enclose views from the rear facing kitchen and living room windows of the apartment below.

12. As such, the balcony would appear unduly oppressive and overbearing for the occupiers of this property. Consequently, the appeal development would have a harmful effect on the living conditions of No 12 The Woodlands, with particular regard to outlook. It would therefore conflict with Policy CS6 of the CS which seeks to safeguard residential amenity. These objectives are broadly consistent with a core planning principle of the Framework to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*T Cannon*

INSPECTOR

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## Appeal Decision

Site visit made on 9 March 2015

**by Mr A Thickett BA(Hons) BTP MRTPI DipRSA**

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

**Decision date: 24 March 2015**

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**Appeal Ref: APP/L3245/A/14/2225648**

**Land opposite Mill House, Corvedale Road, Halford, Craven Arms, Shropshire, SY7 9BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Norton Estates against the decision of Shropshire Council.
  - The application Ref 13/01633/OUT, dated 29 April 2013, was refused by notice dated 20 June 2014.
  - The development proposed is residential development. The appeal application is in outline with all matters bar access reserved for subsequent approval.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the impact of the proposed development on the character and appearance of the area and the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

### Reasons

3. The appeal site lies to the east and outside the designated settlement boundary of Craven Arms. It is roughly rectangular in shape and includes parts of two fields and a small collection of run down buildings opposite a group of 5 houses known as Halford Meadow. Its long northern boundary is formed by Corvedale Road (B4368), the west abuts the River Onny and the south and eastern boundaries are unmarked. Around 1/3<sup>rd</sup> of the site lies within the Shropshire Hills AONB (eastern end).
4. Travelling down the B4368 from the east one passes through the beautiful rolling open countryside of the AONB. Seen from the east, Craven Arms nestles comfortably within this landscape and is naturally confined by the River Onny. Despite the substantial dwellings at Halford Meadow, one does not truly feel that one is entering Craven Arms until one crosses the bridge over the river. In my view, Halford Meadow is physically and visually separate from the town and the River Onny forms a strong and clear boundary between the town and the open countryside to the east.
5. The open approach to Craven Arms contributes to its setting and is integral to the special landscape of the AONB. The proposed dwellings, which would not be hidden by the existing trees, would significantly undermine this open aspect

and the attractive setting of the town. Whilst the proposed houses would, in some views, be seen against the backdrop of the town they would still be obviously separate from it and appear as an incongruous freestanding group. The proposed houses would be opposite Halford Meadow but, in my view, this does not justify permitting a larger development outside the confines of the town. I agree that the abattoir, which is on the western side of the river, does not present the most welcoming face to visitors but it would still be visible as one crosses the bridge into the town.

6. For the above reasons, I consider that the proposal would have an adverse impact on the character and appearance of the area and the AONB. I conclude, therefore, that the proposed development conflicts with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011.

#### Other matters

7. Norton Camp Iron Age hill fort lies about 900m to the south east of the site. This scheduled ancient monument includes the earthwork and buried remains of Norton Camp '*a large, approximately 7ha, D shaped multi-valliate hillfort<sup>1</sup>*'. Although it is set within dense woodland, as stated by English Heritage, the hill fort enjoys a commanding position above the Onny valley. I also agree with English Heritage that the '*application site is outside the main envelope of the town and has a clear visual relationship with the Norton Camp hillfort*'. The introduction of the proposed built development would interrupt views across the fields to the hill fort and have an adverse impact on the setting of this scheduled ancient monument.
8. I am aware that this is not a reason for refusal but I have a duty to have regard to the impact of development on designated historic assets. My findings in this regard add weight to my conclusion that the appeal should be dismissed.

#### Conclusions

9. The site is not proposed to be allocated for housing in the Council's Shropshire Site Allocations and Management of Development plan. That plan is currently being examined and I agree that it can be afforded only limited weight. The Council's contention that it can demonstrate that it has a 5 year housing supply is disputed. However, even if the Council is wrong and The Core Strategy's policies relating to the provision of housing are, as a consequence, out of date, I do not consider that the lack of a 5 year supply outweighs the harm I identify.
10. For the reasons given above and having regard to all the matters raised, I conclude that the appeal should be dismissed.

*Anthony Thickett*

Inspector

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<sup>1</sup> English Heritage letter to the Council, 22 August 2013.



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## Appeal Decision

Hearing held on 25 February 2015

Site visit made on 25 February 2015

**by R C Kirby BA (Hons) DipTP MRTPI**

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

**Decision date: 13/04/2015**

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**Appeal Ref: APP/L3245/A/14/2220418**

**Land at Hints Meadow, Coreley, Clee Hill, Shropshire SY8 3AP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Ian Taylor against the decision of Shropshire Council.
  - The application Ref 13/03110/OUT, dated 2 August 2013, was refused by notice dated 3 June 2014.
  - The development proposed is the erection of seven detached dwellings.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Ian Taylor against Shropshire Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The site address above has been taken from the appeal form as it more accurately describes the location of the site than that provided on the application form. At the Hearing, both parties confirmed their agreement to its use.
4. The application was submitted in outline and the application form makes it clear that all matters are reserved for future consideration. The appellant confirmed that the plans submitted with the application were for illustrative purposes only. It is on this basis that I have determined the appeal.
5. Since the application was determined by the Council, the emerging Site Allocations and Management of Development Plan (SAMDev) has been submitted for Examination. The parties agreed at the Hearing that the SAMDev can be afforded limited weight as the Inspector's report has yet to be received. Based on all that I have read and heard, I agree with this. I have, therefore, considered the appeal scheme against the adopted development plan and national planning policy.

## **Main Issues**

6. The main issues in this case are:

- the effect of the proposal on highway safety, having particular regard to the local highway network, and
- whether new dwellings in this location would be acceptable having regard to the principles of sustainable development.

## **Reasons**

### *Highway safety*

7. The village of Hints is served by largely single vehicle width roads with no pavements or street lighting, and limited passing places. The road to the north of the village across Clee Hill Common up to the A4117 is however wide enough for 2 vehicles to pass. The village is elevated on the side of Clee Hill and roads leading to and from it are characterised by steep gradients. Given the altitude of the village, I was told at the Hearing that weather conditions can change very quickly, and during the winter months, snow and ice can be a hazard on the unclassified roads leading to the village, as they are not on the Council's gritting route.
8. The local highway conditions mean that when vehicles meet each other, one needs to reverse to allow the other vehicle to pass, sometimes around corners and on a gradient. It is clear from the written evidence and that presented at the Hearing that such manoeuvres are frequent. Indeed, I observed them on my site visit.
9. The Council is concerned that the number of vehicle trips the proposal would generate would be harmful to highway safety. It calculated the number of daily trips per dwelling as being between 5 and 7. This was not disputed by the appellant. A survey carried out in 2010 in respect of another planning application close to the site indicated that the 7 day average flow was 78 vehicles in a southbound direction and 74 in a northbound direction. Having regard to the survey results, I do not consider that the increase in vehicle movements associated with the proposal would be significant. Furthermore, I was not presented with evidence that these additional movements would result in the roads within the area reaching capacity.
10. Moreover, I was not provided with any substantive evidence that the existing use of these roads results in harm to highway safety. I accept that local residents travel along the roads with caution and at slow speeds because of the local highway conditions. There is however no reason to doubt that the intended occupiers of the new dwellings would drive in a similar manner, particularly as they would be accessing and exiting the site off a single track road. Whilst the over running of the highway verge may be a maintenance issue for the Highway Authority, I was not provided with evidence to demonstrate that this resulted in harm to highway safety.
11. The National Planning Policy Framework (the Framework) is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (paragraph 32). On the basis of the evidence before me, whilst vehicles associated with the development may result in inconvenience to other users of the highway

network as a result of increased reversing manoeuvres, I am not satisfied that the number of trips the new dwellings would generate would be so significant to result in any specific or measurable harm. The residual cumulative impacts of the development on highway safety would not be significant.

