



Date: Tuesday, 3 November 2015

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Contact: Linda Jeavons, Committee Officer  
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## **SOUTH PLANNING COMMITTEE**

### **SCHEDULE OF ADDITIONAL LETTERS**

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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## Committee and Date

South Planning Committee

3 November 2015

## **SOUTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 6 October 2015**

**2.00 - 5.10 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

### **Present**

Councillor David Evans (Chairman)

Councillors Stuart West (Vice Chairman), Andy Boddington, Nigel Hartin, John Hurst-Knight, Cecilia Motley, Madge Shinton, Robert Tindall, David Turner, Tina Woodward and Vivienne Parry (Substitute) (substitute for Richard Huffer)

### **62 Apologies for Absence**

An apology for absence was received from Councillor Richard Huffer (Sub: Viv Parry).

### **63 Minutes**

**RESOLVED:** That the Minutes of the South Planning Committee held on 8 September 2015, be approved as a correct record and signed by the Chairman.

### **64 Public Question Time**

There were no public questions, statements or petitions received.

### **65 Disclosable Pecuniary Interests**

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

With reference to planning application 14/03290/EIA, Councillor David Evans declared that he was acquainted with the family and would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/04245/FUL, Councillor John Hurst-Knight declared he was acquainted with the applicant and would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/03290/EIA, Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Partnership Management Board.

With reference to planning application 14/03290/EIA, Councillor Viv Parry declared that she was a member of The Shropshire Hills AONB Partnership.

With reference to planning application 14/03290/EIA, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Partnership Management Board.

With reference to planning application 14/04245/FUL, Councillor Stuart West declared that he was the local Ward Councillor for the adjoining Shifnal Ward and reserved his right to speak on this item.

**66 Land at Heath Farm, Hoptonheath, Shropshire (14/03290/EIA)**

In accordance with his declaration at Minute No. 65, Councillor David Evans left the room during consideration of this item. The Vice Chairman took the Chair for this item.

The Team Manager – Development Management explained that a previous decision had been the subject of a successful legal challenge on the basis that no comments had been received from Natural England. Shropshire Council had elected not to challenge the Judicial Review but sought to seek comments from Natural England. The Judicial Review process led to the planning permission being quashed and not refused and the application was now before this Committee for reconsideration.

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

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

Dr J Thain, representing Hopton Heath Parish 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 the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Nigel Hartin, as local Ward Councillor, made a statement against the proposal 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:

- There had been much opposition to this application. An application to extend the existing operation would not have received as many objections;

- The level of traffic created would have a detrimental impact on the highway and the access onto the B4385;
- Would be too close to residential properties and there were a significant number of properties within the 400m zone;
- The economic benefits of the scheme would be limited and the potential damage to local tourism interests would lead to a net loss;
- Would be contrary to Core Strategy policies CS5 and CS13; and
- He questioned the robustness of the Significance and Integrity tests;

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to comments, the Principal Planner reiterated that Natural England, Ecology Officers and the Environment Agency had raised no objections and robust mitigation measures would be put in place.

**RESOLVED:**

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

- The proposal fails to comply with Core Strategy Policy CS5 as it relates to large scale development in the open countryside and which fails to maintain and enhance countryside vitality and character improve the sustainability of rural communities or bring benefits to the local community. Whilst the economic benefits of the scheme are acknowledged it is considered that these are limited to the developer and would be outweighed by the potential damage to local tourism interests. As such, the scheme promotes one form of economic development at the expense of another in conflict with Core Strategy Policies CS13 and CS16; and
- The proposals are located in the catchment of the River Clun which is associated with an internationally designated Special Area of Conservation which is unique in Shropshire and is afforded the highest level of protection under the EU Habitats Directive (92/43/EEC) and the Conservation of Habitats and Species Regulations 2010. The Special Area of Conservation requires the highest level of protection in order to conserve the habitat of the freshwater pearl mussel which is dependent on maintaining high water quality. Notwithstanding the withdrawal of objection by Natural England, it is considered that the proposals have the potential to add to pollution within the Clun Catchment and would require a very high level of control in order to ensure continued compliance in this location next to a watercourse. It is considered that the potential risk of a breakdown in control measures and an associated pollution incident represents an unacceptable risk which fails to comply with the above regulations and with Core Strategy Policies CS6 and CS17.

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

(At this juncture, the meeting adjourned at 15:14 and reconvened at 15:19.)

**67 Proposed Development Land to the East of Avenue Road, Broseley, Shropshire (14/04019/OUT)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location and layout. With reference to paragraph 4.10 of the report he stated that it should refer to five objections and not 46. 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.

Councillor I Pickles, representing Broseley Town Council, spoke against 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, made a statement against the proposal, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- The development would occupy ground which was outside the development boundary or had been designated as employment land. Very few employment sites had been identified in Broseley. The provision of public transport was poor and local residents struggled to travel outside the area for employment;
- Would further impact on the already poor road network;
- Further housing provision was not needed and land outside of the development boundary should remain as a greenfield site;
- Both the housing and industrial elements should have separate access provision; and
- Would put pressure on the existing services in the town.

Mr S Thomas, the agent, 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. In response to questions, the Principal Planner explained that the emerging SAMDev Plan had stipulated that access to the employment land should be off Avenue Road; the deliverability of the employment land might be dependent upon this being a mixed-use site; and access to the employment land off Pound Lane could be considered but might not be appropriate given the character of the road and the location of the nearby five-way junction.

**RESOLVED:**

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

- The Committee acknowledge that the housing proposed would be in a sustainable location, contributing economically and socially by boosting the housing supply, and would also provide limited support for the existing services in the town. However, these factors are outweighed by the following

harm: The proposed housing development would fall outside of the development boundary for Broseley shown in the adopted and emerging Development Plan 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 proposed development would result in the loss of part of the Broseley employment land allocation in the emerging Development Plan, which is close to adoption and to which significant weight can be given. The serviced access to the smaller area of employment land that the proposed development would provide is not considered to be a material consideration of sufficient weight to justify a departure from present and emerging Development Plan housing policy or a reduction in the size of the employment land allocation in the emerging Development Plan. Furthermore, weight was given to the fact that the proposed development is not plan led in accordance with paragraph 17 of the National Planning Policy Framework. The proposal is therefore contrary to Core Strategy policies CS5, saved Bridgnorth District Local Plan policies S1 and H3, policy S4 of the emerging Site Allocations and Management of Development Plan and aspirations of the Broseley Town Plan 2013 to 2026.

**68 Land Off Tanyard Place, Shifnal, Shropshire (14/04245/FUL)**

In accordance with his declaration at Minute No. 65, Councillor John Hurst-Knight left the room during consideration of this item.

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

In the ensuing debate, Members considered the submitted plans and expressed differing views. Some Members questioned the need for this type of dwelling; expressed concerns with regard to the access arrangements; considered it to be over-development of the site; and the incremental impact of this and all the applications permitted in Shifnal would have an adverse impact on health provision and other services. Some Members saw no reason to refuse to refuse the application. Members expressed their displeasure that, despite their objections, neither the local Ward Councillor nor a representative from the Town Council had registered to speak at this meeting.

In response to concerns, the Principal Planner explained that the application had been vetted by Shropshire Council's Drainage Engineer and appropriate conditions would be added to any permission; the proposed buildings would be located outside the floodplain; the Conservation Officer had been consulted on the design; and the site would be located close to the centre of Shifnal.

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure the requisite affordable housing contribution; and
- The Conditions as set out in Appendix 1 to the report.

**69 Rushbury C of E Primary School, Rushbury, Church Stretton, Shropshire, SY6 7EB (15/02416/FUL)**

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

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

- The proposal would make use of an existing outbuilding and would be mutually beneficial to both the school and a local business.

In the ensuing debate, Members considered the submitted plans and unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

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

**70 Proposed Dwelling On South Side Of Benthall Lane Benthall Broseley Shropshire (13/03406/FUL)**

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

Councillor M Whiteman, representing Barrow Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.



Mr T Rowland, the agent, 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 David Turner, as local Ward Councillor, made a statement against the proposal 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:

- The development would be outside the development boundary and located within open countryside;
- Would be contrary to Barrow Parish Plan; and
- At the time the application had originally been approved Shropshire Council could not demonstrate a five year land supply.

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

**RESOLVED:**

That, contrary to the Officer's recommendation to refuse, planning permission be granted.

(At this juncture, Councillor Nigel Hartin left the meeting and did not return.)

**71 Proposed Development Land South of 14 Legges Hill, Off Speed's Lane, Broseley, Shropshire (14/02683/FUL)**

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

Councillor M Whiteman, representing Barrow Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

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

Mr T Rowland, the agent, 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 David Turner, as local Ward Councillor, made a statement against the proposal 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 drew Members’ attention to paragraph 2.1 of the report and the site location;
- Broseley was essentially an industrial new aged town with few modern properties;
- He expressed concerns regarding the cumulative effect on the highway. At weekends there were always cars parked and some residents had put protection in place to guard against vehicle damage; and
- Would be contrary to Broseley Town Plan.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to a comment, the Principal Planner drew attention to Condition No. 13 which would remove permitted development rights and would protect against any further development on the site.

**RESOLVED:**

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

- A Section 106 Legal Agreement to secure the requisite affordable housing contribution; and
- The Conditions as set out in Appendix 1 to the report.

**72 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 6 October 2015 be noted.

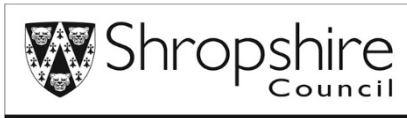
**73 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee would be held at 2.00 pm on Tuesday, 3 November 2015, in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....



Committee and date

South Planning Committee

3 November 2015

## Development Management Report

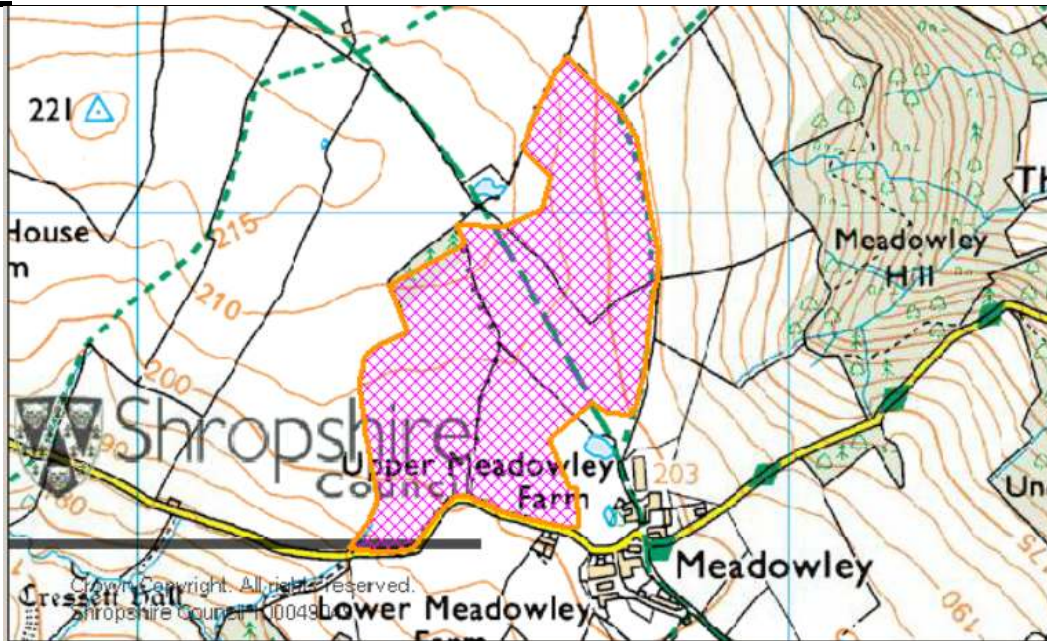
Responsible Officer: Tim Rogers

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> 14/03933/FUL	<b>Parish:</b>	Upton Cressett
<b>Proposal:</b> Installation of a solar park with an output of approximately 10.71MW on land associated with Upper Meadowley Farm (revised description)		
<b>Site Address:</b> Land North West Of Meadowley Upton Cressett Bridgnorth WV16 6UQ		
<b>Applicant:</b> Mr Markus Wierenga		
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 366792 - 292516



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

## REPORT

### 1.0 THE PROPOSAL

1.1 The planning application seeks permission for the construction of a solar farm comprising arrays of solar panels with associated buildings and infrastructure. The proposal would comprise the installation of 40,414 solar panels generating 10.71MW of electricity which would be fed into the local power grid network.

1.2 The panels would be mounted on fixed aluminium frames arranged in west-east orientated rows. These frames would be secured to the ground through piles. The panels would face south, angled at approximately 25 degrees to the horizontal, with the highest edge at a height of 2.3 metres and the lowest at 0.8 metre. There would be a separation of 3 to 4 metres between each row.

1.3 Buildings and other infrastructure proposed comprises the following:

- 12no. inverter buildings: 9.7 metres x 3 metres x 3.6 metres high. These would typically be of fibre glass construction, with materials and colour to be agreed. They would be positioned in pairs, evenly spaced across the site;
- 1no. substation: 5.8 metres x 6.2 metres x 3.2 metres high. This would be of glass-reinforced plastic construction, with colour to be agreed. It would be positioned at the southern side of the site
- 1no. substation – dimensions and specification are to be determined by Western Power but typically this would be a brick-building with pitched tiled roof; dimensions 6.8 metres x 5.8 metres x 4.5 metres high
- Perimeter fencing: 2.4 metres high, wooden post and wire deer fencing
- 22no. CCTV cameras, installed on 3 metres high poles.

1.4 Once the panels have been erected the land is proposed to be grazed by sheep. The application states that the operational life of the panels is 25 years. Existing trees and hedgerows would be retained, and additional landscape planting would be undertaken.

1.5 The application is supported by a number of detailed documents, including: Landscape and Visual Impact Assessment; Heritage Impact Assessment; Ecological Assessment; Transport Statement; Ecology and Landscape Management Plan; Flood Risk Assessment; Agricultural Land Classification Report; Arboricultural Report; Assessment of Alternatives report.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located to the north-west of the settlement of Meadowley, approximately 4.5km to the west of Bridgnorth. The site comprises three arable agricultural fields, with a total area of 20 hectares. Surrounding land is generally within agricultural use, with land to the south-east comprising buildings and property associated with Upper Meadowley Farm which is under the same ownership as the application site. The southern boundary of the site is bordered by a public highway. A public bridleway runs in a north-west to south-east orientation

through the centre of the site. A public footpath runs along the eastern boundary of the site. The nearest residential properties to the site are a pair of semi-detached cottages located to the south, approximately 25 metres from the site boundary. The farmhouse at Upper Meadowley Farm is Grade II Listed, and is located approximately 110 metres from the site boundary. Other Listed Buildings and heritage assets of note in the wider area include those at Upton Cressett, approximately 600 metres to the west, and Aldenham Park, approximately 1.4km to the north. Access to the site is proposed to be gained via an existing field entrance at the southern side of the site.

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

3.1 The Local Member has requested that the application is decided by Planning Committee, and this request has been agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

### 4.0 **COMMUNITY REPRESENTATIONS**

#### 4.1 **Consultee Comments**

4.1.1 **Morville, Acton Round, Aston Eyre, Monkhopton and Upton Cressett Parish Council** No objections.

4.1.2 **Natural England** No objections.

This application is in close proximity to Devil's Hole, Morville Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Therefore this SSSI does not represent a constraint in determining this application.