12. I therefore conclude that the proposal would not result in harm to highway safety. There would be no conflict with the safety objectives of Policy CS6 of the Council's Adopted Core Strategy (Core Strategy) or national planning policy as contained within the Framework.

### *Sustainable Development*

13. The appeal site is currently pasture field, elevated above the single track road which bounds the site's eastern boundary. The site has housing on 2 of its sides, and agricultural fields on the other. There is no dispute between the parties that the appeal site is located within the open countryside.
14. The objective of Policy CS5 of the Core Strategy is to strictly control new development in the countryside. New dwellings to house agricultural, forestry or other essential workers are an exception to this strict control. This policy broadly accords with the Framework which advises at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal does not fall within any of the exceptions set out in Policy CS5 or any of the special circumstances set out within the Framework. The scheme would result in new housing in the countryside where no special circumstances exist. This would be in conflict with Policy CS5 of the Core Strategy and the Framework.
15. The appellant considers that Policy CS5 is out of date because the Council cannot demonstrate a 5-year supply of deliverable housing sites. He considers that the allocated sites within the emerging SAMDev should be excluded from the supply of housing land, as there are outstanding objections to a number of allocations. Furthermore, a number of the sites have deliverability issues. The appellant also considers that the Council should adopt an annualised, rather than a phased approach to the delivery of housing and submits that excluding SAMDev allocations, the supply of housing sites was 2.68 years on 18 November 2014.
16. At the time that the Council determined the planning application it acknowledged that it could not demonstrate a 5 year supply of deliverable housing sites. However since this time, the Council has produced its Five Year Housing Land Supply Statement for Shropshire, dated 12 August 2014, which identifies 5.47 years of supply.
17. There is clearly a difference in opinion as to whether the Council can demonstrate a 5-year supply of deliverable housing sites and I find the evidence before me to be inconclusive. However, regardless of the position on the supply of housing land, the Framework is clear that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49).
18. The Framework at paragraph 7 identifies that there are three dimensions to sustainable development: economic, social and environmental. In terms of the economic role, the Council accept that there would be economic benefits associated with a new housing scheme, including the creation of construction

and trade jobs; that benefits would arise from the New Homes Bonus, Council Tax payments and Community Infrastructure Levy contributions. Residents of the new houses would be likely to support local businesses and services in neighbouring towns and villages. I have no reason to disagree with the Council in this respect.

19. The social role of sustainability includes supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, with accessible local services. The provision of 7 new dwellings would contribute to the housing stock in the area; 3 of which would be affordable. This would make a contribution, albeit small to the Government's objective of boosting significantly the supply of housing.
20. Hints is a small settlement and since the recent closure of the public house, it has no facilities or services other than a village hall. The nearest services and facilities are in Clee Hill and Doddington which are 1.6 miles and 1.1 miles distant. The village is not served by a bus service; the nearest bus stop is on the A4117, which it was agreed at the Hearing is between a 15-20 minute walk from the appeal site, along a road with a steep gradient, with no pavements or street lighting.
21. I was not provided with evidence in writing or at the Hearing that there are safe pedestrian or cycle routes to local services and facilities. I therefore find that in order to access the facilities in neighbouring towns and villages, including places of employment and education, there would be a high probability that residents of the new dwellings would drive to them rather than walk, cycle or use public transport. The services would not therefore be accessible to those members of the community that did not have access to a private car, and as such there would be conflict with the social role of sustainability.
22. In light of my findings above, the intended future residents of the scheme would have a heavy reliance on the private car to access even the most basic of services in Clee Hill and Doddington. Whilst such journeys would be short, once in their cars, the potential to travel further afield to access a wider range of services and facilities would be enhanced, particularly given the limited number of services that these villages offer. This would be in conflict with the environmental role of sustainability which seeks, amongst other things to move to a low carbon economy. I note that the village is served by supermarket home deliveries. However, typically such deliveries are made by vehicles larger than a car and this adds to my concerns above.
23. I therefore conclude that although there would be economic and social benefits as a result of the new housing, these benefits would be limited. The scheme's heavy reliance on the private car, the site's location remote from services and facilities and the limited appeal to those people who may not have personal transport outweigh these benefits. Given that the 3 roles of sustainability are mutually dependent, I conclude that the scheme would not result in sustainable development for which the Framework indicates there is a presumption in favour.

### **Other Matters**

24. Given that I have concluded that the scheme would not represent sustainable development, even if the Council has a shortfall in the supply of deliverable

housing sites, the thrust of paragraph 14 of the Framework does not apply, and does not offer a basis to allow the appeal.

25. The appellant considers that Hints is similar to other villages which have been identified as Community Clusters in the emerging SAMDev. It was agreed between the main parties at the Hearing, that the matter of whether Hints should be a Community Cluster is not something that can be resolved through an appeal on an individual site. I have therefore attached limited weight to this matter in my decision.
26. Both parties have drawn my attention to several appeal decisions<sup>1</sup> which they consider are of relevance to this appeal. Whilst there may be similarities in terms of the issues raised, I have not been provided with evidence to demonstrate that the schemes are directly comparable to that before me. I have therefore determined the appeal scheme on its own merits. The other appeals referred to have not been determining factors in my consideration of this appeal.
27. The appellant provided a unilateral undertaking that would secure the provision of 3 of the new dwellings being affordable. Whilst this provision would have some social benefits, it would not outweigh my concerns in relation to the appeal scheme. The obligation has therefore had little bearing upon my decision.
28. My attention has been drawn to a previous planning permission on the site for residential development. This application was granted in 1996. A subsequent application was refused in 2001 and this was dismissed at appeal. The planning history of the site has had little bearing on my decision, as in both cases, the schemes were considered under different planning policies to those before me.

## **Conclusion**

29. For the above reasons, and having regard to all other matters raised, I conclude that the development would not result in sustainable development. Accordingly the appeal is dismissed.

*R C Kirby*

INSPECTOR

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<sup>1</sup> Refs:T/APP/K3225/A/93/224705/P5; APP/K3225/A/02/1087956; App/K3225/A/02/1081226; APP/L3245/A/14/2223481.

## **APPEARANCES**

### FOR THE APPELLANT

Mr Rob Mills	Les Stephen Planning
Mrs Helen Howie	Berrys

### FOR THE COUNCIL

Miss Julie Preston	Shropshire Council
Mr Daniel Corden	Shropshire Council
Mr Andrew Williamson	Shropshire Council
Miss Gemma Lawley	Shropshire Council

### INTERESTED PARTIES

Mrs Lorraine Clarke	Local Resident
Mrs Jane Thomas	Coreley Parish Council
Mr Leslie Bywater	Coreley Parish Council
Mr Vincent Romeo	Coreley Parish Council

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Copy of Table NTS0405 (Department of Transport National Travel Survey)
2. Copy of suggested changes to emerging Policy MD3 of SAMDev
3. Copy of Shropshire Five Year Housing Land Supply Statement (November 2014)
4. Copy of Policy CS2 of the Core Strategy
5. Copy of Policy CS3 of the Core Strategy
6. Copy of Policies MD1, MD2, MD7a, MD7b, MD8 and S6 of emerging SAMDev
7. Copy of Type and Affordability of Housing Supplementary Planning Document

## **DOCUMENTS SUBMITTED AFTER THE HEARING**

1. Agreed wording for Construction Method Statement condition



## Appeal Decision

Site visit made on 3 March 2015

by **Mike Robins MSc BSc(Hons) MRTPI**

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

Decision date: 9 March 2015

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**Appeal Ref: APP/L3245/A/14/2229344**

**Spring Cottage, Steventon Road, Ludlow, Shropshire SY8 4BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Charles Olink against the decision of Shropshire Council.
  - The application Ref 14/01075/FUL, dated 10 March 2014, was refused by notice dated 17 November 2014.
  - The development proposed is to reposition access from the road.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. Whether the proposal would preserve or enhance the character or appearance of the Ludlow (Steventon) Conservation Area (the CA).

### Reasons

3. This appeal relates to a proposal to create a new access from Steventon Road, a minor road south of Ludlow. The proposed access lies within the CA and the road here is lined to the west by an impressive double row of lime trees, which, beyond Meadow House, are matched by mature oaks along the eastern side. This creates a highly distinctive avenue, which, with open pastures and some understorey planting, establishes an attractive, semi-rural character, albeit there is a train line a short distance to the east.
4. A previous planning application led to permission for a new dwelling in an area to the south of Spring Cottage and the west of Manor Cottage, which had a proposed access off the lane running west from Steventon Road. This lane provides access to Manor Cottage, as well as some farm buildings and other properties. Although the site of the permitted entrance would appear to be lower than the site for the proposed dwelling, nonetheless this entrance had been proposed following Council concerns about access directly off the road. There is an alternative access via a field entrance a short distance along Steventon Road, which opens into a paddock with further access through another field gate to the site for permitted dwelling.
5. The appellant states that an anomaly in the Land Registry Plan and relevant deeds affects the permitted access, while use of the field gate, although possible, would effectively isolate a section of the pasture. Thus, the new entrance is proposed. This application was supported by a tree report, which suggested that the overall amenity of the trees would not be lost as a result of the proposal.



6. The lime trees would appear to have been pollarded with a number displaying boles and multi-stemmed trunks. The relatively dense planting has led to some restrictions to growth and a few of the trees display defects, nonetheless, overall I consider this to be an impressive grouping, which gains significance from its contribution to the avenue and provides an important element of the character and appearance of the CA. I note that the CA Statement specifically identifies the contribution the avenues make to the 'rich natural setting of the area'.
7. There are two existing entrances through the tree belt near to the site, the field gate and an entrance to Spring Cottage, which the appellant suggests show that a new entrance could be satisfactorily assimilated. I noted that the canopy had overgrown these openings somewhat, and that the hedgerow limits oblique views as one passes along the road. While it is likely to be only fully appreciated in winter, there is a thinning of the canopy at the entrances, although I accept that in full leaf this would be less noticeable.
8. The proposal before me seeks to close off the existing field entrance and provide an alternative slightly to the south. Three trees are identified to be lost directly, although it is proposed that a single tree is planted when closing the field entrance, as well as three additional lime trees to be planted along the new driveway behind the proposed access.
9. The proposal would result in there being only two trees remaining at the start of the row. While over time the canopy would grow over the gap, and, if particular care is taken, it may be possible to ensure that the new entrance preparation and surfacing may not materially effect trees T2 and T6, there would still be a significant short-term impact on the row of trees here. In terms of the existing entrance, I have some doubts over whether a replacement tree would establish successfully, and, in any case, the benefits of this would not be realised for a significant period.
10. Consequently, I consider that there would be material harm in the short to medium term to the tree belt, which collectively forms an important element of the character and appearance of the CA. Mitigation measures would assist only in the longer term, and doubts remain over the likely effect on the trees immediately adjacent to the proposed access and on the success of any replanting within the tree belt. The proposed compensatory planting of three trees along the drive would be of some general benefit, but would not address the harm to the collective value. I consider that the proposed new access would fail to preserve the character or appearance of the CA.
11. The proposal would therefore conflict with the Shropshire Local Development Framework Core Strategy, wherein Policies CS6 and CS17 seek to protect the quality and local character of the natural, built and historic environment. The National Planning Policy Framework sets out aims to protect and enhance valued landscapes and introduces in paragraph 134, a balanced approach where harm to heritage assets, which includes CAs, is less than substantial. While I accept that the harm here may not be substantial, nonetheless, on the evidence before me there does not appear to be a strong and overriding case to justify the short to medium term harm.
12. Furthermore, there is an overarching statutory duty on decision makers set out in Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, that, in the case of CAs, special attention is to be paid to the desirability of preserving or enhancing the character or appearance of that area.



13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Mike Robins*

INSPECTOR

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## Appeal Decision

Site visit made on 27 January 2015

**by Kay Sheffield BA(Hons) DipTP MRTPI**

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

**Decision date: 20 March 2015**

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**Appeal Ref: APP/L3245/A/14/2218544**

**The Hills, The Down, Bridgnorth, Shropshire, WV16 6UB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Mottershead against the decision of Shropshire Council.
  - The application Ref 13/02194/FUL, dated 5 June 2013, was refused by notice dated 7 March 2014.
  - The development proposed is the erection of a single 500kw wind turbine with a hub height of 50 metres and tip height of 76.5 metres.
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### Procedural matter

1. The hub height of the turbine was initially proposed to be 60 metres. During the course of the planning application this was reduced to 50 metres and as a consequence the tip height fell from 86.5 metres to 76.5 metres. The Council made its decision on the application on the basis of the revised dimensions and I have determined the appeal likewise.
2. Stop Bridgnorth Wind Farm Limited (SBWF), formed in 2011, represents over 200 members from surrounding villages who are concerned over proposals for wind turbines in the area. SBWF submitted representations against the development. Whilst a representative of SBWF asked to attend the site visit, he was denied access by the appellant. I therefore inspected the appeal site in the presence of the appellant, his representatives and an officer from the Council. I was unaccompanied during the remainder of my visit.