Other advice: The Local Planning Authority (LPA) should assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species: We have not assessed this application and associated documents for impacts on protected species. Standing advice should be applied to the application. This should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be

interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The planning authority should consider securing measures to enhance the biodiversity of the site from the applicant, in accordance with the NPPF.

#### 4.1.3 **Historic England** Has withdrawn its previous objection.

The applicant has submitted amended plans including a revised site layout and photomontages. The amended proposal excludes 14 rows of panels from the south west corner of the site. This area was included within the original proposal and is inter-visible with some parts of the group of designated heritage assets at Upton Cressett. The amended proposal does address the main area of concern set out in our earlier consultation response.

The significance of designated assets affected by the proposal for this solar farm has been outlined in our previous consultation responses to Shropshire Council, most recently on 16<sup>th</sup> April 2015. In that letter we set out our view that the proposal would cause less than substantial harm to the designated heritage assets, including those at Upton Cressett and Aldenham Hall, and that we therefore could not support the proposals in that form.

The development proposal should allow the preservation of those elements of the setting that make a positive contribution to the significance of the group of designated heritage assets at Upton Cressett, and also Aldenham (NPPF 137). In this case the setting of those assets is an important part of their significance, and so the proposal should avoid any inter-visibility with them. This is also important as great weight should be given to the conservation of the designated heritage assets (NPPF 132).

We therefore advise that the local authority requires that no part of the development, including any fencing, lighting and ancillary structures and works, should be inter-visible with Upton Cressett or Aldenham. Screen planting may be an appropriate part of this approach, so long as the screening itself fits well into the landscape and is not visually intrusive.

It is recommended that the application be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

#### 4.1.4 **SC Highways** No objection in principle. It is recommended that the Construction and Decommissioning Management Plan referenced within the submitted Transport Statement is submitted and approved by the Local planning authority and a condition requiring the submission of a Construction Method Statement is submitted for approval (see Appendix 1).

#### 4.1.5 **SC Drainage** The Flood Risk Assessment is acceptable. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the

site therefore the proposals are acceptable.

- 4.1.6 **SC Ecologist** No objections. Under Regulation 61 of the Conservation of Habitats and Species Regulations (2010), the proposed works will not have a likely significant effect on any internationally designated site. An Appropriate Assessment is not required.

Great crested newts: With the Proposed PV Layout Revision E showing retention of existing trees and the position of inverters and a substation a Risk Avoidance Measures approach could be sufficient to reduce the risk of harming great crested newts. This is only the case if all works take place during the hibernation period i.e. November to February, when minimum night temperatures do not exceed 5 degrees centigrade. It is unlikely that installation of the solar farm would be complete by February 2015 therefore it would need to wait until winter 2015/16. A condition is recommended to require that work is carried out strictly in accordance with the Precautionary Working Method Statement (see Appendix 1).

Badger: The confidential Badger Sett Location plan confirms that the sett is over 30m from the closest section of the development. If construction is delayed it is recommended that a repeat badger survey is carried out within 3 months of work starting. The Environmental Management Plan recommends provision of badger gates in the deer fencing. An informative is recommended (see Appendix 1).

Nesting birds: Habitats on site offers breeding habitat for birds therefore working in the breeding season could disturb nesting birds. An informative is recommended (see Appendix 1).

Management Plan: Wardell Armstrong (2014) have prepared an Environmental Management Plan, which includes how the site will be managed to increase floristic diversity and value to wildlife. This includes provision of bat and bird boxes as well as badger gates in the deer fencing. A condition is recommended to ensure that this is followed (see Appendix 1).

- 4.1.7 **SC Rights of Way** Bridleway 11 and footpath 1 Morville runs through the site identified and have been acknowledged within the application. The intention is to provide a hedged corridor for the bridleway and hedge row to screen the footpath from the park on the eastern boundary of the site. There is no objection to these proposals providing sufficient width is allowed for the public to pass and repass - at least a usable width of 4 metres should be maintained between hedges. The hedges will also require maintenance to keep them cut back so as not to encroach onto the rights of way.

Updated comments: The applicants intend to make an application to legally divert public Bridleway 11, Morville, as detailed in the Bridleway Diversion Statement and informal consultations have been carried out in this respect.

[The proposal is that the route of the bridleway is diverted so that it runs along the north-eastern edge of the field].

#### 4.1.8 **SC Archaeology** Recommends a condition.

The proposed development site is located c.900m north-east of the Scheduled Monument of the Medieval Settlement, south-east of Upton Cressett Hall; c.1 km to the north-east of the Scheduled Monument of the Moated site and associated ponds [at Upton Cressett]; c.1 km to the north-east of the Grade I Listed Building of Upton Cressett Hall; c.1 km to the north-east of the Grade I Listed Building of the Gatehouse at Upton Cressett Hall; and c.1 km to the north-east of the Grade I Listed Building of the Former Church of St Michael. It is also situated c.2.5km south of the Grade II\* Listed Building Aldenham House and its associated Grade II Registered Park and Garden. The proposed development has the potential to affect the setting of these designated heritage assets.

The applicant has, submitted a Geophysical Survey Report which identified a series of anomalies across the four fields that comprise the proposed development site. These are all interpreted as former field boundaries, land drains or former plough furrows, some of the latter of which may relate to medieval ridge and furrow cultivation. It is advised that such features are likely to be of low archaeological significance. Consequently, the archaeological potential of the proposed development site itself is deemed to be low.

It is advised that the Geophysical Survey Report report by Headland Archaeology provides a sufficient level of information about the archaeological interest of the proposed development site itself in relation to the requirements set out Paragraph 128 of the NPPF. On the basis of the results of the geophysical survey, and subject to the other matters identified in our previous consultation response being addressed and satisfactorily resolved, it is advised that a programme of archaeological work should be made a condition of any planning permission under Paragraph 141 of the NPPF. This should comprise a watching brief during the soil stripping for the site compound for the construction phase, the inverter and the substation and meter room buildings and any site access tracks necessary during construction phase (although from the Planning Statement it is understood that there will be no requirement for permanent access tracks through the life of the development). The watching brief will provide an opportunity to test the ground conditions on the site and thereby potentially validate the findings of the geophysical survey. (See condition in Appendix 1).

#### 4.1.9 **SC Conservation** No objections.

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Amended plans have been submitted in response to previous comments made on the intervisibility of the proposed solar panels with designated heritage assets. The



amended plans have further reduced the amount of panels, particularly removing sections from the south west and northern boundaries of the site. It is considered that the further reduction in panels to the south west of the site will reduce the intervisibility with designated heritage assets at Upton Cressett and the reduction in panels to the northern boundary will help to minimise any distant views from Aldenham Park. It is considered that these amendments combined with a robust and appropriate landscaping and mitigation plan will reduce the impacts of the proposed scheme on the identified designated heritage assets. As such it is considered that the proposal will preserve the setting of heritage assets in line with policies, guidance and legislation as outlined above.

#### 4.1.10 **SC Trees** No objections.

Based upon a comparison of the submitted layout drawing to the most recently available aerial photograph of the site, the submitted plan accurately shows the location of existing trees and hedges within and around the site. The conclusion of the submitted arboricultural statement that if any development related activity is kept outwith the maximum root protection radius of 15m from any retained tree, there should be no damage or harm caused to those trees is supported. The specification shown in that document, for a temporary tree protection barrier, is sufficient to provide adequate protection for retained trees within the site during implementation of any approved development.

The site perimeter security fencing detailed within the Design & Access Statement would be sufficient to protect boundary trees and hedges around the edge of the site. However, it is noted that section 7 (Construction) of the D&A Statement suggests that erection of the perimeter fence would be a stage 4 of the construction process, following site enabling and access works, installation of inverter and transformer and installation of the solar panels. Clearly this would not be adequate in terms of tree protection, the measures for which should be installed prior to commencement of development. Therefore, it is recommended that a tree protection condition should be attached to any approval for this application (see Appendix 1).

#### 4.1.11 **SC Public Protection** No objections. Any noise sources have been proposed at appropriate distances away from sensitive receptors. As a result it is not considered that there is any likelihood of significant detrimental affect from the development in terms of noise at nearest residential properties.

#### 4.1.12 **Ramblers, Shropshire Area** Object. The applicants have not provided the best solution for the route of Morville Bridleway 0132/11/2 through the planned array of panels. They have proposed leaving the line of the bridleway where it is and providing new hedging and 'deer' fencing on both sides of it, to screen the solar panels. It would be preferable if this section of the bridleway were diverted at the northern end slightly to the east to run alongside the existing length of hedge for some 250 metres and then across the field for another 200 metres to rejoin the current line on the approach to Meadowley Farm. As long as the existing hedge is solid and allowed to grow to an adequate height, this will allow the developer to provide 250 metres less of new hedge and deer fence. It will also mean that this section of the bridleway will be less 'unattractive' to horses and their riders and also

to walkers using the route. The additional 20 metres length is insignificant, and the cost of the diversion a mere 'drop in the ocean' when compared to the overall cost of the scheme, and of course the Ramblers would not object to the diversion as it would be providing a 'better' route. We do appreciate that the arrangement of solar panels would need to be changed but that might even be to the advantage of the developers.

- 4.1.13 **Historic Houses Association** Objects. HHA fully supports the objections of Historic England. The development would greatly threaten the historic setting of Grade I listed Upton Cressett.

Particular attention is drawn to the comments of Historic England that 'any harm should have a clear and convincing justification and in our view public benefit will not outweigh the harm that would be caused'.

The principal way of ensuring the conservation of important historic properties in the UK is often to find an economically viable use. Upton Cressett has such a use and plays a valuable role in tourism in Shropshire. The photovoltaic panel development would have a damaging effect on its historic setting, which would seriously undermine this business.

- 4.1.14 **Churches Conservation Trust** No response received.

- 4.1.15 **Bridgnorth & District Tourist Association** Objects.

- The solar farm would cause significant harm to the visitor and tourism appeal of the Bridgnorth and Much Wenlock area
- Site is on good quality agricultural land and the Environment Secretary has ruled that solar parks should not be on such land
- Would be likely to cause very significant harm to the heritage and tourism assets at Upton Cressett
- Significant and detrimental impact on unspoilt landscape and local heritage
- Commercial and aesthetic disaster as walkers, bikers and equestrian tourism all pass directly past the proposed site on route to Upton Cressett

## 4.2 **Public Comments**

- 4.2.1 The application has been advertised by site notice and in the local press. In addition 8 properties in the local area have been individually notified. Objections have been received from two residents. These include a series of detailed objections from Environment Information Services on behalf of the resident of Upton Cressett Hall. There have been 12 letters of support.

The objection reasons are summarised as follows:

- Seriously harmful and negative impact on the heritage assets at both the three Grade 1 assets at Upton Cressett, the three SAMs at Upton Cressett and Grade 2\* Aldenham Park
- Adverse impact on Upton Cressett as a tourist attraction, including balloon rides over Wenlock Edge
- Detrimental impact on landscape and amenity
- Proximity of Jack Mytton Way and Grade I Upton Cressett Hall
- Environment Secretary has advised that solar farms are best placed on south-

facing commercial rooftops where they will not compromise the success of our agriculture industry

- A deed of covenant affecting the site specifically restricts any use of the land in a way which may cause nuisance or annoyance
- Inaccurate description of site within the Design and Access Statement, misrepresenting the elevated position of the site and skyline location
- Site is unacceptable for solar farm development in view of the latest Ministerial Statement
- Incorrect assumptions made that land in other directions is of equal or higher agricultural quality
- Site is ranked as moderate to high fertility; site as a whole should be regarded as best and most versatile land
- The site as a whole should be regarded as BMV land
- Illustrations provided in the LVIA are insufficiently precise
- Additional information should be provided regarding glint and glare impacts on Upton Cressett
- No site-specific photographic predictions of the appearance of the development at different viewpoints
- The LVIA under represents the significance of the proposal's visual effects
- The submitted Management Plan is unclearly scoped
- No enforceable commitment regarding landscape management
- Application states that landscape planting would take around 5-8 years to establish/thicken sufficiently to screen views, thus mitigation would only be achieved after at least a third of the proposal's operational life
- No reasoning as to why or how the LVIA reached its assessment of medium sensitivity
- Site and surrounding landscape should be classed as of at least high sensitivity; the LVIA has therefore under-rated the landscape effects of the proposal
- Potential for adverse impacts on horses
- Revisions to site layout have reduced, but not eliminated, landscape and visual impacts
- Proposal is incompatible with government policy to retain the BMV Grade 3a farmland
- The application claims that the proposal would generate electricity equivalent to that used by 3245 households is disputed; this is inaccurate and exaggerated; the correct figure is 2418

The reasons for support are summarised as follows:

- Minimal impact on the landscape
- Would not be visible from any listed buildings due to topography
- Minimal impact from Aldenham Park
- Drivers passing on way to Upton Cressett would have briefest glimpse through the access gate due to height of roadside hedges, even those on tour buses
- Land to be used is difficult to work and not economically viable to cultivate; more viable as sheep grazing pasture which will continue once panels installed
- Valuable contribution to the country's green energy production
- Located away from all centres of population
- Proposal is supported by all the adjoining and close neighbours

- Additional income stream would help keep the family farming and caring for the same land they have occupied over the last four generations
- Entirely reversible development
- Low percentage of ground taken up by fixtures and the control buildings
- Access to footpaths will be maintained
- Solar panels can provide shelter for animals during poor weather
- Additional and managed hedgerows would provide increased nesting, roosting and feeding opportunities for birds and other wildlife
- Much more effective renewable energy resource than onshore wind turbines
- Property is included in Zone of Theoretical Visibility but site is not visible
- Site is barely visible to the surrounding countryside
- Solar farm would not produce noise, waste, smell or traffic along the narrow lanes, the latter being the main concern for those living in the Upton Cressett/Meadowley area
- Reduction in use of chemicals as a result of the land being taken out of agricultural use will benefit the environment
- Will greatly help the rural economy
- The covenant is not relevant to the proposed development
- The countryside is not a museum; it needs financially viable agricultural industry to continue to evolve
- vital that the landowner's future is financially sustainable, so they can continue to manage it for future generations to appreciate
- the hedges will grow up and the development won't cause a problem to anyone

## 5.0 THE MAIN ISSUES

- Principle of development
- Site selection and agricultural land classification considerations
- Siting, scale and design and impact on landscape character
- Historic environment considerations
- Local amenity and other considerations
- Ecological considerations
- Highways and access consideration
- Flood risk considerations
- Public rights of way considerations

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan policies relevant to the current proposal are discussed below. In addition to these, the National Planning Policy Framework (NPPF) sets out the Government's planning policies and this is a material consideration which should be taken into account in the determination of this application. Further national policy guidance is provided by National Planning Policy Guidance (NPPG).

6.1.2 Renewable energy: The NPPF sets out core land-use planning principles, and one of these is to support the transition to a low carbon future. This includes encouraging the use of renewable resources. The current proposal is in line with

this. The NPPF advises local planning authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources (para. 97). It states that:

- applicants do not need to demonstrate the overall need for renewable energy;
- it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gases;
- applications for renewable energy should be approved if its impacts are (or can be made) acceptable.

6.1.3 The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 1), and that renewable energy generation is improved where possible (Policy CS6). Core Strategy Policy CS8 positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

6.1.4 Planning Practice Guidance on Renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals (see Section 10.2 below) and states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.

6.1.5 The planning application (as revised) would be capable of generating 10.71MW of renewable energy. This would be enough electricity to power 3245 typical households, and result in the reduction of more than 5000 tonnes of carbon per year. The proposal would provide significant environmental benefits in terms of the production of renewable energy. As such the principle of the proposal is in line with planning policies and national guidance.

6.1.6 Rural diversification: Core Strategy policy CS13 provides support for rural enterprise and diversification of the economy. This is in line with the NPPF which seeks to support a prosperous rural economy by stating that local plans should promote the development and diversification of agricultural and other land-based rural businesses. The application states that the proposed solar farm would promote diversification by continuing to allow additional agricultural activities to take place alongside the generation of renewable electricity, increasing the productivity of the land. In principle it is accepted that there would be direct benefits to the existing agricultural business at Meadowley as a diversification scheme which allows for the continuation of farming on the land through sheep grazing.

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

6.2.1 The NPPF states that the economic and other benefits of the best and most versatile (BMV) agricultural land should be taken into account in determining planning applications. It states that where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be sought in preference to that of a higher quality (para. 112). In relation to solar farms, Planning Practice Guidance advises that local planning authorities should

encourage the effective use of land by focussing these developments on previously developed and non agricultural land, provided that it is not of high environmental value (para. 013).

- 6.2.2 The guidance advises that, in considering solar farm proposals located on greenfield sites, local planning authorities should consider whether:
- the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
  - the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 6.2.3 The Guidance also makes reference to a Ministerial Speech made in April 2013 and a Written Ministerial Statement (WMS) made in March 2015. In relation to the former, this stated that where solar farms are not on brownfield land, the industry should be looking at sites on low grade agricultural land where grazing can take place in parallel with generation. In relation to the WMS this states that meeting our energy goals should not be used to justify the unnecessary use of high quality agricultural land. It states that any proposal for a solar farm involving BMV agricultural land needs to be justified by the most compelling evidence.
- 6.2.4 Agricultural land quality: The submitted Agricultural Land Classification (ALC) report is based upon a series of auger borings (19no.) and soil pits (3no.) dug across the application site. Following the modification of the application to reduce the size of the site, the applicant has confirmed that that 5.2 hectares of the site (31%) would be Grade 3a (good quality) and 11.6 hectares (69%) would be Grade 3b (moderate quality). Best and most versatile (BMV) agricultural land is that classed as Grade 1, Grade 2 or Grade 3a. As such 5.2 hectares of the site is BMV.
- 6.2.5 Site selection constraints: The applicant has submitted an Assessment of Alternatives (AoA) report to provide justification for the use of BMV, in line with planning guidance. In terms of general siting considerations the AoA report confirms that the site proposed as part of the current application has followed on from a site selection exercise which has taken into consideration a number of factors. These include the importance of avoiding sites within close proximity of known heritage assets; avoidance of landscape designations, Green Belt land and high value ecological designations. The report also states that gradient and aspect is an important consideration, and as such land with an average slope of greater than 5 degrees, and land with north facing slopes, has been disregarded from the site selection process.
- 6.2.6 Potential for poorer quality agricultural land to be used: The report states that the siting of solar farms is highly constrained by the requirement to be close to a suitable grid connection point. It states that potential sites greater than 3km from the grid connection would be prohibitively expensive due to the cost of connection. The AoA report has assessed potential sites within a 3km radius of the proposed connection point. Within this study area, sites on north-facing slopes have been disregarded. Standard mapping that identifies agricultural land quality is not sufficiently detailed to differentiate between Grade 3a and Grade 3b land. A full picture as to the grading of land within the 3km buffer zone is therefore not

available. However some detailed soil assessments have been undertaken within this zone, including land between Morville and Bridgwalton, and land to the north-west of Bridgnorth. The applicant has provided details of agricultural land gradings that have been ascertained in these areas through soil assessments. These show that the majority of this land has been identified as BMV land, i.e. Grade 2 or 3a. Whilst not definitive, it is considered that this is indicative as to the general quality of agricultural land within the area. The AoA report states that there is no land within the 3km buffer zone that is located on less than Grade 3 agricultural land. As such it suggests that there is no land more suitable than that proposed in terms of ALC grade.

- 6.2.7 Potential alternative sites: The report identifies other specific sites that were considered, and the reasons why these were discounted. Other land within the applicant's ownership was assessed for its suitability, but was subsequently dismissed due to its prominence in the local landscape, its aspect and its gradient.
- 6.2.8 Whilst not referred to in the AoA report, it is relevant to note that a planning application for a 3.8MW solar farm at Tasley, which is located close to the Meadowley point of connection, was refused earlier this year under Officer delegated powers. The subsequent appeal was dismissed in October. In his decision the Inspector stated that the adverse visual effects of the development and its impacts on the significance of heritage assets, when considered individually and in combination, would significantly and demonstrably outweigh the benefits of the scheme. This site is within the 3km buffer zone of the Meadowley point of connection, but has nevertheless been confirmed on appeal as not being an acceptable site for solar farm development.
- 6.2.9 Potential for removal of BMV land from application site: Officers acknowledge that one option for avoiding the use of BMV land would be to exclude those parts of the application site that are Grade 3a. Based upon the soil assessment undertaken this would result in the exclusion of the central parts of the site. In response the applicant has advised that, given the costs of the grid connection of around £1 million, the scope to omit land is already very limited. It is accepted that the capacity of the scheme has already been reduced through revisions to the layout to exclude areas at the south-western and north-eastern parts of the site. This has reduced 11.61MW to 10.71MW. The applicant has advised that it is not realistic to remove additional parts of the site and maintain the financial feasibility of the project.
- 6.2.10 Alternatives to ground-based solar farms: The AoA report has also considered the scope of potential large scale rooftop installations within the county. It concludes that ground-based and rooftop solar installations are complimentary, but commercial scale rooftop solar PV is likely to make a relatively limited contribution to the UK's statutory targets of generating 15% of its energy from renewable sources by 2020.
- 6.2.11 Continued agricultural use: It should be noted that the proposed development would not result in the loss of agricultural land, as it is proposed that the land would be grazed by sheep once the panels have been installed. The issue in this respect therefore is that associated with the change from the arable farming to sheep

farming. The applicant states that the landowner has been offered a grazing licence for the site for up to 50 sheep per hectare. The applicant has clarified that typical stocking densities would be approximately 12-15 per hectare, and that the licence allows for flexibility for example during lambing or livestock exchange. The applicant considers that the existence of solar panels do not really affect stocking densities as the sheep can pass freely beneath them.

6.2.12 In terms of the change from arable land, the applicant has confirmed that the land at Meadowley is used for both arable and grazing, and that the fields are rotated. Arable land is used for producing feed for cattle and sheep rather than for energy crops or food for human consumption. The applicant has confirmed that, due to the past and present usage of the site for grazing land, no issues are anticipated in relation to the proposed grazing use of the application site. Officers accept that sheep grazing would not be a new venture for the landowner, and that as such no issues with this are anticipated.

6.2.13 Officers consider that the AoA report provides a reasonable assessment of the relevant constraints that apply to the siting of large-scale ground-mounted solar farms. In addition, based upon the site assessment provided, it is accepted that there are unlikely to be alternative sites available within a reasonable distance from the grid connection point with a lesser impact. The application has justified the use of agricultural land for the installation of solar panels. It is accepted that part of the application site is classed as BMV agricultural land, however most of the site (69%) is not BMV. The development would not result in the loss of agricultural land, merely a restriction on using the land for arable purposes as it would be used for grazing. In addition, land would be returned to its current agricultural use by no later than 25 years following installation. Furthermore the application would result in significant biodiversity enhancements to the area in terms of the planting of wildflower margins around the site and landscaping works, and managed beneficially through an agreed habitat management plan.

6.2.14 Overall, Officers consider that a satisfactory level of justification has been put forward for the use of the 5.2 hectares of BMV land as part of the solar farm proposal. As such the proposal is in line with the March 2015 WMS, and meets the criteria for consideration as set out Planning Practice Guidance as outlined in sections 6.2.2 and 6.2.3 above.

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

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. Saved Bridgnorth Local Plan Policy D11 requires that buildings and structures associated with renewable energy schemes are designed to minimise their impact on the landscape. It is noted that the site and surrounding land do not fall within an area designated for landscape importance. In addition it is acknowledged that the development would be temporary, and a condition can be imposed requiring that the panels would be removed at the end of their operational life or after 25 years, whichever sooner.



- 6.3.2 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which has been undertaken based on recognised methodology. The LVIA assesses the proposed development on both landscape character and in relation to visual impacts. It should be noted that the LVIA was undertaken based upon the site design as originally submitted. A number of revisions to the site layout have been submitted, which have reduced the size of the site and the visibility of the site from some surrounding receptors, including the public highway to the south.
- 6.3.3 Impact on landscape character: The LVIA notes that the site is located within the landscape type Timbered Plateau Farmlands (as defined in the Shropshire Landscape Typology). This landscape type is characterised as a rolling landform dissected by a number of valleys. The LVIA assesses the landscape value of the site and immediate surrounding area as medium. It acknowledges that a range of views are available due to the site's location on a hill top amongst rolling topography, increasing the susceptibility of the landscape to change. However it notes that these views are constrained by boundary hedgerows and areas of woodland which reduce the level of inter-visibility. As such it assesses the sensitivity of the landscape of the site and immediate surrounding area as medium. This has been disputed by the objection made on behalf of a resident of Upton Cressett, who considers that the sensitivity is at least high.
- 6.3.4 The LVIA concludes that the impacts of the proposed development on the Timbered Plateau Farmlands landscape would be negligible-slight to slight adverse, and impacts on the other landscape types would not exceed negligible-slight adverse.
- 6.3.5 The site is gently sloping, rising from approximately 194 metres on the southern and eastern boundaries up to a high point of 213 metres on the north-western boundary. Existing man-made development in the area includes the residential and agricultural buildings within the settlement of Meadowley, and the public highway, to the south of the site. There are hedgerows and hedgerow trees within and around the perimeter of the site which provide some screening from surrounding areas. Longer distance views of the site are possible at various parts of the site, particularly from land to the west and east. Given the scale and nature of the development, Officers consider that the proposal would have some impact on the character of the local landscape. However at 2.3 metres high the panels would be relatively low lying, and existing vegetation in the area would provide some screening and limit open views of the development.
- 6.3.6 The site lies approximately 5.2km from the Shropshire Hills Area of Outstanding Natural Beauty (AONB) to the west. Part of the AONB lies within the Zone of Theoretical Visibility of the proposed development. However given the distance involved and the topography and intervening vegetation it is not considered that any such views would be significant. As such it is not considered that the proposed development would adversely affect the landscape qualities of the AONB.
- 6.3.7 Visual impacts: The LVIA considers that the visual impacts from the public highway to the south of the site, from the public rights of way within and adjoining the site

and from Meadowley Farm would be moderate to very substantial. For other receptors the LVIA states that impacts would not exceed slight adverse for public rights of way or negligible adverse for highways and properties. It states that this is due to screening provided by strong hedgerow boundaries, woodland blocks, built development and changes in topography.

- 6.3.8 Existing trees and hedgerows within the site would be retained, and these would limit open views of the site from surrounding viewpoints. Officers consider that the principal visual impacts of the proposal would be on the public rights of way in the area, on the public highway and residential properties to the south. From the road, views of the development would be generally limited due to the presence of a roadside hedgerow, however there are some gaps in this hedgerow through which the panels would be visible.
- 6.3.9 There would be clear views of the site from the footpath and the bridleway that run through the site. In relation to the footpath (which runs along the eastern side of the site), these would be open views to one side of the path, for a distance of approximately 470 metres. However it is proposed to plant a hedgerow between the footpath and the solar farm and, as this establishes, the visibility of the development from the path would diminish. In relation to the bridleway, at present this runs through one of the fields at the site. It is the intention that the route of this is diverted slightly so that it runs along the edge of the field. Again, it is the intention that a hedgerow would be planted between the panels and the bridleway, to restrict open views of the site. Nevertheless it is accepted that the panels would be visible above the hedge, even once established, given the height of a horserider, along a 360 metres length of this bridleway as it runs through the site.
- 6.3.10 At its closest point the Jack Mytton Way, a long distance bridleway, would pass within 100 metres of the site. Views of the site from this right of way would be generally limited by existing built development at Meadowley, intervening vegetation and topography. There would be some points of this path where the development would be visible but these would generally be at distances of 1km or more, and Officers consider that such views would not be significant.
- 6.3.11 In relation to surrounding properties there would be some views of the development from Meadowley Farm, however it should be noted that these residents own the application site and therefore have a direct interest in the proposal. In relation to other properties, some views of the southern parts of the site would be possible from the dwellings immediately to the south, Oak Cottage and Ash Cottage. Views from ground floor windows would be restricted by the roadside hedgerow at the southern side of the site, however more open views would be possible from upper floor windows above the boundary vegetation. Nevertheless it is not considered that the panels would have an overbearing impact on residential amenity given their relatively low lying nature. It is noted that the residents of these two properties have written in support of the proposal, and no objections have been received from any other residents in Meadowley. It is considered that the visual impacts on properties further afield, such as Tasley to the north-east and Upton Cressett to the south-west, would not be significant given the distance involved. Impacts upon the setting of properties such as Upton Cressett are considered in a separate section below.

- 6.3.12 In terms of potential cumulative impacts there are no other large-scale ground-mounted solar farms within the general area of the application site. As such there would be no cumulative impact with other solar farms in the area. Parts of the Tasley site (referred to in 6.2.8 above), approximately 2.7km from the application site, are visible from the eastern side of the application site. Notwithstanding this, the appeal against the refusal of planning permission for the Tasley solar farm, under Officer delegated powers, was dismissed in October 2015. There are therefore no intervisibility issues with the two sites.
- 6.3.13 Officers consider that the proposed solar farm would have some impact on views experienced from the nearby public highway, from public rights of way in the area and from some residential properties. It is recognised that views of the site from the public rights of way and the public highway would be transient. In addition views from the Jack Mytton Way would generally be limited. Overall it is considered that a satisfactory level of mitigation has been put forward in terms of new hedgerow planting and that, given the level of environmental benefit of the proposal, these residual impacts would not be unacceptable. As such the application can be acceptable in relation to Core Strategy Policy CS6.
- 6.4 **Historic environment considerations**
- 6.4.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment.
- 6.4.2 Archaeological matters (on-site): A report has been provided by the applicant that sets out the findings of a geophysical survey of the site. This identifies that anomalies identified by the survey can be interpreted as former field boundaries, land drains or former plough furrows. The Council's Archaeology team have advised that these features are likely to be of low archaeological significance. It would be appropriate to impose a condition on any planning permission requiring a programme of archaeological work to be undertaken, as recommended by the Archaeology team (see Appendix 1).
- 6.4.3 Potential impact on heritage assets in the wider area: Paragraph 132 of the NPPF confirms that the significance of a heritage asset can be harmed by development within its setting. Paragraph 134 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.
- 6.4.4 The impact of the proposed development on the setting of the Grade II Listed Upper Meadowley Farmhouse to the south-east of the site is limited by the existence of other built development and vegetation in the vicinity. It is considered that this would provide a sufficient level of screening of the development to ensure that the setting of the listed building is not adversely affected.