### Decision

3. The appeal is dismissed.

### Main Issues

4. The main issues are the effect of the development on the landscape character and visual amenity of the area; and leisure and tourism interests.

### Reasons

#### *The site and its surroundings*

5. The site of the proposed turbine is part of an agricultural field set on the southern hillside of the Mor Brook Valley and approximately 2.6km south west of Bridgnorth. Although the site is not in a designated area, Thatchers Wood Site of Special Scientific Interest (SSSI) is located approximately 300 metres to the east of the site, the boundary of the Shropshire Hills Area of Outstanding Natural Beauty (AONB) lies approximately 8.2km to the west and Oldbury Wells

Conservation Area is approximately 2.1km to the north east. In addition to the Scheduled Ancient Monument (SAM) at Bridgnorth Castle there are several Listed Buildings (LB) in the area which include properties at Eudon George and Dudmaston Hall.

6. The house and farm buildings associated with The Hills are sited approximately 350 metres to the north west of the site of the proposed turbine. The complex includes several large agricultural buildings including two grain silos which are quite prominent features in the landscape. The Jack Mytton Way, a long distance bridleway and footpath, follows the minor road approximately 235 metres to the west which also gives access to The Hills and several other properties in the area. There are other public footpaths which run from Jack Mytton Way in a north easterly direction to the north west and south east of the site. In addition to the residential property at The Hills, there are other dwellings scattered across the local landscape, six being within 1km of the site and the nearest approximately 550 metres to the south.

#### *Planning Policy*

7. The National Planning Policy Framework (the Framework) makes a presumption in favour of sustainable development and requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The Framework goes on to identify in paragraph 93 that the delivery of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development and in paragraph 98 requires applications to be approved if the impacts of the proposals are (or can be made) acceptable.
8. The Framework gives support in paragraph 28 to economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It promotes the development and diversification of agricultural and other land based rural businesses as well as supporting sustainable rural tourism and leisure developments which benefit businesses in rural areas, communities and visitors. However, the planning system is also required by paragraph 109 to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
9. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011 (CS) strictly controls new development in accordance with national policies protecting the countryside. It supports developments on appropriate sites which maintain and enhance countryside vitality and character and where the development would improve the sustainability of rural communities by bringing local economic and community benefits particularly where they relate to small scale new economic development diversifying the rural economy, including farm diversification schemes and agricultural related development. The need to support rural enterprise and diversification of the economy in association with agricultural and farm diversification as well as green tourism and leisure is also recognised in Policy CS13 of the CS.
10. With regard to the local environment, Policies C6 and CS17 of the CS between them seek to ensure that developments protect and enhance the diversity and high quality of the natural, built and historic environment, and Policy CS17 requires that proposals do not affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings

or their connecting corridors. Policy CS6 requires developments to be appropriate in scale, density, pattern and design taking account of local context and character as well as safeguarding residential and local amenity.

11. Policy CS16 seeks to deliver high quality, sustainable tourism and cultural and leisure development which enhances the vital role these sectors play for the local economy, benefits local communities and visitors and is sensitive to Shropshire's intrinsic natural and built environment qualities.
12. Although not relied on by the Council in refusing planning permission, saved Policy D11 of the Bridgnorth Local Plan, 2006 (LP) has been referred to in evidence and in particular criteria 3 and 4. These state that renewable energy schemes should not *detract from the residential or recreational amenities of the area by reason of noise, vibration, increased risk of health or public safety or (in the case of wind turbines) shadow flicker*. In addition wind turbines should be *located so as to avoid sensitive skylines where they would dominate long distance views*.
13. I am satisfied that the policies relied on by the Council are generally consistent with the principles of the Framework which is a material consideration in the determination of the appeal.

*Effect on landscape character and visual amenity*

14. The Landscape and Visual Impact Assessment (LVIA) when initially submitted with the planning application included a number of visual representations in the form of photographs and wireframes from 12 representative viewpoints. The visual representations from three of these viewpoints were amended in the light of the reduction in the height of the hub and were supplemented by visualisations from an additional vantage point. The Council is satisfied that the LVIA complies with relevant methodology whereas SBWF is critical of it and has made issue with, amongst other things, the locations the visualisations are taken from and their accuracy. Although SBWF has submitted photographs from alternative and additional viewpoints, these lack any technical detail and do not show the turbine.
15. I consider there are shortcomings in the LVIA, particularly the lack of technical information regarding the visualisations and the inconsistency between some of the photographs and the wireframes. In the visualisations from Moreville I am not satisfied that the position of the turbine is shown correctly. Nevertheless, despite my reservations about the quality of the submissions, I am satisfied that I am able to reach a reasoned decision from the evidence before me.
16. The LVIA identifies the appeal site as being within the "*Principal settled farmlands*" landscape type as set out in the Shropshire Landscape Typology, 2006 and this appears to have been accepted by the Council in its committee report. However, the parties are agreed in their appeal submissions that the site is within the "*Wooded estatelands*", close to the boundary of the "*Principal wooded hills*" landscape types and I have assessed the proposal on this basis.
17. The key characteristics of the "*Wooded estatelands*" are noted as a rolling landform with large blocks of ancient woodland, large country houses with associated parkland and mixed agricultural land use. The woodland is described as "*the dominant structural component, creating framed views and medium to large scale landscapes*". In contrast the key characteristics of the

“Principal settled farmlands” are listed as mixed farming land use and a varied pattern of sub-regular hedged fields which are described as creating medium scale landscapes with predominantly filtered views. Given its proximity to the site I have also had regard to the “*Principal wooded hills*” landscape type, the key characteristics of which are listed as prominent sloping topography with an interlocking pattern of large blocks of woodland, wooded land with occasional pasture fields and a low density dispersed settlement pattern. The landscape type is described as varying in scale from small and intimate with framed views inside the woodlands to medium scale with filtered views in more open areas.