- 6.4.5 The proposed development has the potential to affect the setting of a number of heritage assets in the wider area, in particular the group at Upton Cressett to the south-west and Aldenham Park to the north-east. Upton Cressett includes Upton Cressett Hall (Grade I listed); Upton Cressett Gatehouse (Grade I listed); the former St Michael's Church, Upton Cressett (Grade I listed); and the Moated Site and Fishponds, Upton Cressett (Scheduled) and a deserted medieval village (scheduled). The proposed location of the solar farm is approximately 800 metres from Upton Cressett, and the deserted medieval village is, at its nearest, approximately 610 metres away.
- 6.4.6 Historic England has advised that each of the assets at Upton Cressett has particular significance, but because they are also closely interrelated this adds to the overall significance of the manorial complex as a whole. Historic England has highlighted the fact that the complex is designed to take advantage of views to the south and east, which remain essentially rural without significant 19<sup>th</sup> or 20<sup>th</sup> century influence. It also advises that the setting of Upton Cressett is important to its significance as it contributes to a strong sense of remoteness and tranquillity.
- 6.4.7 Aldenham Park includes Grade II listed entrance gates, and the Grade II\* listed Aldenham Hall, within a Grade II registered park and garden.
- 6.4.8 A revised Heritage Assessment was undertaken by the applicant, which includes a visual analysis of impacts based upon site visits to both Upton Cressett and Aldenham. Historic England originally objected to the proposed development on the grounds that the significance of the Upton Cressett and Aldenham designated assets would be harmed by impacts on their setting. They considered that such harm would be less than substantial.
- 6.4.9 Revised plans have now been submitted which have removed panels from the south-western and northern side of the site. Historic England has advised that this revised layout addresses its main area of concern in terms of inter-visibility. The Council's Conservation Officer has confirmed that these amendments would ensure that the setting of heritage assets is preserved. The Officer has advised however that this is subject to the need for a robust and appropriate landscaping and mitigation plan.
- 6.4.10 Detailed objections have been made to the proposed development by one of the owners of Upton Cressett Hall on the grounds that the proposal would adversely affect the setting of the designated assets, and also the attractiveness of the area to visitors. Officers were granted access to the Upton Cressett complex to assess the extent to which the proposed development would be visible from the area. Based upon this visit, the photographs provided as part of the revised Heritage Assessment, and the further revisions to the site layout that followed this Assessment, Officers are satisfied that the proposed development would not adversely affect the setting of the Upton Cressett group of heritage assets. In terms of the wider impact of the proposal on visitors travelling to Upton Cressett it is accepted that parts of the site would be visible from the approach road. However it is not considered that this limited visibility would be of such magnitude as to affect

the enjoyment of visitors travelling to Upton Cressett.

6.4.11 Overall it is considered that any impacts on the setting of Upton Cressett and Aldenham would be less than substantial. In relation to the requirements of para. 134 of the NPPF, it is considered that the public benefits of the proposal, particularly in relation to the generation of 10MW of renewable energy, outweigh any limited harm there may be to the setting of the designated heritage assets.

## 6.5 Local amenity considerations

6.5.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. Saved Bridgnorth Local Plan Policy D11 requires that renewable energy schemes do not detract from the residential amenities of the area.

6.5.2 Noise: The application states that significant levels of noise would not be generated. It is anticipated that some noise may be generated from the operation of the substation and inverters, however the enclosed nature of these units would provide significant attenuation of emissions. The nearest residential properties to the substation and inverters would be approximately 100m metres away, and the Public Protection Officer considers that noise sources are at appropriate distances from sensitive receptors. As such it is not anticipated that the proposal would have any significant impact on the local area due to noise emissions.

6.5.3 Glint and glare: The planning application provides details of the specific effects of glint from the proposed development. It is noted that the panels are very dark in colour as they are designed to absorb light rather than reflect it. The application states that any glint from the solar panels would be significantly dimmer than other common sources of glint. There is no information to suggest that the proposal would result in adverse levels of impact upon local amenity due to glint or glare.

6.5.4 Decommissioning and land reinstatement: Saved Bridgnorth District Local Plan Policy D11 requires that renewable energy schemes include realistic means to ensure the removal of any plant, buildings or structures when they become redundant, and that they provide for the restoration of the site. The applicant has confirmed that the operational lifespan of the solar panels is 25 years. A planning condition can be imposed to require the removal of all of the equipment at the end of its useful life, or within 25 years whichever sooner, and the land reinstated.

## 6.6 Ecological considerations

6.6.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. It is noted that the application site does not form part of any statutory or non-statutory designated site for nature conservation.

6.6.2 Protected species: The application is accompanied by appropriate ecological reports based upon ecological surveys. These identifies that there are eight ponds within 500 metres of the site. Of the six surveyed, all six were considered suitable to support Great Crested Newt (GCN). The Council's Ecologist has advised that the submitted Precautionary Working Method Statement could be sufficient to reduce the risk of harming GCN. A condition can be imposed requiring that work

takes place in accordance with this Method Statement.

6.6.3 **Site management:** An Environmental Management Plan has been prepared which sets out how the site would be managed to increase floristic diversity and value to wildlife. This includes provision of bat and bird boxes as well as badger gates in the deer fencing. Existing trees and hedgerows would be retained, In addition wildflower areas would be provide around the site margins and other parts of the site. It is considered that the proposed solar farm offers an opportunity to provide significant biodiversity enhancements to the area. Given the modification to the site layout it is considered that a condition should be imposed requiring an updated Environmental Management Plan to be submitted for approval (see Appendix 1). In view of the above it is considered that the proposal is in line with Core Strategy policy CS17.

## 6.7 Highways considerations

6.7.1 Once the solar farm has been constructed ongoing traffic to the site would comprise occasional maintenance visits. Such traffic would access the site via an existing field entrance at the southern boundary of the site. The application states that the construction of access tracks between the panels would not be necessary. It is therefore not considered that operational traffic raises any significant highway issues, and the Council's Highways Officer has raised no objections to the proposal.

6.7.2 In terms of the construction phase, it is anticipated that this would last for 12 weeks and would result in 102 HGVs and 46 vans during this period. Access to the site for construction traffic from the A458 would be via a private track which serves a number of farms. This would avoid the use of the main section of public highway between the site and the A458 during construction operations. Proposed traffic management measures including signage and construction hours are outlined in the submitted Transport Statement. A more detailed Traffic Management Plan can be agreed as part of a planning condition, as recommended by the Highways Officer.

## 6.8 Flood risk considerations

6.8.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. The submitted Flood Risk Assessment (FRA) confirms that the site lies entirely within Flood Zone 1, signifying areas with the lowest probability of fluvial flooding. The proposed development would not result in any significant increase in the area of impermeable surfacing of the site. The Council's Drainage Officer has confirmed that the run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site. On this basis it is considered that the proposal does not raise significant issues in relation to flood risk and surface water management.

## 6.9 Public rights of way considerations

6.9.1 The current layout of the proposed solar farm provides for the diversion of the public bridleway that runs through one of the fields slightly to the north, such that it runs alongside an existing hedgerow. This revised layout is in line with the recommendation of the Shropshire branch of the Ramblers Association who had raised concerns over the original proposals. This diversion would need to be

subject to a formal diversion order. It is understood that no adverse comments have been received from path user groups in response to informal consultations undertaken by the applicant.

- 6.9.2 The diverted path would be slightly longer than at present, however it is considered that it would be a more attractive route than the original proposal to provide a corridor through the solar farm. As such, it is not considered that there are any significant planning issues in relation any application to legally divert the bridleway.

## 7.0 CONCLUSION

- 7.1 The proposed installation of a solar farm at land at Meadowley would allow the generation of 10.71MW of renewable energy for export to the National Grid, and contribute to a reduction in carbon emissions. As such it is supported in principle by both national and local planning policy. Whilst a proportion of the site comprises best and most versatile land, the site would nevertheless remain in agricultural use and a satisfactory level of information has been provided to demonstrate that the use of such land is justified. The revisions to the site layout, together with the landscaping proposals put forward, would ensure that the development would not adversely affecting the setting of heritage assets in the wider area, including those at Upton Cressett and at Aldenham Park. The panels would be removed after the end of their useful life or within 25 years, whichever sooner. The proposal would not result in adverse levels of noise, or significantly affect flood risk. It is accepted that the proposal would have some impact upon the local landscape character of the area, and on visual amenity to some receptors. However it is considered that the design of the site is acceptable and incorporates a satisfactory level of mitigation in relation to these impacts, including in relation to the rights of way network. On balance it is considered that, given the level of environmental benefit that the proposal would provide, including those associated with renewable energy production and also significant biodiversity enhancements, these impacts on the visual character of the area would not be unacceptable. On this basis it is recommended that the proposal can be accepted in relation to Development Plan policies and other material considerations, and that planning permission can be granted subject to the conditions as set out in Appendix 1.

## 8. Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9. Financial Implications

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

## 10. Background

### 10.1 Relevant Planning Policies

#### 10.1.1 Shropshire Core Strategy

This promotes a low carbon Shropshire by promoting the generation of energy from renewable sources (Strategic Objective 1)

- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)



- Policy CS8 (Facilities, Services and Infrastructure Provision)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire’s environmental assets
- Policy CS18 (Sustainable Water Management)

#### 10.1.2 Bridgnorth District Local Plan ‘saved’ policies

- Policy D11 (Renewable Energy) – proposals should minimise impact on the landscape; avoid impacts on heritage/nature conservation assets; not detract from the residential or recreational amenities of the area; provide for removal of structures and site restoration when they become redundant

#### 10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF): Amongst other matters, the NPPF: encourages the use of renewable resources (para. 17 - Core Planning Principles); promotes good design as a key aspect of sustainable development (Chapter 7); supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10); advises that lpa’s recognize that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve applications if its impacts are (or can be made) acceptable (para. 98); states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to unacceptable levels of soil, air, water or noise pollution (Chapter 11).

10.2.2 Planning practice guidance for renewable and low carbon energy (updated March 2015) states (para. 001) that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

The PPG states that all communities have a responsibility to help increase the use and supply of green energy, but that this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities (para. 003).

In relation to proposals for large scale ground-mounted solar photovoltaic farms, the PPG states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors the local planning authority will need to consider in relation to solar farms include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value

- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

The PPG refers to a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013. This commented that the Government will focus deployment of solar panels on buildings and brownfield land, not greenfield, and that “where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation, incorporating well thought out visual screening, involving communities in developing projects and bringing them with you”.

It also refers to a Written Ministerial Statement made on 25<sup>th</sup> March 2015, which states that “meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land”. It also states that “any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence”.

The PPG gives guidance in relation to assessing cumulative landscape and visual impact, and states that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

### 10.3 Emerging policy:

- 10.3.1 Site Allocations and Development Management (SAMDev) document: The SAMDev Plan Inspector has now confirmed the proposed main modifications to the plan following the examination sessions in November and December and these have been published for a 6 week consultation. This means that any plan content not included in the schedule of proposed main modifications may be considered to be sound in principle in accordance with NPPF paragraph 216. Therefore significant weight can now be given to SAMDev policies in planning decisions where these are not subject to

modifications. The site and surrounding area are not subject to any specific allocations in the SAMDev Plan.

10.3.2 Draft Development Management policies: Relevant draft Development Management policies include:

- MD2 (Sustainable Design)
- MD8 (Infrastructure Provision)
- MD12 (Natural Environment)
- MD13 (Historic Environment)

10.4 Relevant Planning History: None.

## 11. Additional Information

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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The application ref. 14/03933/FUL and supporting information and consultation responses.
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Members Cllr Robert Tindall (Brown Clee)
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Appendices APPENDIX 1 - Conditions
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**APPENDIX 1 - Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

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

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area; required to ensure that traffic management measures are agreed prior to commencement of works.

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

Reason: The development site is known to have archaeological interest, and this information is required prior to commencement to provide protection of such interest.

5. Prior to commencement of development, the tree protection barrier shown at Figure 1 of the Arboricultural Statement (Green Switch Developments, December 2014) shall be installed to the written satisfaction of the LPA around the trees internal to the development site, so as to define a construction exclusion zone encompassing the Root Protection Area of each tree. Also prior to commencement of development, the site perimeter security fence shall be installed as detailed on the same drawing, to protect retained trees and hedges around the boundary of the site. The areas within the fences shall be construction exclusion zones throughout the duration of development,

maintained for the purposes and as described in section 3 of the Arboricultural Statement.

Reason: to protect trees and hedgerows that contribute to the character of the area within and bordering the site from damage during implementation of the development.

6. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. 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.

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

7. Notwithstanding the submitted details, the buildings hereby permitted shall not be constructed until details of their external materials, including colour, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

8. The development hereby permitted shall not be brought into operation until a habitat management plan has been submitted to and approved by the local planning authority. The plan shall include: a) Description and evaluation of the features to be managed; b) Ecological trends and constraints on site that may influence management; c) Aims and objectives of management; d) Appropriate management options for achieving aims and objectives; e) Prescriptions for management actions; f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); g) Personnel responsible for implementation of the plan; h) Monitoring and remedial/contingencies measures triggered by monitoring. The plan shall be carried out as approved for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

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

9. Work shall be carried out strictly in accordance with the Precautionary Working Method Statement - Great Crested Newt by Wardell Armstrong dated July 2014. As stated in the Method Statement no construction work should take place outside of the hibernation period of February to November inclusive.

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

10. (a) Within one week of the completion of the construction of the solar panels, written notice of the date of completion shall be given to the local planning authority.
- (b) Within 6 months of the cessation of energy generation from the site, or a period of 25 years and 6 months following completion of construction, whichever is the sooner, all infrastructure associated with the solar farm will be removed from the site.

Reason: To ensure that the solar farm development is removed from the site following the end of its operational life or within a reasonable period of time to protect the landscape character of the area.

### **Informatives**

1. 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. In determining this application the Local Planning Authority gave consideration to the following policies:  
 Central Government Guidance:  
 National Planning Policy Framework  
 National Planning Practice Guidance  
 Shropshire Core Strategy and saved Local Plan policies:  
 Policy CS5 (Countryside and Green Belt)  
 Policy CS6 (Sustainable Design and Development Principles)  
 Policy CS13 (Economic Development, Enterprise and Employment)  
 Policy CS17 (Environmental Networks)  
 Policy CS18 (Sustainable Water Management)  
  
 Bridgnorth Local Plan 'saved' Policy D11
3. For the transformer installation, the applicant should consider employing measures such as the following: surface water soakaways in accordance with BRE Digest 365; water butts; rainwater harvesting system; permeable surfacing on any new access road, parking area/ paved area; greywater recycling system. Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.
4. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

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

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

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

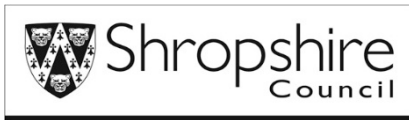
6. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance 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 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.

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Committee and date

South Planning Committee

3 November 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

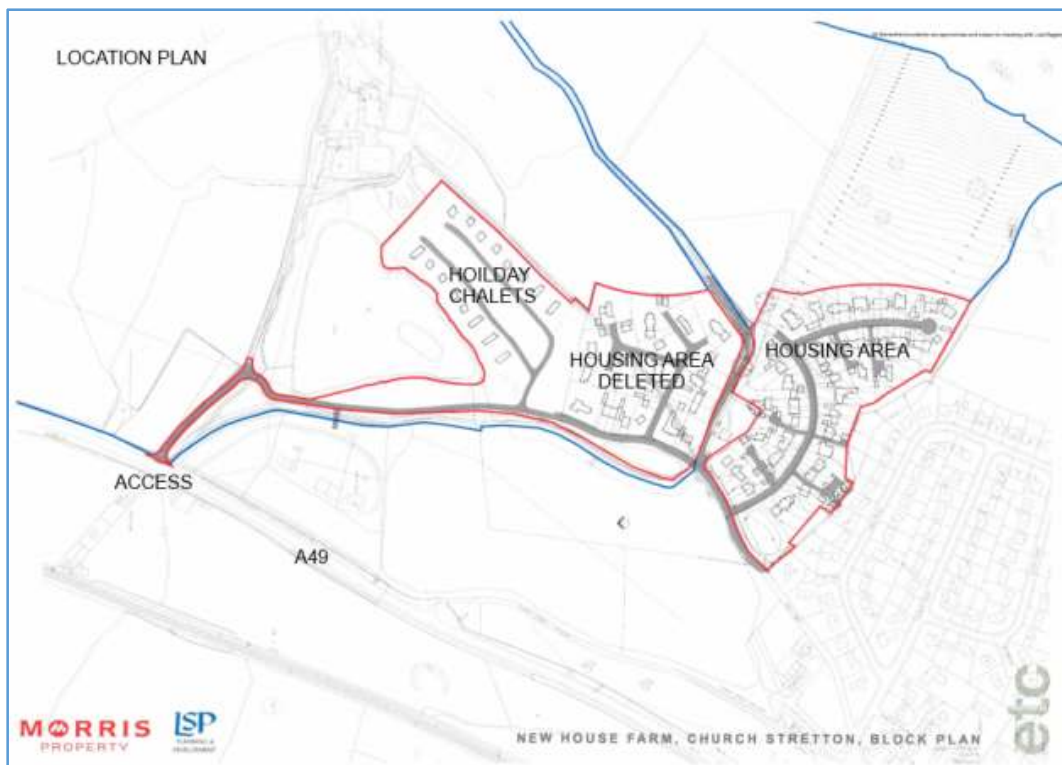
### Summary of Application

<b>Application Number:</b> 14/04374/OUT	<b>Parish:</b>	Church Stretton
<b>Proposal:</b> Outline application (access, landscaping, layout) for erection of 65 dwellings (reduced from 85) and use of land for the siting of 16 holiday units		
<b>Site Address:</b> Land north and east of Cwms Lane, Church Stretton, Shropshire		
<b>Applicant:</b> Morris Property		
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Recommendation:** Refuse Permission for the following reasons:

1. The proposed development is located outside the defined development boundary for Church Stretton in the existing and emerging development plan for the area (the South Shropshire Local Plan and Sites Allocation and Management of Development Plan, respectively). As a result the site is located in open countryside for planning purposes and therefore in an area where additional housing for sale on the open market is not considered to be appropriate or sustainable. It is considered that the lack of sustainability of the proposals outweighs the need for new housing in the area and the other justifications put forward by the applicant. The proposal therefore fails to comply with adopted policies CS1, CS3, CS5 and CS6 of the Core Strategy; Policy S10 of the Council's emerging Site Allocations and Management of Development (SAMDev) Plan and Government advice contained in the National Planning Policy Framework.
2. The proposals would encroach into the essentially open and attractive rural landscape north of Church Stretton and would therefore have a detrimental impact upon the environment, character, landscape and visual quality of the Shropshire Hills Area of Outstanding Natural Beauty. It is considered that the adverse impacts of the proposals on the local environment, associated natural and heritage assets and leisure and tourism interests would significantly and demonstrably outweigh benefits of the scheme. Accordingly, the proposals would not meet the criteria for development in the countryside and the Area of Outstanding Natural Beauty as set out in Paragraphs 115 and 116 of the National Planning Policy Framework and would also be contrary to Core Strategy Policies CS6, CS13, CS16 and CS17.

3. It has not been satisfactorily demonstrated that the eastern end of the public highway at Cwms Lane could be legally closed as part of the proposed access arrangements. It has not therefore been shown that the potential for traffic to use of Cwms Lane as a short cut to the Battlefield Estate and surrounding areas could be avoided. As such, it is considered that the proposals have the potential to result in an unsustainable pressure on the local highway system giving rise to adverse highway and pedestrian safety issues in conflict with Core Strategy Policies CS6, CS7 and CS8.



Plan 1 – The site

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Permission is sought for a mixed use of 65 dwellings for 'open market' sale and 16 holiday accommodation units on land at New House Farm, Church Stretton. The application is in outline with matters of detail reserved, except access, landscaping and layout. The proposals originally involved 85 dwellings but the scheme has recently been amended to omit the western area of medium to low density housing. An upgraded junction off the A49 is proposed via Cwms Lane. This would link to new internal access roads serving the residential and holiday accommodation areas.
- 1.2 The residential plots are proposed to be a mixture of 2-4 bedroomed family sized homes of medium to high density. Adequate parking would be provided and there would be a garage and good-sized garden area for each property. The holiday chalets are envisaged to be log cabins with grass roofs and external areas of wooden decking. A substantial landscaping scheme is proposed, including amongst other matters the provision of native woodland to the north of the residential area

and strengthening of existing field margin planting. Existing mature trees would be retained.

- 1.3 There have been a number of amendments to the scheme. There is a proposal to upgrade existing footpaths and the sunken lane ('Hollow-Way') passing through the site and to create public recreational spaces in the proposed woodland and pasture fields. A plan showing possible proposals to relocate, expand and improve the facilities of the nearby archery club has been provided. This does not form part of the current application but is intended to illustrate a potential synergy between the club and the holiday unit proposals.
- 1.4 Further details have been provided of the proposed junction with the A49. This would involve realignment / widening of Cwms Lane and an improved visibility splay. The width of the existing carriageway on the A49 would narrow to accommodate a proposed right turn lane. As noted above, the applicant has also recently deleted the 20 houses to the north of Cwms Lane.



Plan 2 – Indicative Layout

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site (9.65ha) is located on gently sloping pasture land at the base of Caer Caradoc. It is beyond the existing northern edge of Church Stretton, to the east of the A49 and just over a mile from the centre of Church Stretton. The scheme is divided into the proposed holiday chalets to the south of New House Farm and the proposed residential area to the west of Oaks Road. A single residential property, Eastlands is situated to the immediate south west of the proposed housing area.

2.2 The site is traversed by 2 public footpaths which afford access to the Stretton Hills and also a sunken lane (the 'Hollow-Way') which though not suitable for normal car use retains the status of a public highway. It is located within the Shropshire Hills AONB which incorporates all of the settlement of Church Stretton.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application has been referred to the committee by the local members as a major development proposal raising complex issues and this decision has been ratified by the Development Manager in accordance with the Council's adopted Scheme of Delegation.

### 4.0 COMMUNITY REPRESENTATIONS

4.1.1i. Church Stretton Town Council – Objection. The Town Council has given 4 detailed responses objecting to the proposals with later responses reiterating previous objections. The main objections are as follows. The full wording of the Town Council's representations of November 2014 and October 2015 are listed in Appendix 2.

Objection because the proposals contravene the National Planning Policy Framework in the following ways: –

- The site is not sustainable.
- There is no need for further housing in Church Stretton as housing numbers have been met and this development would constitute over-development.
- The site is of a highly sensitive nature as it comprises the setting of two heritage assets, Caer Caradoc and Helmeth Hill with Ancient Woodland.
- It is at the heart of the AONB and is not compatible with the natural and historic surroundings.
- There are serious issues of access and safety.
- There are flooding & drainage concerns.

4.1.2a Shropshire Hills AONB Partnership (initial response) - The Shropshire Hills AONB Partnership notes that this application affects the nationally designated area and, as such, the Planning Authority has a statutory duty to take the AONB designation into account in determining it. Particularly important in this respect are national policies which give the highest levels of protection to AONBs, including NPPF para 14 footnote 9; para 115; and, in the case of major development, para 116. In addition to other local planning considerations, the application clearly also needs to conform with Shropshire Council Core Strategy policies CS 5, 6, 16 and 17 and SAMDev policies MD 2, 7, 8, 11, 12 and 13 that make specific reference to the Shropshire Hills AONB. The statutory Shropshire Hills AONB Management Plan 2014-2019 formally approved and adopted by Shropshire Council contains further Council policies that are material planning considerations which the Core Strategy requires should be given due weight. As a non-statutory consultee, the Partnership is not resourced to respond to all planning applications affecting the Shropshire Hills AONB, and has not in making this response studied the detail of this application. The AONB Partnership may choose to make further comments on this application,

but if not, the absence of detailed consideration and comments by the Partnership should NOT be interpreted as suggesting that this application raises no issues regarding the AONB designation. This remains a matter for the Council to take fully into consideration, fulfilling its statutory duty in respect of the AONB, in reaching a decision on the application.

4.1.2bi Shropshire Hills AONB Partnership (13/02/15) - The Shropshire Hills AONB Partnership wishes to re-state its strong objection to this application. The new information provided does not overcome the fundamental issues we have raised regarding the suitability of this development within the AONB. The Landscape Strategy and proposed mitigation measures do not make this development acceptable. We note that a revision accepted in the SAMDev inquiry to policy MD3 on housing adds in to this a specific reference having regard to policy CS5. Policy CS5 Countryside and Green Belt starts:

“New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt.”

Explanation to Policy CS5 Countryside and Green Belt, para 4.72 (extract) states

“whilst this policy seeks to facilitate a wide range of beneficial rural development, the operation of this policy, in conjunction with Policy CS6 and more detailed policies in the SAMDev DPD, recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. There will be a significant emphasis on achieving quality and sustainability of design, particularly locally appropriate design and use of materials. Thus, proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable. Whilst these considerations will apply generally, there will be areas where development will need to pay particular regard to landscape character, biodiversity or other environmental considerations including in the Shropshire Hills Area of Outstanding Natural Beauty.” We re-state that through removing the site from the SAMDev Plan, the Council has already accepted that Church Stretton’s housing needs can be met on other sites. The development does not therefore pass the test of exceptional circumstances in NPPF para 116 on meeting the need in other ways. Aside from the many other arguments against it (outlined in our earlier letter), we believe the development for this reason alone cannot be granted permission. The application also fails to meet the third test on NPPF para 116, in that the environmental effects are highly significant, and not moderated by the landscaping proposals.

- ii. We understand that the applicant has now accepted that the field edge public footpath alongside the sunken lane cannot in fact be ‘diverted’ into the sunken lane. Therefore the argument used in the documents that walkers heading from the town to Caer Caradoc will be unaware of the houses due to screening effect of the deep lane is invalid and must be disregarded. This has been given considerable weight in the applicant’s documents. The housing development would indeed be highly intrusive to users of this highly popular hill from the town. The selective quoting of the AONB Management Plan in the applicant’s documents ignores the fundamental fact that this is the biggest single development proposal to affect the AONB in many years, in a location of extreme sensitivity for landscape character and quality. This

development does not support the vision of the AONB Management Plan. The first priority in the Management Plan with regard to the Stretton Valley, Wenlock Edge and Dales area states:

“The need to retain character and limit the negative impacts of change and development is probably more acute here than anywhere else in the AONB.”

The 3-d modelling in the ‘Landscape Strategy’ may serve to depict landform, but it does very little to assess the actual landscape impacts of the development. The analysis presented is not compliant with the nationally accepted ‘Guidelines for Landscape and Visual Impact Assessment’ (GVLIA, 2013). Regarding assessment of landscape impact (as distinct from visual impact), the Chapter 5 summary points of the Guidelines include:

- To identify and describe the landscape effects the components of the landscape that are likely to be affected by the scheme, often referred to as the ‘landscape receptors’, should be identified and interactions between them and the different components if the development considered, covering all types of effect required by the Regulations.
- The landscape effects must be assessed to determine their significance, based on the principles described in Chapter 3. Judging the significance of landscape effects requires methodical consideration of each effect that has been identified, its magnitude and the sensitivity of the landscape receptor identified.
- To draw final conclusions about significance the separate judgements about sensitivity and magnitude need to be combined into different categories of significance, following the principles set out in chapter 3.
- The rationale for the overall judgement must be clear, demonstrating how the judgements about the landscape receptor and the effect have been linked in determining overall significance.
- A clear step by step process of making judgements should allow the identification of significant effects to be as transparent as possible, provided that the effects are identified and described accurately, the basis of the judgements at each stage is explained and the effects are clearly reported, with good text to explain them and summary tables to support the text.

4.1.3i. National Trust (20 April 2015): - The additional information addresses some of our concerns but not the fundamental objection that this is a major development in the AONB that would harm its natural beauty and be contrary to local and national policy. We still object to the development proposed. The Planning Minister (Brandon Lewis) recently wrote to the Chief Executive of the Planning Inspectorate highlighting the consideration of landscape character in planning decisions. The Minister’s letter and appeal decisions largely relate to landscape that is not recognised and protected by national designation. They should serve as a baseline above which the additional importance of protecting the landscape character of an AONB should be considered. I have attached a copy of the Minister’s letter and the related note from Planning Advisory Service for information. The applicant’s heritage assessment identifies a degree of harm to the setting of Caer Caradoc which should be taken into consideration in determining the application. We consider that the harm to this heritage asset and others may be understated as the assessment covers impacts on setting in terms of direct visibility rather than holistically considering impacts on the “surroundings within which an asset is experienced.” This is perhaps most evident in relation to the listed buildings at New

House Farm. In March 2015, English Heritage published revised settings guidance. This identifies considerations such as surrounding landscape grain and character as part of setting. Similarly it identifies changes to general character within the potential effects of development relevant to setting.

- ii. Some information in relation to tree protection has been provided. However, this only shows the Root Protection Areas in relation to the carriageway of the proposed road without consideration of any additional excavation required for drainage or services or to address the existing cross-fall of the land. The site area may allow some realignment of the proposed road if needed and this may be a matter that could be controlled by condition. However, I do have a query about the site area that relates to the validity of the application. The application now includes a drawing labelled Block Plan and with the reference number 11047-11 revision A. This is described on the council's website as "Application Area Plan 21-12-14." The drawing appears to show a revised red line with part of the road construction needed for access to the eastern side of the site outside the application site area. My understanding is that all parts of a development should be included within the application site area.

4.1.4i. Historic England (18/08/15) – Objection. We have received amended proposals for the above scheme. We continue to draw your Council's attention to the effect of this proposal on the setting of Caer Caradoc Hillfort, a scheduled ancient monument. In English Heritage's letter of 9th December 2014 responding to the application as then notified, we advised that, whilst the impact on the Church Stretton Conservation Area would be relatively small, there would be an effect on the setting of Caer Caradoc Hillfort, Scheduled Ancient Monument UID 101723. The application site is not intervisible with the hillfort itself, but it does apparently include and seriously impact on one of the waymarked footpaths to Caer Caradoc. The development would be clearly visible, in conjunction with Caer Caradoc and its hillfort, from surrounding accessible hills, and in particular from The Long Mynd. The revised application does not appear to have addressed this issue either in its design or in documentary material, therefore Historic England draws your attention to this heritage impact. Historic England recommends that the effect of the proposal on the setting of Caer Caradoc Hillfort, a scheduled ancient monument, is taken into account in determining this application. We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

4.1.4ii. Historic England (13/10/15) – We have received amended proposals for the above scheme. We do not wish to comment in detail, but offer the following general observations. We note that the amended application has reduced the proposed development by omitting the northern area of houses, and has proposed mitigation by landscaping and woodland. In these circumstances our advice remains that your Council should take into account the impact on the setting of the Caer Caradoc Hillfort - a scheduled ancient monument - but we recognise that the impact has potentially been reduced, subject to design and landscape measures. We would urge you to address the above issues, and recommend that the application should

be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

4.1.5 Highways England (20/08/15) – No objection subject to condition. Pertinent to Highways England is drawing 11047-15 showing the layout of the proposed site access junction on the A49 and the accompanying document ‘Amendments/Additions to Design, Access, and Planning Statement’. Highways England in previous correspondence has accepted that the traffic generated by the development can be accommodated on the SRN. Despite the submission of the revised junction design however the applicant has not demonstrated that the proposed improvement to the A49 / New House Farm junction has been designed in line with Highways England’s standards. Therefore Highways England recommends that a condition be attached to any planning permission granted requiring that the design of the site access junction of A49 / New House Farm Road be agreed with Highways England as the Highway Authority for the A49 Trunk Road prior to the commencement of development.