18. The submitted Zone of Theoretical Influence (ZTV) maps indicate that at its tip height the structure would theoretically be seen from approximately 18% of the area within a 10km radius of the site. This reduces to approximately 13% with regard to the hub height. As the distance from the site decreases the turbine would become increasingly visible and the ZTV indicates that within a 2.5km radius of the site there would be very few areas from which the turbine would not be seen. However, the ZTV is based on bare terrain topographical data and in reality surface features such as minor topographical features, vegetation and built structures would reduce the amount of the turbine which would be visible from any one location. Given the local topography and the screening provided by areas of woodland and high hedges, the points in the local landscape from where the turbine would be visible would be fewer than shown on the ZTV.
19. This is demonstrated by the visualisations from several of the submitted viewpoints such as Dudmaston Hall, Morville, Bridgnorth Castle and Oldbury Wells Conservation Area and although the turbine might be seen in part from these locations, I consider that the intervening topography and vegetation would satisfactorily limit the extent to which the turbine would be visible. Whilst the visualisation from the viewpoint on Brown Clee Hill, on the edge of the AONB, shows views towards the appeal site to be restricted by vegetation, I consider that in the panoramic views available from some vantage points the turbine would be visible. I am concerned that in some views the turbine, due to its height, would break the skyline. If this did occur the evidence does not convince me that the turbine would not create a prominent feature on the skyline despite the separation distance. However, from most vantage points I am satisfied that in this panoramic setting the turbine would be assimilated with a moderate effect on the character of the landscape and visual amenity.
20. The viewpoints at Eudon George are in a slightly elevated position. The visualisations indicate a large proportion of the turbine would be seen and would include the whole of the rotor blades. In some views from Eudon George and the area around it the turbine would appear on the skyline where it would appear out of context with nearby trees and hedges. In these circumstances the turbine would appear dominant in its surroundings with a moderate effect on landscape character and a significant effect on visual amenity.
21. The most significant effects from the turbine are likely to occur in closer proximity to the appeal site. Although the roadside hedges and other trees and natural vegetation would provide a level of screening, there would be some open views from vantage points on Jack Mytton Way and the footpaths radiating from it. Also from viewpoints at Eudon Burnell, Westwood and the junction on the B4364 the visualisations indicate that the rotor would appear above the trees and hedges which would screen the lower part of the turbine.

In these circumstances I consider that the turbine would create an unduly dominant feature in the local landscape.

22. I understand that the local public rights of way network is well used and Jack Mytton Way in particular is popular with walkers and riders. Although the screening provided by the trees and hedgerows would result in visibility of the turbine being intermittent, where the turbine would be visible I consider it would have a significant effect on the visual amenity of receptors.
23. Although SBWF has provided a list of approximately 73 properties it considers would have a view of the turbine, it accepts that none would be substantially affected by the development, including the nearest property not within the control of the appellant which lies to the south east of the site. Trees and hedges would provide many of the properties with a degree of screening from the turbine. In respect of the properties I observed during my visit I am satisfied that the turbine would not be such a dominating feature in the views from them as to cause serious harm to the visual amenity of the occupants.
24. The appellant has suggested that as the development is reversible and would be restricted to 25 years there would be no long term physical change to the character or appearance of the countryside. Whilst the development may be reversible, 25 years is a substantial length of time over which there would be a significant physical change to the character of the landscape as well as an effect on visual amenity.
25. The turbine would create a significant new feature within the local landscape but in longer distance views I am satisfied that the development would not appear unduly prominent and would have only a moderate effect on the character of the landscape and visual amenity. However from other vantage points and particularly those closest to the site, I am concerned that the turbine, primarily due to its height, would appear unduly dominant and would unacceptably adversely affect the landscape quality of the area. Moreover the development would cause degradation of the rural views enjoyed by local residents and visitors in their use of the area, resulting in a significant level of harm to visual amenity. On this basis I consider the development would be contrary to Policies CS5, CS6 and CS17 of the CS and the Framework.

#### *Leisure and tourism interests*

26. The Council and interested parties raised concerns with regard to the effect the turbine would have on local leisure and tourism interests which centre not only on Bridgnorth and other attractions such as Dudmaston Hall, but also on outdoor facilities such as Jack Mytton Way and the AONB. They contend that visitors are attracted to the area for its high quality and unspoilt scenery as well as its peace and tranquillity. Leisure and tourism is clearly important to the local economy and there is much uncertainty around the potential impact that might arise from turbines in general.
27. However, on the evidence before me, I remain unconvinced that the proposal for a single turbine would have a significant effect on local leisure and tourism interests. On this basis I consider the development would not offend Policies CS5, CS13 and CS16 of the CS or the Framework.



*Other material considerations*

28. The appellant farms in the local area and specialises in arable crops, poultry and feed milling. The latter currently provides feed for approximately 60% of the birds and it is the appellant's intention to expand the feed side of the business and move all the poultry onto own feed rations, thus negating the need to buy in poultry feed. The electricity generated by the turbine would be used by the mill plant and other farming activities with any surplus being exported to the national grid. Although the amount of electricity which would be generated by the turbine is disputed by SBWF and I accept that there would be fluctuations, the production of electricity from a renewable source would provide an element of stability with regard to energy costs for the business and help secure its long term viability. In addition, the employment the business currently provides would be retained and an additional job would be created. The scheme would also represent a significant benefit in helping to meet energy needs both locally and nationally. The policy background in respect of renewable energy schemes and the benefits to meeting national energy needs and to farm viability weigh significantly in favour of the proposal.
29. The appellant has indicated an intention to make a donation of £8000 per annum to the local community. The Government recognises such initiatives as a way of providing positive benefit from renewable energy development to the local community. However, the contributions volunteered by the appellant could not be legitimately described as necessary for the development to proceed and therefore carry no weight in the determination of the appeal.

**Conclusions**

30. I have identified harm with regard to the effect of the development on the character and visual amenity of the landscape which both carry significant weight against the appeal. These have to be balanced against the benefits the scheme would secure through the generation of electricity from a renewable source, reducing carbon emissions, and contributing to the farm economy. I have also found that there would be no identified harm from the development to leisure and tourism interests. However, in my judgement the benefits of the scheme are not sufficient to clearly outweigh the harm to landscape character and visual amenity.
31. For this reason, and having had regard to all other matters raised including the letters of support for the proposal, the appeal is dismissed.

*Kay Sheffield*

INSPECTOR



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## Appeal Decision

Site visit made on 31 March 2015

**by C Sproule BSc MSc MSc MRTPI MIEnvSc CEnv**

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

**Decision date: 30 April 2015**

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**Appeal Ref: APP/L3245/W/14/3001315**

**The Parkes, The Knowle, Clee Hill, Ludlow SY8 3NL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Anthony Gardener against Shropshire Council.
  - The application Ref 14/03645/FUL, is dated 11 August 2014.
  - The development proposed is demolition of existing farm building and erection of a two bedroom detached affordable home.
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### Decision

1. The appeal is dismissed and planning permission for demolition of existing farm building and erection of a two bedroom detached affordable home is refused.

### Main Issues

2. These reflect matters raised in representations in regard to the application and are: a) whether the proposed development would conserve the landscape and scenic beauty of the Shropshire Hills Area of Outstanding Natural Beauty (AONB); b) whether the proposed development would be an affordable home to meet a local need; c) the effect of the development proposed on protected species; and, d) the effect of the development proposed on the living conditions of residents of dwellings on Lion Lane in relation to overlooking and loss of privacy.

### Reasons

#### *Area of Outstanding Natural Beauty (AONB)*

3. The appeal site lies within the AONB. Paragraph 14 of the National Planning Policy Framework ('the Framework') confirms the presumption in favour of sustainable development to be at the heart of the guidance. For decision-taking, the paragraph notes the presumption to mean: approving development proposals that accord with the development plan without delay; and, where the development plan is absent silent or out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies of the Framework indicate that development should be restricted. Footnote 9 of the Framework confirms the 'specific' policies to include those relating to AONBs.

4. Framework paragraph 115 states that great weight should be attached to conserving landscape and scenic beauty in AONBs, which along with National Parks have the highest status of protection in relation to landscape scenic beauty. It also confirms that the conservation of wildlife and cultural heritage are important considerations in an AONB.
5. Policy CS17 of the Shropshire Local Development Framework: Adopted Core Strategy – March 2011 (CS) requires development to identify, protect, enhance, expand and connect Shropshire’s environmental assets to create a multifunctional network of natural and historic resources. It seeks all development to contribute to local distinctiveness, having regard to matters that include landscape, biodiversity and heritage assets.
6. CS policy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside (and Green Belt). On appropriate sites that maintain and enhance countryside vitality and character, the policy is permissive of development that includes dwellings to house essential countryside workers and other affordable housing / accommodation to meet a local need in accordance with CS policy 11 (and CS12).
7. Clee Hill provides panoramic views of and from the hills around it and across the landscape to the south. The AONB landscape around Clee Hill clearly communicates the intrinsic character and beauty of this countryside, which includes occasional dispersed dwellings and pockets of development, along with views toward distant larger settlements.
8. The Knowle is in the near mid-distance when views are taken southward from Clee Hill. Close views across the appeal site can be taken from locations within The Knowle, which is an area with development that is somewhat scattered, and principally to the east of the B4214. The B4214 runs southwards from Clee Hill. The Parkes is accessed from Lion Lane, and forms part of the cluster of development around its junction with the B4214.
9. The appeal site is part of a field that is next to The Parkes. Unlike the set back position of The Parkes, the appeal proposal would be much closer to Lion Lane. However, it would not have the roadside frontage location of the building that it would replace. That building is of some age and by its materials, form and positioning contributes to the rural character of The Knowle and the wider area.
10. The new dwelling would be within a plot that includes the area of the existing building and adjacent land within the existing field. It would have residential amenity space on all four sides. The scale of the amenity space would be proportionate to the proposed dwelling and nearby residential amenity spaces, and its orientation along the edge of the highway would reduce the depth of field area required to provide it. These factors would reflect the loose-knit character of the settlement that it would lie within.
11. Even so and despite the proposed replacement of an existing roadside building, the development would erode the rural character of the area, its natural beauty and the opportunities to enjoy it in aspects from and to Lion Lane. It would do so by the increased scale of the plot, the location of the dwelling within it and the residential character that reasonably would be expected to develop within the associated amenity space.

12. In these respects the proposal would erode the landscape and scenic beauty of the AONB, and conflicts with CS policy CS17. This is reflected in the lack of support for market housing in this location under CS policy CS5. However, the proposed dwelling is intended to be an affordable home to meet an identified local need.

*Affordable Homes*

13. CS policy CS11 addresses type and affordability of housing and seeks to meet Shropshire's diverse housing needs to create mixed, balanced and inclusive communities. In the first five years of the plan period, it seeks to provide 33% local needs affordable housing from all sources. It is also permissive, subject to certain criteria being met, of exception schemes in recognisable named settlements. The Council's appeal statement confirms that the proposed dwelling would be within a recognisable named settlement.
14. The explanation to the policy highlights that further detail, especially in regard to affordable housing provision, would be provided within a Supplementary Planning Document. Section 5 of the *Type and Affordability of Housing Supplementary Planning Document (SPD)*, adopted 12 September 2012, addresses *Affordable Homes for local people: exception sites* with paragraphs from 5.10 onward providing guidance in relation to *Local needs for Single Plot exception sites ("Build Your Own" Scheme)*.
15. The applicant lives at The Parkes with his extended family and has medical conditions that require level and wheelchair access. He wishes to remain in this area, where he has spent most of his life. The appeal scheme would also enable Mr Gardener to remain close to his family and receive care from them.
16. Included with the appeal documentation is a letter from the Council's Rural Housing Enabler, dated 28 July 2014. It states that an affordable housing need and strong local connections to the area have been demonstrated, and therefore, the appellant qualifies for the 'build your own' affordable housing scheme.
17. This reflects the associated internal consultation response on the application, which highlights that: the requirements of the Council's SPD on building your own affordable home had been met; the dwelling would have a maximum size of 100m<sup>2</sup>; and, it would be subject to a section 106 Agreement prescribing local occupancy criteria, limiting size and restricting potential future resale value. In addition: the existing dwelling at The Parkes is occupied by a large family and the proposed dwelling would provide Mr Gardener with his own home in close proximity to the main dwelling; the appellant's doctor has supported the proposal to meet his medical needs; Mr Gardener has lived in the locality for over 5 years; he is employed in the local area; he is over 55 and has a close family member nearby; his family provide a degree of support for him; and, there is a lack of suitable alternative market housing in the locality. There is no evidence in this case that demonstrates otherwise.
18. The design and access statement notes that a section 106 agreement would address the provision of an affordable home, and the letter from the Council's Rural Housing Enabler noted that a draft template for the section 106 agreement was enclosed. SPD paragraphs from 5.32 onward indicate the role

of a planning obligation for a home of the type applied for.<sup>1</sup> However, no planning obligation accompanies the appeal to ensure that the dwelling would remain as an affordable home for local needs in perpetuity.<sup>2</sup>

19. Planning Practice Guidance indicates that a condition requiring that a planning obligation be entered into, should only be used in exceptional circumstances in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk.<sup>3</sup> That is not the situation here.
20. The appellant may be aware of the likely heads or terms or principal terms for a planning obligation that would be sought to meet adopted planning policy in regard to residential development in this location. Nevertheless, Planning Practice Guidance notes that such a condition is unlikely to pass the test of enforceability.<sup>4</sup> An agreement or unilateral undertaking are normally entered into voluntarily, and the use of a condition would not be appropriate in this instance. Accordingly, by failing to ensure the proposed development would be an affordable home for local needs within the context of adopted local (and relevant national) planning policy, the appeal scheme conflicts with CS policy CS11 and the SPD.

#### *Protected Species*

21. The application is the subject of a consultation response from Shropshire Council's Assistant Biodiversity Officer & Planning Ecologist. It highlights that there are number of ponds within 250m of the development and that great crested newts (GCN) may be affected by the development through loss of habitat. GCN are a species protected through the Wildlife and Countryside Act 1981 (as amended) and Statutory Instrument 2010 No.490 - *The Conservation of Habitats and Species Regulations 2010*.
22. The consultation response indicates that an assessment with reference to Natural England guidance predicts that an offence in relation to the protected species would be likely due to the effects of the proposed development. A survey was sought to confirm broad suitability of the habitat for GCN.
23. It is suggested that a condition be used to address the protected species survey.<sup>5</sup> However, paragraph 99 of Circular 06/2005 - *Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System* is unambiguous in stating that "...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision...". Consequently, if planning permission were to granted in this case with such a condition, that decision would not have been properly informed.
24. It would not be appropriate to use a condition to seek the provision of protected species survey information. Accordingly, the appeal scheme conflicts with CS policy CS17 by failing to identify, protect, enhance, expand and

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<sup>1</sup> The section of the SPD entitled *Tenure – single plot "Build your own affordable home" scheme*

<sup>2</sup> As set out in the explanation to CS policy CS11 in CS paragraph 5.22

<sup>3</sup> Reference ID: 21a-010-20140306

<sup>4</sup> Reference ID: 21a-010-20140306

<sup>5</sup> E-mail from the appellant dated 30-Jan-15

connect Shropshire's environmental assets, and contributing to local distinctiveness by having regard to biodiversity assets.