4.1.6 CPRE South Shropshire: Objection.

- 1. The proposed 6.12 hectare site is wholly within the Shropshire Hills Area of Outstanding Natural Beauty (SHAONB): as such this is an area that should receive protection as an exceptional area where restrictions apply. This particular landscape around New House Farm is of such environmental, amenity and historical importance that its conservation clearly outweighs any need for the extent and distribution of housing of this submission.
- 2. The application is one of major development scale and thus should fulfil a full EIA (Environmental Impact Assessment) rather than relying on the apparent lack of a 5 year housing land supply and a belief that the application has Shropshire Council’s agreement that the development is sustainable as defined.
- 3. Paragraph 14...highlights AONBs as exceptions to a presumption in favour of development where ‘specific policies in this Framework indicate that development should be restricted; also the conservation of the countryside, heritage assets and designated planning principle (p17); and states that valued landscapes should be both protected and enhanced (p109). Furthermore it states that great weight should be given to conserving landscape and scenic beauty in AONBs – which have the highest status of protection (p115).
- 4. Two Caradoc Hill-forts overlook this site and this iconic and important heritage asset could be harmed caused by development within it (p124 and 132). Approval of this application could allow future development to spread and further spoil the gateway to the Caer Caradoc landscape, the panoramic views and the Church Stretton Conservation Area Policy (5.1.3 and S5.3).
- 5. Ancient field systems – a lynchet of probable Iron Age to Medieval date would also be threatened, their ridges and furrows possibly obliterated and this would destroy valuable heritage assets and valued landscape.
- 6. Para 55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.



Local planning authorities should avoid new isolated homes in the countryside – unless there are special circumstances.

- 7. The NPPF advises that development should be well connected to town centres – yet this is a remote and poorly connected site, especially for pedestrians and cyclists.
- 8. The proposal to build a hundred dwellings on rural AONB fields at a distance of 1.7 to 2.2 kms from the town centre would be designed NOT to enhance or maintain the vitality of the town. The acceptable walking distance to town centres is 400 metres and 1km to schools (Providing for Journeys on Foot – IHT2000: Table 3,2).
- 9. The LPA should avoid new isolated homes in the countryside – which is what this site is – and there is no convincing special circumstance noted that I could find – other than the greed of the applicant and a desire to create a modern estate on historic, valued and tranquil farmland... at an unsustainable walking/cycling distance & safety from the town.
- 10. The proposal to construct a ghost island for access into the estate on a busy and fast stretch of the A49 (at a cross-road with Windy Ridge, the A49 and the farm access) is fraught with danger.
- 11. School children would be tempted to take a shortcut via Coppice Leasowes, the A49 and the railway line at uncontrolled points – a potentially dangerous journey.
- 12. Para 113 describes designations for wildlife, geo-diversity and landscape, setting out that protection should be commensurate with their status. Restrictions include policies protected under the birds & habitats directives (p 119) and land designated an AONB, and with designated heritage assets.
- 13. The permanent introduction of a modern estate with large houses and chalets, new roads and some two hundred car parking spaces – all built on previously tranquil countryside - can hardly be described as 'protection'. Any development that impedes or obstructs access into this protected rural landscape will prove detrimental, and will damage, perhaps for ever, some of the heritage assets and an area of outstanding natural beauty.
- 14. 115 and 116 focus on protected landscapes and declare that great weight should be given to conserving landscape and scenic beauty in AONBs – which have the highest status of protection in relation to landscape and scenic beauty.
- 15. The rural footpaths from Church Stretton which approach Caer Caradoc, Helmeth Hill and Hope Bowdler all cross the open landscape of this application. These are greatly valued and much used paths that feature in many nationally published walking maps and routes. Their real attraction is the tranquillity and the mounting rural panorama of the climb towards the summit...this would be lost if the scene below was of a far from tranquil & modern housing estate. Furthermore log cabins and holiday chalets are inappropriate and foreign to our landscape – especially ones of the size and capacity planned. Para 116 states that planning permission should be refused ...except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Considerations should include:
  - (a) An assessment of the need for the development. This is perhaps the most important failing of the application. The developers have tried to hide behind the 'offer' of 17 affordable and second stage housing for rent when a further 4 x 2 bed, 19 x 3 bed and 45 x 4/5/6 bedroomed Market Houses

are proposed (80% of the total). Housing waiting lists of 7th March 2014 suggest a total of 25 local applicants for 1 bedroom dwellings, 12 for 2 beds, and 4 for 3 + bedrooms...no demand whatsoever for 4/5/6 bedroom properties that are already much built in Church Stretton & for which there is little or no current need, or demand.

- (b) The impact of permitting/refusing it on the local economy: The application makes considerable point & detail on the economic benefits of the development and there would undoubtedly be some...but at a greater cost of losing valued landscape and heritage by the imposition of an unsustainable new housing estate too far from the town and without public transport .
- c) Any detrimental effect on the environment, the landscape and recreational opportunities.
- 16. This will be a highly visible estate from the Long Mynd and other surrounding hills, many footpaths and viewpoints. No amount of landscaping will hide the houses or the wooden chalets and extra screening will take years to have any effect.
  - 17. Para 118 states that local authorities should aim to conserve and enhance biodiversity. It adds that planning permission should be refused for development
    - resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of clearly outweigh the loss.
  - 18. Helmeth Wood overlooks the site: it is an ancient woodland, over 600 years old and contains ancient sessile oaks and small-leaved limes. This wood and its landscape are greatly valued by local residents and by the many visitors and walkers who visit the area, and the setting of the wood, high on Helmeth Hill, would have to compete with a hundred dwellings below it.
  - 19. Para 126 states that a positive strategy for the conservation and enjoyment of the historic environment should be set out by local planning authorities and should conserve them in a manner appropriate to their significance.
  - 20. Comment has already been made in Para 14 of the important need for the conservation and enjoyment of the Caer Caradoc landscape that includes the multivallate Iron Age hillfort, remnants of the ancient field system and the ancient woodland...all part of this treasured and iconic area that is threatened by this application.
  - 21. Para 129 gives local planning authorities the task of identifying and assessing the significance of heritage assets that may be affected by development affecting the setting of a heritage asset to avoid or minimise conflict between the asset's conservation and any aspect of the proposal.
  - 22. No apparent attempt to identify the stated heritage assets seems to have been carried out – let alone plans to avoid or minimise their damage or loss.
  - 23. Para 131. Local planning authorities should note the positive contribution that conservation of heritage assets can make to sustainable communities.
  - 24. Church Stretton is increasingly dependent on tourism and the number of visitors who come to walk and explore our precious landscape. They will NOT want to visit if they have modern estates thrust upon them, be forced to walk through or to look down upon once they have scaled our hills and explored our hill-forts and ancient woods. Conserving our fields and landscape is the essence of our tourism attraction.

- 25. Another important factor would be the permanent loss of valuable Grades 2 and 3 farmland and so fails to accord with NPPF paras 110 – 112.
- 26. Para 132. 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 ... significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 27. Para 157 states that Local Plans should identify land where development would be inappropriate – because of its environmental or historic significance.
- 28. These fields have been the subject of at least two previous planning applications in the past. Both were rejected as being unsuitable & inappropriate. This has not changed. The application should contain a clear strategy for enhancing the rural environment - rather than attempting to change the peaceful rural fields into a modern housing estate with tacked on holiday chalets.
- 29. One main concern is that, should this proposal be allowed, it would lead to a spread of further development up the slopes of both Caer Caradoc & Helmeth Hills. Correspondence between Morris Properties and Severn Trent water suggest that a total of 700 homes could be an eventual target...the equivalent of a new small town in our SHAONB!
- 30. Finally, I would like to object to the pugnacious tone of the developer in trying to castigate our elected representatives for helping to protect our wonderful landscape. No regard seems to have been paid to their Church Stretton Place Plan 2014/2015 which has made clear & representative statements on ensuring the delivery of suitable development sites, community led planning, local development and infrastructure needs, wider investment priorities, accurate local housing needs by both assessment and survey and invoking Core Strategies CS3, Cs4 and CS5... all aimed at ensuring the delivery of sustainable places in Shropshire.
- On behalf of South Shropshire CPRE and Church Stretton Community Group, I wish to support our Town Council, the SHAONB, the local National Trust, the Civic Society and the Church Stretton Chamber of Trade in strongly OPPOSING this application.

4.1.7 SC Public Protection - Specialist – No comments received.

4.1.8 SC Affordable Housing: - No objection. If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before an application is submitted.

- 4.1.9i. SC Conservation (Historic Environment) (initial comment 11/09/15): - Objection. These comments are made in relation to the impact of the proposals on the historic environment and not the principal of development. The proposed site lies near to historic farmstead 'New House Farm' which contains two listed buildings: New House Farmhouse, Grade II and dating to the 18th century with a probable earlier core, and the grade II listed Barn which is located to the west of the farmhouse, and also dates to the 18th century. The site lies within the valley below the Scheduled Ancient Monument: Caer Caradoc and near to the Church Stretton Conservation Area. Due to the close proximity of such historic designated assets a heritage assessment is required, to ensure full understanding of the impact of the proposals. Due to other site constraints such as the ANOB, developments of this type have the potential to have an adverse impact on the landscape character of the area. However, this is not something which Historic Environment Team can advise on. We would therefore recommend that Development Management consider obtaining the opinion of an appropriately qualified Landscape professional.
- ii. Due to the application being 'Outline' there is very little detail on design, therefore it is difficult to fully comment with regards to this. With such a sensitive location in this instance further details should be submitted prior to a decision being made. Further details should include visuals which show development within it context, i.e. proposed development within the landscape. Also full analysis of the surrounding area, a feasibility study would evaluate the character, design, materials, which would inform the proposed development. It is noted that the Conservation Area Appraisal has not been quoted, this document clearly details the character of the areas within the town and important views in and out, it also establishes the building types, layout, street scene etc. which would again better inform any proposals here.
- iii. The National Planning Policy Framework (NPPF) Section 128 states that 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.' This includes un-designated as well as designated assets. At this stage is that no decision is made on this application until a heritage assessment is completed, which will determine the impact of the proposals on the historic environment and wider historic landscape. It is also suggested that a feasibility study and contextual analysis is completed and included with the application."
- iv. The recommended heritage assessment has now been submitted in order to assess the impact on surrounding designated and non-designated heritage assets, subsequently comments have been provided by Historic England and Archaeology colleagues. We would concur with these comments and in addition would recommend the following:
- The impact on the setting of Church Stretton conservation area has been assessed as 'limited'. A significant aspect of the character of the conservation

area is its setting and views out toward the surrounding landscape. Whilst we would to some extent concur with the assessment and comments made by Historic England that the impact will be 'relatively small', it is considered that the proposed development will at least result in a minor impact on the setting of the conservation area. However, as no design rationale or visuals have been provided of the scale and type of development it is not possible to fully assess this.

- New House Farm, a grade II listed C18 (with possible earlier core) farmhouse and an associated grade II listed C18 timber framed and boarded barn lie to the North of the proposed development site. The heritage assessment considers the impact on New House farm to be negligible due to the lie of the land, and that whilst there would be some views of the proposed recreational use [16 holiday units] these would fit into an already altered landscape. The assessment considered that the proposed development will have no impact on the character, setting or significance of the associated grade II listed barn.
  - Whilst we would to some extent agree that the impact on the immediate setting of New House Farm would be small, concerns are raised that the proposed development will urbanise the currently open and agricultural wider setting, which contributes to the significance of New House Farm.
- v. Concerns are raised that the proposed development will result in a negative impact on the wider setting of New House Farm, and will not preserve its setting in accordance with part 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and therefore is not supported. Furthermore, the requested design rationale/ analysis has not been submitted as has been requested, therefore insufficient detail is available to fully assess the impact on Church Stretton Conservation Area, to ensure that its character and setting is preserved in accordance with part 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.1.9ii. SC Conservation (Historic Environment) (subsequent comment): - Objection withdrawn following removal of the western area of housing.
- 4.1.10 SC Archaeology (15/10/15): - No objection. In their consultation response of 13 October 2015, Historic England acknowledge the reduction in the proposed development, and recognise that the impact on the setting of the Scheduled Monument Caer Caradoc Hillfort (National Ref. 1010723) has potentially been reduced, subject to design and landscape measures. In view Historic England's advice, it is recommended that the following standard landscaping condition is included in any planning permission for the proposed development. Our recommendation that a condition securing a program of archaeological works is imposed remains unchanged.
- 4.1.11 SC Drainage: - No objection. A drainage design should be produced and submitted for approval to the parameters as stated in the Drainage Strategy Report, limiting the discharge rate from the site equivalent to a greenfield runoff rate and attenuating for all storm events of up to 1 in 100 year + 30% for climate change.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner. As the scheme is greater than 1 hectare, a Flood Risk Assessment (FRA) should be produced. Additional conditions and informative notes relating to drainage are recommended.

- 4.1.12 SC Highways DC: – Verbal comments – Objection on the basis that there is no guarantee that Cwms Lane could be legally stopped up at its eastern end. Hence, there is the risk that local through traffic could use the lane as a shortcut leading to an unsustainable situation. (Full comments will be reported in the update report)
- 4.1.13 SC Ecology: – No objection. Conditions and informatives advised relating to Great Crested Newts.
- 4.1.14i. SC Trees (07/04/14) – Objection maintained. The tree protection plan (TPP) reference number LA3379-2 and associated specification for tree protection fences (TPF) reference SD1 Rev.2 are good documents and fit for purpose for the area of the site that they cover. They do not however cover the entrance from the A49 and sections of drive leading to the main site, neither does it include the proposals for a new archery centre, as such the plans only partly address the concerns raised in section 3.2 (g) of the Tree Service's consultee comments dated 24/12/14. The tree service would require that these plans and any addendums be named in the case officers report and decision notice as part of the approved plans and particulars so that the owner and developers could be held to the agreement if this proposed development goes ahead.
- ii. Amended Housing & Master plans. The amended master plans and Housing plans (Rev11047-13 Rev.D) offer subtle changes to the site entrance and housing layout. The revised plans remove my concerns in relation to trees identified in the Shropshire Council SC/00191/14 as trees T16 to T18 and trees T1 to T4, see our consultee comments dated 24/12/14. I note however that my concerns stated in section 3.2 (c) of the 24/12/14 consultee comments regarded TPO'd trees T14 & T15 (TPO ref. no's) on the southern corner of the garden at Eastwood have not been satisfactorily addressed. The model of house has been changed, but the position of the house so close to two semi-mature trees will undoubtedly lead to future proximity problems as the trees grow to deliver their full potential. The removal of this property from the proposal, or setting it back further into the site away from these trees are the only solutions that I can recommend as providing a sustainable solution.
- iii. Modified access: The improved visibility splay appears to necessitate the loss of a number of trees, as compensation the revised master plan indicates some new planting along the revised drive / entrance, this needs to be consolidated if the application is approved with an addendum to the landscape proposals.
- iv. Restoration Works to the Hollow-way Cwms Lane: The amendments and additions to the design and access statement and landscape plan LA3379/1/Rev D notes 1 and R make further reference to the intention to regrade / drain / improve the track that runs up the sunken lane known as the Hollow-way and adjacent the public footpath (See section Page five of the amendments to the design and access

statement and page 32 of The Landscape Strategy Report). We agree that there may be merit in some form of work to the lane but the condition of the trees and their relationship with the lane banks and bottom need to be fully considered before any works are planned, and any subsequent works would need to be subject to an approved Arboricultural Method Statement.

- v. Proposed Archery Butts: I could not determine whether the plans for the new archery butts were an addition to the existing application or an informative on possible future land use. If it is an addition to the outline application then the applicant needs to provide an appropriate level of arboricultural information and proposals for landscape mitigation.
- vi. Conclusion: Whilst the applicant has addressed a number of points raised in the Tree Service's previous consultee comments we still consider the majority of the comments made in our 24/12/14 comments to be pertinent and in need of being addressed.
- vii. Recommended conditions. Whilst we are not at this time suggesting that the applicant has sufficiently removed our objections to the granting of matters pertaining to access, landscape and layout we are recommending conditions covering the following matters if the this application goes to committee.
  - Landscape plan and planting specifications
  - Three year tree maintenance contract and five years aftercare
  - Tree protection
  - Arboricultural Method Statement.

4.1.15i SC Rights of Way (10/08/15) - The amended housing plan does not indicate the existence of Footpath 24 Church Stretton. It is mentioned in the amended statement where it is described as waterlogged and difficult to use. The Council have not received any complaints about this path from the public and officers are aware that the path is easy to use at all times of year. It is used by pedestrians in preference to Cwms Lane due to easier conditions and better views of the surrounding countryside. As stated previously it is very unlikely that this path could be legally extinguished. The comments on the improvements and future use of Cwms Lane are rather ambiguous. The use of the route by vehicles, including motorcycles, does not seem to be acknowledged. The physical nature of the sunken lane will not allow for other users to pass vehicles which makes the retention of Footpath 24 even more imperative.

- ii. SC Rights of Way (09/02/15) – Objection. It appears that despite our consultation response the developers have still failed to appreciate the status of the Cwms Lane Hollow-Way. The route is a public vehicular highway recorded on the List of Streets as publically maintainable. Maintenance of this route is carried out by Outdoor Partnerships Team on behalf of the Highways Department which is responsible for Unclassified County Roads (UCR). The Heritage Impact Assessment (7.2.1.01) fails to recognise the route as a County Road along which the public have the right to use vehicles. The Landscape Strategy report (Pg 23) accepts the route as a PROW but suggests the route has not been used and has been diverted onto the public

footpath which runs parallel to the sunken lane. This is not so. In common with many other lanes with similar features a 'wet weather path' developed alongside the vehicular highway for use by pedestrians. This was then recorded as a public right of way under National Parks and Access to the Countryside 1949. It exists in addition to the Cwms Lane County Road. As this route is an important vehicular highway the developers must consider how vehicles will exit the route at its western end. It is clearly not possible to pedestrianize the metalled section of Cwms Lane if it is an outlet for a vehicular highway. It is imperative that the developers consult Outdoor Partnerships and Highways on this matter so that public rights are not compromised in any way.

- iii. SC Rights of Way (04/11/14) – Objection. This application fails to identify two public rights of way that would be affected by the proposal. It also does not seem to recognise the fact that the deep cutting which dissects the development (Cwms Lane) is recorded as a County Road therefore the public have a right to use the lane on foot, cycle, horseback and with motorised vehicles. Footpath 24 runs parallel to the sunken lane and is in constant use as the main pedestrian link to Caer Caradoc and beyond. It has its origins as a wet weather path for pedestrians to avoid having to walk in the cutting. The current condition of the cutting is such that it is often unsuitable for use by walkers. The only mention of footpath 24 is within the Landscape Strategy Plan where it suggests that the footpath is diverted into the cutting which could become a foot only route. This is not only legally impossible- a public right of way cannot be diverted onto an existing public right of way but also undesirable as users on foot would not find it pleasant. It is not a viable alternative to the current route. It is also highly unlikely that the higher rights of horseriders, cyclists and motorists could be extinguished as the route is part of an important link to Willstone. The fact that this part of Cwms Lane is a County Road would prevent the metalled road section being pedestrianised as this would cause the route along the cutting to become a cul de sac. Footpath 23 runs across the southern part of the proposed development and it does not seem to have been accommodated with the plans. The proposal in the Landscape Strategy Plan, that this path should also be diverted into the cutting, is not legally possible or of any benefit to users. Footpath 19 runs adjacent to the boundary of the development site and may be affected by the proposed attenuation pool. It appears that the existing public rights of way network has not been fully considered within the application. It is vital that the applicants discuss these matters with this department before further assumptions are made regarding the future of these routes.

## 4.2 Public Comments

- 4.2.1 The application has been advertised in accordance with statutory provisions and the nearest residential properties surrounding the site have been individually notified. The application has attracted a high level of representation with 452 representations being received. Just 7 of these support the scheme for the housing it would provide. The remainder are objections. Given the high number received it is not possible to comprehensively list all the comments displayed on the council's online planning register. The main concerns of objectors are however as follows:



- i. Impact on landscape / AONB: Shropshire's Core Strategy commits to giving great weight to conserving Church Stretton's landscape and scenic beauty within the highly protected environment of the AONB. The government's Planning Practice Guidance requires valued landscapes to be protected and enhanced. The development of the site would have a detrimental effect on the town's landscape. I am not persuaded that 20 fewer dwellings will significantly reduce the impact which this proposed development will have upon the SSAONB. 60 dwellings, 16 holiday homes and associated tarmac for roads and parking, as well as lights and noise, will have a major adverse impact upon the setting and footpath approach to Caer Caradoc and Helmeth Hill. If there is any doubt about this, for example in the minds of people who have not walked in the South Shropshire hills, then a full, and independent, Landscape and Visual Impact Assessment should be carried out. I have never been led to believe that the proposed development was to be sited on "the side of Caer Caradoc". Rather, the point is that it will spoil the setting and approach to Caer Caradoc and an iconic part of the AONB. The assertion that the landscape sensitivity is low, is based upon the original documentation for this development, and is clearly wrong, and has been refuted by the National Trust, and Shropshire Hills AONB Partnership, amongst others. The proposal to have grass roofs on the holiday cabins and single storey dwellings close to the listed farm building, will not provide any significant camouflage, bearing in mind that this development will involve a great deal of tarmac, paving, vehicles, light and noise. The development will still be an eyesore that will spoil the natural beauty of the area. The New Landscape Strategy along with Mitigation Measures, do not enhance the likelihood of making the Development of 85 dwellings and 16 Holiday Units anywhere suitable or acceptable. There are no exceptional circumstances which could possibly justify the desecration of the slopes of Caradoc. Once built upon, the beautiful views within the valley and from the surrounding hills will be damaged for ever. We must consider the quality of life for future generations. Questioning the ability to screen the development with trees from elevated views and the effect of the required tree heights on the amenity of existing and proposed properties.
  
- ii. Impact on tourism / leisure: The Shropshire Hills AONB is a major attraction in South Shropshire and as such needs protection for future generations. It should be considered as an asset to the county. The proposed developments would amount to a blot on this beautiful landscape. Church Stretton's main industry is tourism. It is not appropriate to spoil a landscape which attracts hundreds of thousands of tourists each year. Government guidance states that planning decisions should aim to identify and protect areas of tranquillity which are prized for their recreational and amenity value. The proposed development will have an adverse effect on tourism in the area which Church Stretton so strongly depends because of its negative impact on the AONB. Church Stretton's economy is based, to a significant and an increasing extent, on tourism, especially tourism related to on outdoor activities and appreciation of the beauty of the local countryside, such a walking, mountain biking and the like. Designation of the area as an AONB reflects the unique and appealing nature of the landscape. The local landscape is the resource on which Church Stretton's economic activity is based. The proposed housing project would blight this landscape, particularly given the visibility of the "development" from the Stretton valley and from the National Trust property to the west, by virtue of its high

elevation. Statements that the housing would be sensitive to the character of the town are totally irrelevant. Any housing, of any nature, would be detrimental to the town's landscape amenity in the proposed location and, as such, would deplete the essential resource on which the town's economy depends

- iii. Impact on heritage: Historic England continues to say: It does still appear to us that the proposal would impact on the setting of the Hillfort both through the longer views across the valley and through the experience of visitors to the Hillfort as they approach it from the south.
- iv. Traffic / access: The proposed alterations to vehicular access do not take sufficient account of the existing dangers of the A49. The closure of that section of Cwms Lane to vehicular traffic is crucial to the prevention of Watling Street North becoming a means of accessing and exiting the NHF site, as well as developing into a rat-run for southbound traffic on the A49 wishing to avoid traffic lights on their way to the 'Battlefield' estate or to travel east to Much Wenlock. The importance of this is acknowledged at paragraph 3.3 of the unamended Design and Access Statement where the applicant has stated that "Cwms Lane and Watling Street North...are both unsuitable for additional traffic." If Cwms Lane between Helmeth Road and 'Eastwood' cannot be legally closed to vehicular traffic, that must surely be reason enough for Shropshire Council to reject this application. The access to the site from the A49 is a further concern. The developers have proposed a ghost roundabout off the A49 trunk road but I foresee problems with queuing traffic waiting to turn into and out from the site, and having to negotiate with each other where their paths cross. The developers anticipate that there would be vehicles with slow initial acceleration, including coaches and cars towing caravans, using the site, and so these slow vehicles would need to cross the path of trucks and other traffic travelling at, and in excess of, 60 mph in order to turn right into the site or turn North out of the site. The drive into Windy Ridge, on the other side of the A49 would only add to the problems. Although the developers claim good visibility from the drive, the farm drive is on a long bend which can be difficult to see from the A 49. Should this development go ahead, the numbers of accidents on this already dangerous stretch of road will, I fear, inevitably increase. A49 Junction - The drawing number 11047-15-A prepared by ETC Design Ltd does not show how highway access is to be maintained to the two existing properties Windy Ridge on the western side of the A49 and High Leyes on the eastern side. Two objectives within the Shropshire Local Transport Plan are referenced in the planning application. I believe this application flies in the face of those objectives:- 1. Reduce the risk of death or injury due to transport accidents; 2. Help people feel safe and secure when travelling and protected from traffic in their communities.
- v. Pedestrian use / rights of way: The proposal to "make improvements" to the Hollow-Way to make it easier for use by walkers and others, is unacceptable. The Hollow-Way is a ROW which is part of a circuit used by off-road 4x4 wheeled vehicles and motorbikes. Walkers will not choose to use the Hollow-Way instead of Footpath 24, which runs along the field edge and provides wonderful views of Caradoc and the surrounding countryside. Contrary to what the applicant would have you believe, Footpath 24 is not constantly flooded, nor difficult for walkers to use. The developers anticipate that people walking into town would walk along Cwms Lane

(which would be closed to traffic) and Watling Street North, to the traffic lights at the Sandford Avenue/A49 crossroads. However Watling Street North is narrow and has no pavement for most of its length and this road is already quite busy with cars and bicycles from the Battlefields estate. Furthermore there is a very dangerous short cut which children living on the site would be tempted to take on their way to school and to the playing fields. This shortcut goes through Coppice Leasowes and across the A 49 and railway line at uncontrolled points.

- vi. Strain on services / infrastructure: The extra populous residing at these new dwellings will put even more strain on already overloaded local services such as doctors, dentists schools etc.
  
- vi. Site choice / principle: The land is not in the right place to offer expansion of tourism, positioned as it is on the opposite side of the busy A49 from the town centre and not within easy walking distance of the National Trust land and its facilities. The local infrastructure is insufficient to cope with additional demands. The NPPF advises that development should be well connected to town centre. This is a poorly connected site, especially for pedestrians and cyclists. The site is too far for most people to walk back with shopping so there will be more car journeys; there is no bus service along that stretch of the A49. The walking route to the schools involves negotiating the A49 and going over an unmanned railway crossing. The Medical Practice is fully stretched now; parking in town is difficult. their claims of the economic benefits arising from this development are speculative, but if valid would also be expected from a similar sized development in a less sensitive location.
  
- vii. Policy / housing need: It is clear from pages 1,2, 3 and 7 of the "Amendments" that the applicant considers that the outcome of his planning application for New House Farm (NHF) should succeed because of his guess that without NHF (which site is not part of the SamDev offering by Shropshire Council) the SamDev obligations will not be met. Shropshire Council is being asked to decide this planning application, in respect of a special site that is not within the SamDev submission, on the result only of the applicant's crystal-ball gazing. If the submitted SamDev proposals do indeed prove to be undeliverable, it is open to Shropshire Council to fill the numbers gap from sites elsewhere. If inclusion in the SamDev submission means planning application approval is justified, the corollary is also true, i.e exclusion from the SamDev submission (as is the case with the NHF site) means rejection of a planning application is justified. The developers claim that Church Stretton has a serious unmet need for housing development, but the Town Council claim that the housing requirements for Church Stretton will be met from other more acceptable developments. There are sufficient less sensitive sites available to meet Church Stretton's housing needs and quota. As a Church Stretton resident I believe that the town has to make a contribution to the local and national requirement for new housing. However, any future developments should be between the A49 and the B5477 where the visual impact would be minimised. No rational case been made to justify the proposed number of new dwellings in Church Stretton. The proposed addition to our housing stock is made with no regard for the actual need for new housing units in the Church Stretton. Who is expected to purchase these properties?

- viii. Ecology: Concerns about impact on local ecology.
- ix. Drainage: After a winter in which flooding in various areas of the UK has been a major environmental issue, why is a plan to approve construction on a hillside site even being given any consideration? Building on such a site removes much of the plant cover and seals large sections of the overburden with impermeable buildings, roads, footpaths and the like, as well as introducing artificial runoff route in the form of drains and sewers. This has the effect of increasing the amount of rainfall that goes to runoff, decreasing the lag time between the storm and the runoff, reducing evaporation and reducing the water stored in the overburden. The steeper the land surface, the greater these changes are.

#### 4.2.2 Church Stretton Area Tourism Group: Objection 01/04/15.

1. Church Stretton is a small town, the only one in the Shropshire Hills Area of Outstanding Natural Beauty. Its economy is increasingly dependent on tourism, and visitors come here not for shopping or eating nearly as much as for the spectacular landscape that surrounds the town, the green fields, imposing hills, the moorland of the Long Mynd, the steep batches, the flora and fauna, the wildlife and the tranquillity of the local countryside.

2. Increasing numbers of visitors stay overnight and frequent the ten cafes and seven pubs in the Strettons. Many shop for local food if they self-cater: many of these visitors are avid walkers or cyclists, and the CSATG was instrumental in making Church Stretton the first Walkers Are Welcome town in the Midlands.

3. The Strettons have become a mecca for walkers and mountain bikers who come to enjoy the spectacular countryside, the well maintained footpaths and the challenging terrain. They have also come to escape from suburbia and modern crowded estates.

4. The New House Farm landscape is special. It is good agricultural land devoted to tranquil pasture and it leads up to two much visited and prized heritage assets – Caer Caradoc and Helmeth Hill & Woods. A major development of a modern estate will permanently scar this rural scene... and have a major landscape impact that will threaten the whole hill approach and its network of footpaths.

5. A modern estate built here is not sustainable as it is too far from the centre of Church Stretton, the railway station, the schools, the medical centre and the shops. Walking from the proposed site would be difficult, dangerous and impractical:

most would want to drive and the proposed 'ghost island' on the A49 would also prove difficult & dangerous. Hence the delay in hearing this application.

6. The houses & holiday chalets are mostly too large and affordable houses too few. This application is one of greed rather than fulfilling a housing need. They would combine into a major challenge on our fragile infrastructure – of drainage, sewerage, medical facilities, traffic & parking.