*Living conditions*

25. The proposed development would introduce a new dwelling that would be near to existing homes and amenity spaces, and the proposed bungalow would have windows with aspects toward them. A certain degree of overlooking can be expected in this loose-knit settlement. The appeal scheme would cause some increase in overlooking and loss of privacy. However, due to the layout of development in this part of Lion Lane, and the proposed location of the new dwelling, its windows and amenity space in relation to them, any increase in overlooking would be oblique and/or at sufficient distance to ensure that it would not be unacceptably harmful to the living conditions of the occupiers of existing dwellings, or indeed, the proposed bungalow.
26. Accordingly, the appeal scheme would not be unacceptably harmful to local living conditions. In this respect, it would be an appropriate pattern and design of development that has taken into account the local context to comply with the part of CS policy CS6 that is relevant to local living conditions.

*Other matters*

27. It has been suggested that the proposed development would reduce the value of property across Lion Lane. Planning practice guidance highlights that the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest. Consequently, the protection of purely private interests, such as the effect on the value of neighbouring property, could not be a material planning consideration.<sup>6</sup>

**Conclusion**

28. CS policy CS6 sets out the Council's objectives for sustainable design and development principles. Amongst other things, it requires housing to adapt to changing lifestyle needs in accordance with CS policy CS11, and all development to protect, restore, conserve and enhance the natural, built and historic environment.
29. There would be some economic benefit from the development of a new home through the economic activity associated with its construction and occupation. It is proposed to provide an affordable home for Mr Gardener, but a planning obligation is not in place to ensure that social benefit would be realised in the longer term, or off-set the erosion of the natural beauty within the AONB. Nor has it been established that the site could be developed without harm to protected species.
30. Therefore, while the appeal scheme would deliver some benefit in relation to the economic dimension of sustainable development, it has not been shown that it would meet the social and environmental dimensions.<sup>7</sup> Accordingly, it would not be a form of sustainable development.
31. All representations in this case have been taken into account. For the reasons above, the appeal scheme conflicts with CS policies CS5, CS6, CS11 and CS17,

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<sup>6</sup> Reference ID: 21b-007-20140306

<sup>7</sup> As set out in paragraph 7 of the Framework

and the SPD. No matters, including the scope of possible planning conditions, that weigh in favour of the appeal proposal have been found to outweigh the identified harm, failures and policy conflict. The proposal would not be a form of sustainable development and accordingly, the appeal should be dismissed and planning permission refused.

*Clive Sproule*

INSPECTOR



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# Appeal Decision

Site visit made on 3 March 2015

**by Mike Robins MSc BSc(Hons) MRTPI**

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

**Decision date: 30 March 2015**

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**Appeal Ref: APP/L3245/A/14/2225890**

**Three Birches, Newcastle, Craven Arms, Shropshire SY7 8QX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mrs Sandra Davies against Shropshire Council.
  - The application Ref 13/04603/FUL is dated 1 November 2013.
  - The development proposed is one no. 15kW wind turbine with a hub height of 15.4m and a blade diameter of 11.1m and all associated works.
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## Decision

1. The appeal is dismissed and planning permission for a wind turbine is refused.

## Procedural Matter

2. Although the Council failed to reach a formal decision on the original scheme, they set out in their appeal statement that, were they to have been in a position to determine the application, they would have refused it for two reasons. These were the impact on the landscape and on the setting of Caer-Din-Ring.
3. There is an existing turbine, reported to be of the same size and design, located approximately 65 metres from the proposed position of the turbine before me. This was allowed by the Council. A further turbine is referred to at Two Crosses to the northeast, although I noted that there is only a mast there are present.
4. During my site visit, there were a number of snow squalls in which visibilities were reduced. However, the weather cleared significantly in between these and I was able to obtain good views of the location and the surrounding area and landscape.

## Main Issues

5. I consider that there are two main issues in this case, firstly, the effect of the proposed turbine on the character and appearance of the surrounding area, including the Shropshire Hills Area of Outstanding Natural Beauty (AONB), and secondly, on the setting of the Scheduled Ancient Monument (SAM), Caer-Din-Ring.

## Reasons

6. The appeal site is an open agricultural field in an upland setting, and the turbine would be positioned approximately 40 metres away from the minor

road to the east. The appellant's farmstead lies approximately 215 metres to the northwest; there are no other dwellings in close proximity. The turbine would be located within the AONB and approximately 600 – 800 metres north of the SAM, which has a number of different elements, including the Iron Age/Romano-British enclosed settlement, known as Caer-Din-Ring.

7. The proposed turbine would have a hub height of 15.4 metres with an 11.1 metre tri-blade rotor giving an overall blade tip height of 20.9 metres. Although this is a small-scale turbine, it nonetheless represents a significant structure, particularly in a small, single farm context, and when considered in conjunction with the existing turbine.
8. The development plan for the area comprises the Shropshire Local Development Framework Core Strategy, adopted in 2011, (the Core Strategy). This sets out Strategic Objectives 7 and 9, which support the diversification of the rural economy and promotes renewable energy, but within the context of Strategic Objective 11, which seeks to protect the natural and historic environment. This is specifically addressed in Policy CS17, which aims to protect and enhance the high quality and local character of Shropshire's natural and historic environment, including the AONB.
9. The National Planning Policy Framework (the Framework) was published by the government in 2012 and sets out a presumption in favour of sustainable development. The Framework recognises the intrinsic character and beauty of the countryside, seeks to protect and enhance valued landscapes and sustain or enhance the significance of heritage assets. Development plan policies must be considered in light of their consistency with the Framework, and in particular, in balancing any harm against the benefits that might accrue.
10. The Framework identifies that the provision of renewable energy infrastructure is central to sustainable development and that even comparatively small-scale projects can make a valuable contribution to meeting the national need.

*Effect on the Character and Appearance of the AONB*

11. The site is located just below the ridgeline and some 3 metres higher than the existing turbine. The proposed turbine location provides dramatic and far reaching views out to the west and south over the AONB and towards Wales. Despite a small woodland to the north of the farmstead, this is a very open landscape. There are a few small trees fringing the road, but these do not enclose or screen the site and, with relatively low hedgerows and field boundaries, the view out from the site encompasses the deep valley to the west and the prominent high point of the Caer-Din-Ring settlement to the south.
12. The existing turbine is painted grey and sits below the ridge somewhat and forms a relatively small part in any field of view from the wider landscape. However, the additional turbine would reinforce the visual impact of the existing turbine, and establish two moving elements, which, in this very open landscape, would be perceived as relatively tall structures, resulting in a materially increased presence within this landscape.
13. The appellant submitted a Zone of Theoretical Visibility (ZTV), wireframes and photomontages. These predominantly represented views from the road network, which mostly provides access to the dispersed farmsteads in the area.



The road rises up from Newcastle and loops around Two Crosses, to the north, to return down along the valley to the west of the site. A further viewpoint was provided from the SAM, although the appellant points out that permission was required as the site is not accessible by the public. I was able to view the proposed development from along the road near to the SAM, from the north and from the west, but I also noted views from the Folly Brook valley, which included the steep western slope to the SAM a view which included the existing turbine.

14. The appellant's cumulative impact assessment indicated that there was only a 4.3% increase in visibility, as identified by the ZTV, and that this was considered insignificant. I accept that a ZTV does not necessarily indicate actual views, but this is an open landscape and the proposed turbine would be more prominent than the existing. Furthermore, such a simple conclusion does not properly address the increased prominence of a pair of moving structures, as well as the increased propensity for these to draw the eye and alter the otherwise undeveloped landscape.
15. My own observations are that this is an area of rural character and tranquillity, and an upland area of exceptional quality and beauty. There are a number of points on the local road network, where the turbine would be clearly seen, although the topography limits those to the north somewhat, as well as any inter-visibility with the currently inoperable turbine at Two Crosses. There are medium and long range views from the south and west, and I noted that particularly open views would be available from across and within the valley, in some of which the turbines would stand out against the skyline.
16. The Shropshire AONB Management Plan is a material consideration. It addresses wind turbines, noting, in Policy 35, that up to two small-scale turbines, below 12 metres, may be acceptable within 100 metres of farm buildings, but those above 25 metres or closely grouped turbines are not likely to be acceptable. On the face of it, this proposal, as a small group, would not comply.
17. While the turbine may be regarded as a small addition in such an expansive landscape, the pairing with the existing turbine would result in a significantly greater prominence of the two as viewed from points within the AONB. I consider that the additional turbine would increase their impact, and while this could be time-limited through condition, this would continue for 25 years, a significant period when considered against the lifetime of those experiencing this landscape.
18. This is an open and undeveloped area; while scattered farmsteads can be seen they are not prominent elements of the landscape. I consider that the proposed turbine, in conjunction with that existing, would contribute to a level of modern intrusion to the detriment of the immediate setting and the wider AONB landscape. This harm, which I assess as being moderate, would be contrary to the Policy CS17 and Strategic Objective 11 of the Core Strategy, as well as Framework, which notes that AONBs should receive the highest standard of protection.

#### *The Heritage Asset*

19. The appellant submitted a heritage assessment in which the proposal overall was considered to represent only a moderate impact on the setting of Caer-

Din-Ring, due to the separation. The landscape assessment considered that the form of the settlement could not be made out in the more distant views that would place the turbine in front of the structure. The conclusion suggested less than substantial harm to the archaeological setting and thereby the significance of the SAM.

20. Even in the conditions experienced during my site visit, the raised structures were readily discernable from the road, and I consider that they would remain so in other conditions. The importance and prominence of the setting, with its far reaching views over the valley and beyond, are also clear to see from view points around the road network.
21. I appreciate that the camp is not publicly accessible, albeit I have a photomontage provided to reveal that view. The turbine may be relatively small, although again I would argue that the presence of two such structures is considerably more prominent, in that it draws the eye.
22. A key component of such fortified ancient structures is their prominence and overview of approaches from a defensive perspective. As such the setting properly encompasses the surrounding landscape and not just the immediate area around the site itself. In any case, the setting, and its contribution to significance, does not depend on public access, as this downplays the potential for appreciation of the asset's significance interpreted in other ways or from other locations, or indeed future access opportunities to the site itself.
23. There is an archaeological and historic value to the settlement and the relationship of the elements of funerary, agricultural and fortification structures, and in light of its position, a large part of that significance arises from its setting. I find the proposal would represent less than substantial harm, but nonetheless an erosion of the significance through the increased visibility of the pair of turbines that would result, particularly in views from the north and from the valley, where they would be seen against or alongside the hill top settlement. Overall on this matter, I concur with the appellant's consultant's view that there would be a moderate impact, which could be regarded as less than substantial.
24. While SAMs are addressed under the Ancient Monuments and Archaeological Areas Act 1979, this does not deal with the matter of their setting. However, paragraph 128 and 132 of the Framework require a proper assessment of the asset's setting, which the Framework defines as being:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

25. In this context, the Framework aims to conserve heritage assets, of which SAMs are considered to be of the highest significance. It sets out that where such harm is less than substantial, it should be weighed against the public benefits of the proposal. Although I have found that the harm would be less than substantial, this does not mean that the weight given to the harm identified should be significantly limited. In such cases, the finding of harm is something to which considerable importance and weight must still be given.

26. The material harm to significance of the SAM would conflict with Core Strategy Policy CS17. However, the Framework clearly sets out the need to address such less than substantial harm in a balanced manner against public benefits associated with such schemes.

### **Planning Balance and Conclusion**

27. The active promotion of renewable energy projects and tackling the effects of climate change are key Government policies and, under the Climate Change Act of 2008, a statutory requirement. One of the core principles set out in Paragraph 17 of the Framework is the need to support the transition to a low carbon future in a changing climate, and encourage the use of renewable resources. Alongside this, the national Planning Practice Guidance addressed the need to ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment.
28. As set out above, the Framework supports the balancing of the public benefits from such developments to be considered against any harm. The appellant identified that the turbine would provide renewable energy to support farm diversification and water pumping on the farm allowing for cattle to be maintained in the fields for longer. I note reference to other benefits, which include the export of electricity to the national grid and community benefits, with the turbine being considered as an exemplar project. I appreciate that there would be some benefit in offsetting electricity demand on the holding, albeit there is already a turbine on site. Furthermore, other benefits highlighted, such as the exemplar project element, are equally addressed by this existing turbine already. Nonetheless, I am satisfied that there would also be some benefits from the feed in to the national grid, and consequently public benefits in accordance with paragraph 98 of the Framework.
29. The appellant referred to possible precedents. I have limited detail on these three schemes, but draw specific distinction between the single turbine proposals at Two Crosses and the existing turbine, and the resulting pair of turbines that would result from the scheme before me. The reference to the Clocaernog Forest Wind Farm, relates to a scheme materially different in terms of scale as well as potential impacts and benefits. In any case, each appeal or application must be considered on its own merits
30. Against this, I have specifically identified harm to the landscape character of the AONB and the SAM. This harm was assessed as being moderate. However, while the harm to the significance of the SAM can be considered less than substantial, even harm that is less than substantial must be accorded considerable importance and weight when considering the effect on the asset's setting and significance, and its preservation and conservation.
31. Taking all of this into account, I find that the adverse impacts of granting permission, even if limited by condition to a period of 25 years, would significantly and demonstrably outweigh the public benefits. For the reasons given above and having regard to all other matters raised, including the support of the Parish Council, I conclude that the appeal should be dismissed.

*Mike Robins*

INSPECTOR

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