7. There is no proven need or demand for either the large houses or the large alien holiday chalets.

8. There are no exceptional circumstances to support this application. Instead, it runs counter to the NPPF low impact need, runs counter to the Shropshire Core Strategy, runs counter to the Church Stretton Town Plan, and runs counter to

the wishes of our Town Council, Civic Society, Chamber of Trade - also the vast majority of the five thousand local resident.

9. The Shropshire Hills Area of Outstanding Natural Beauty needs and deserves protection from greedy major development plans like these, especially when they threaten our treasured landscape and our tourist-dependent economy. For all these reasons, the CSATG urges the Planning Committee to reject this application.

#### 4.2.3 The Strettons Civic Society (18/11/14): Objection.

- i. Church Stretton is the only market town in the Shropshire Hills AONB and further development on the lower slopes of Helmeth Hill and Caer Caradoc, two of the most iconic features in the landscape of the AONB will seriously impair the beauty of the countryside by creating a major visual intrusion into a highly sensitive hill and vale landscape.
- ii. The application does not comply with:
  - a) National Planning Policy Framework (NPPF)  
Para 115 “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”
  - b) Shropshire Council’s MD 12
    1. “Shropshire Council will require new development proposals to conserve, enhance and restore Shropshire’s natural and heritage assets and landscape character - - - .” Great weight will also be accorded to conserving and enhancing the natural beauty of the Shropshire Hills AONB having regard to the AONB Management Plan.”
    2. “Development proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively on any of the following assets:
      - i. the special qualities of the Shropshire Hills AONB
      - viii. visual amenity
      - ix. the landscape character and local distinctiveness of the area in which the proposal is located.
 will be rejected unless:
      - i. the social or economic benefits of the development proposal can be demonstrated to clearly outweigh the harm to the assets; and
      - ii. there is no satisfactory alternative means of delivering the proposal.”
- iii. The application fails to recognise the impact it would have on the historic environment in which New House Farm is located. Any development on the flank of Caer Caradoc, a scheduled ancient monument, and one of Shropshire’s largest and most visited Iron Age hill forts, will compromise the setting of the ancient monument and the visible earthworks of a prehistoric field system on the hillside.
- iv. The site is clearly visible from very popular public viewpoints to the west and nearby, the permissive path on the western edge of The Woodland Trust’s Helmeth

Wood and from Caer Caradoc. This value is recognised by the Government's countryside advisor, Natural England, which has designated the Shropshire Hills as a Natural Character Area which they seek to protect, conserve and enhance, including the 'key landmark and striking feature' of Caer Caradoc.

- v. The Society considers that for a town set within a nationally protected hill landscape, all development proposals have to be considered in the light of constraints that are imposed by this setting. The first constraint is of topography and landform. If future development were to result in the built environment becoming the dominant feature in the local landscape, the inherent quality of the AONB would be severely compromised. In a landscape whose quality is the equal of any National Park, this would be indefensible. The town is contained within a narrow valley in the hills and has extensive tree cover that does much to screen the built environment. Green spaces that descend from the hills to the town give Church Stretton a distinctive character and provide an immediate and pleasant access to the hills, much valued by visitors and residents. We conclude that New House Farm does not meet the criteria for a sustainable development and would have a significantly adverse impact on the Shropshire Hills AONB.
- vi. **Accessibility:** The site would be accessed by a new junction and new road from where the current farm access track meets the A49. The proposed new 'ghost island' junction on the A49 would not be an adequate protection for right turning traffic on this fast stretch of trunk road which is within a 60mph zone.
- vii. New House Farm is not an easy access site for pedestrians. The proposed walking access from the new housing site to the town centre along a pedestrianised Cwms Lane, would be about one mile via Watling Street North and the A49 traffic lights. The distance to the school is much longer and children might therefore be encouraged to take a dangerous short-cut across the A49 by Coppice Leasowes and an uncontrolled crossing of the railway.
- viii. **Location plan error:** There appears to be an error in the Location Plan. The blue ownership boundary includes wrongly the woodland of Coppice Leasowes on the east side of the A49: it is owned by Church Stretton Town Council.
- ix. **Tourist cabins:** The proposal to build 16 tourist cabins is not in keeping with the Shropshire Hills Management Policies which advise against sites of more than 10 units so as to minimise intrusion into the scenic qualities of the AONB. This location would be a significant intrusion into the open country of the AONB and it is therefore not appropriate.
- x. **Planning history:** This site has a history of previous rejected planning applications. In 1990 an application was made for a housing site (1/00246/O) It was refused by Shropshire Council because it would constitute 'a major extension of development into the open countryside and an intrusion into the landscape which would detract from the visual amenities of the AONB.' Another application was made for a site for 20 touring caravans (1/03669/P). It was directed for refusal by the DoT because additional turning movements onto the A49 would be detrimental to the safety and free flow of traffic. An appeal against this refusal was dismissed in 1994 and the

inspector noted that unacceptable harm to traffic safety and flow outweighed any tourism and economic benefits. This planning history is a material consideration in the current application.

- xi. Tests to be applied to the site: The main test which Shropshire Council should apply to this application is the requirement in NPPF paragraph 116 which states: “Planning Permission should be refused for major developments in these designated areas (i.e. National Parks, The Broads and AONBs) except in exceptional circumstances and where it can be demonstrated that they are in the public interest.”
- xii. Our argument is that the proposal is in direct conflict with the principles of landscape protection within the AONB, that the site has poor accessibility and does not meet the requirements of sustainability and that it has a relevant history of refused planning applications. There are better sites for development in Church Stretton which have been identified through the SAMDev procedure. We conclude that New House Farm does not meet the criteria for a sustainable development and the application should be refused.

Further detailed comments from the Strettons Civic Society are included in Appendix 2.

- 4.2. 4 A consultant acting for ‘Eastlands’, the property closest to the development site has raised detailed objections on traffic, landscape and policy issues. The most recent comments reiterate and update previous concerns and are listed in Appendix 3.

## 5.0 THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### 6.1 Relevant policy and principle of the development:

- 6.1.1 General context: As the only market town in the AONB the development issues facing Church Stretton are unique in a Shropshire Context. The town is expected by national policy to accommodate its fair share of growth in order to meet the needs of its population and to continue to perform its role as an important centre of service provision. At the same time, the environment within and surrounding the town is very sensitive to change. This is reflected in the fact that a significant area of the town is designated as Conservation Area. Church Stretton is also geographically constrained, being hemmed in by the surrounding hills which provide such an attractive backdrop and are a key reason for the continuing success of the town’s major industry of tourism. The floodplain associated with the river valley also limits

the scope for development within the settlement and much of the available unconstrained land is already developed.

- 6.1.2 The challenge therefore is for the town to accommodate sufficient development to meet its needs within the plan period without compromising the very landscape and environmental quality which defines the town and brings so many visitors every year.
- 6.1.3 The Town Council and the local community have worked hard through the SAMDev process in order to identify the right sites and types of development to meet the town's development needs in a sensitive way. Policy officers had initially put the New House Farm site forward for possible inclusion in the SAMDev at the 'issues and options' stage. However, the site was strongly rejected by the local community and the level of opposition to the current application highlights these ongoing concerns. The NPPF advises that one of the 3 key elements of sustainability is social sustainability. For a scheme to be considered sustainable in social terms it must have support from the local community.
- 6.1.4 Residential proposals: The site is located to the north of the development boundary of Church Stretton. The town is identified as a Market town and Key Centre in the adopted Core Strategy. Policy CS3 – "Market Towns and Other Key Centres" requires market towns such as Church Stretton to accommodate balanced housing and employment development within their development boundaries and on sites allocated for development. Development must be of a scale and design that respects the town's distinctive character and must be supported by improvements in infrastructure. The Policy indicates that "Church Stretton will have development that balances environmental constraints with meeting local needs". Policy CS3 states that the indicative scale of housing development in Church Stretton over the period 2006 – 2026 will be less than 500 dwellings.
- 6.1.5 Policy S5.1 of the Pre Submission Draft SAMDev advises that Church Stretton will provide a focus for development in this part of Shropshire, with a housing guideline of about 370 dwellings and about 1 ha of employment land for the period 2006-2026. New housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town's development boundary as shown on the Proposals Map. Further to Policy MD3, the release of further greenfield land for housing will be focused to the east of the A49 on sustainable sites adjoining the development boundary. New development must recognise the importance of conserving and where possible enhancing, the special qualities of the Shropshire Hills Area of Outstanding Natural Beauty as set out in the AONB Management Plan and should be in accordance with Policies MD12 and MD13. Particular care should be taken with the design and layout of development in accordance with Policy MD2. Whilst the current site is to the east of the A49 and in part adjoins the settlement boundary it is not one of the two sites specifically allocated for residential development in the SAMDev. It must therefore be considered against planning policies relating to development outside of allocated areas, including Core Strategy Policy CS5. Emerging SAMDev policy MD3 is also increasingly material.

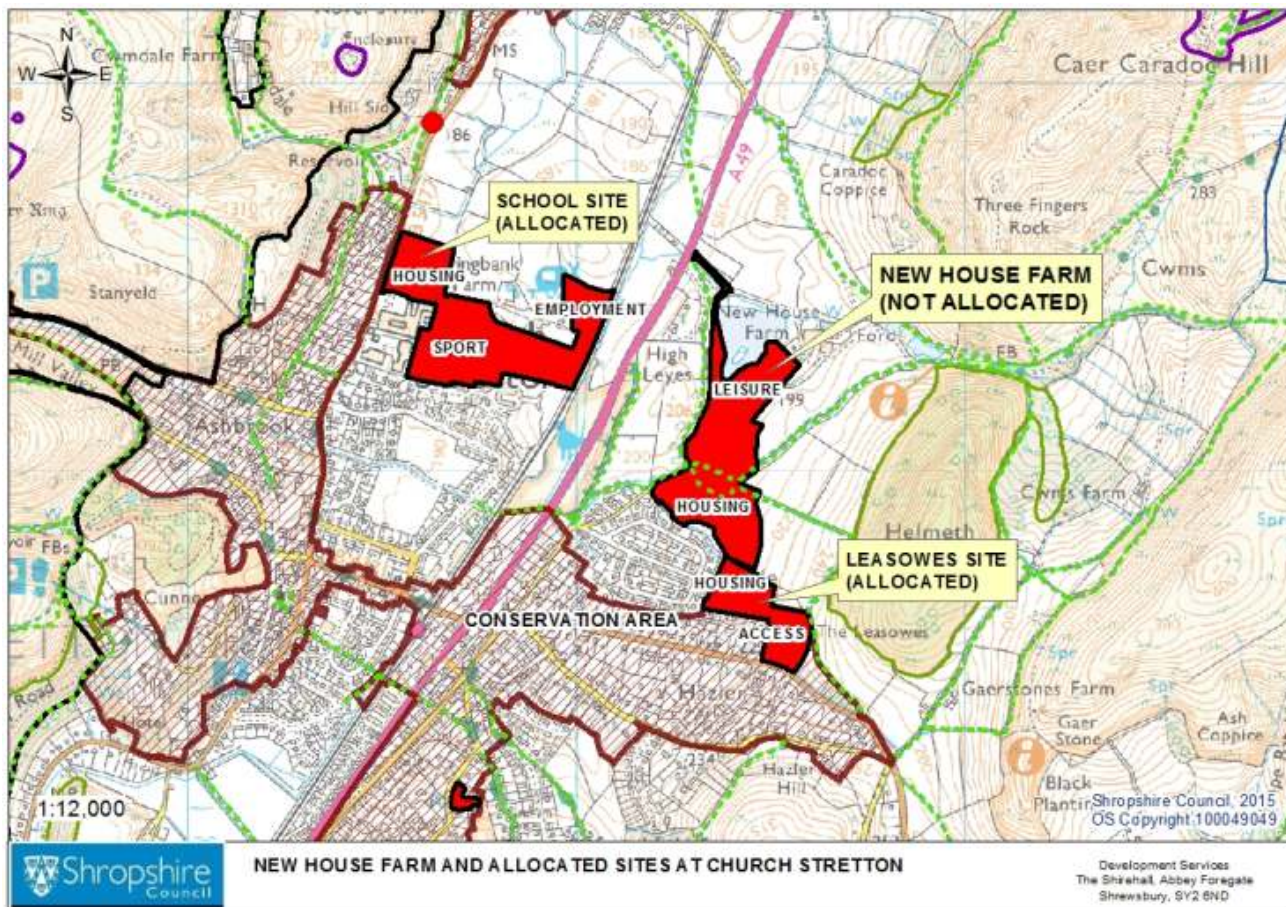


- 6.1.6 Housing land supply in Shropshire is above the 5 year level required by the National Planning Policy Framework (para. 47). As a consequence, existing and 'saved' housing policies are regarded as 'up to date' and can be accorded weight. The SAMDev is at an advanced stage and additional weight can therefore be afforded to this emerging plan as an indicator of future sustainable housing locations.
- 6.1.7 The current site is not allocated in the emerging SAMDev and has attracted objections from Church Stretton Town Council and a high degree of opposition from the local community. It does not therefore benefit from the presumption in favour of development which is in accordance with the Development Plan. Paragraph 115 of the National Planning Policy Framework 2012 identifies a requirement to conserve the landscape and the scenic beauty. As 'major development' within the AONB the site must also meet the exceptional circumstance tests set out in section 116 of the NPPF. Key planning policies are Core Strategy Policy CS5, CS6 and CS17. The main issues to address therefore with respect to the proposed housing element of the scheme are:
- 1) Whether there are any exceptional circumstances which would justify the release of the site with reference to housing and AONB policy.
  - 2) Whether the site can be accepted in terms of other environmental effects and relevant policy considerations.

It is also necessary to assess the overall sustainability of the scheme, including the chalet proposals in environmental terms.

- 6.1.8 Deliverability of existing housing allocations: The applicant has suggested that there may be technical difficulties affecting the deliverability of the allocated sites and that they may therefore deliver less houses than expected. The applicant suggests that this provides a justification for the current proposals. In terms of the two allocated sites, the site at the Leasowes off Sandford Avenue (14/01173/OUT) received outline planning approval on 18<sup>th</sup> June 2015 following completion of the required affordable housing contribution legal agreement. Reserved matters details must be submitted within one year. The applicant suggests that there are complications relating to site access which could affect the feasibility of the scheme. Whilst the access involves additional engineering measures to protect tree roots no clear evidence has been provided to suggest that this site would not be deliverable.
- 6.1.9 With respect to the other allocated site at Church Stretton school, a full planning application has been received (15/01276/FUL) and is provisionally being targeted for consideration by the committee at the December 2015 meeting. Objections have been received from Princes, a bottled water company which abstracts water from sources including to the immediate to the north of the site. A meeting to discuss mitigation proposals with the Environment Agency has been scheduled for early November. At the moment however there is no clear evidence to indicate that water resource protection issues are not capable of being satisfactorily addressed. Therefore, at this time, there is no indication that the allocated sites will not deliver as anticipated. Nor is there any evidence that the number of non-allocated windfall

sites being approved within the towns' development boundary is falling below predicted levels.



**Plan 3 – Housing allocations at Church Stretton**

6.1.10 Notwithstanding this, if hypothetically there was some under-delivery from the allocated sites then this would not automatically suggest that the New House Farm site should proceed, or that any such consideration would be sufficient to outweigh fundamental policy issues such as the need to protect the AONB, even if there is an acknowledged housing shortfall. The level of housing proposed at New House Farm would significantly exceed policy requirements if the allocated sites are delivered. Emerging SAMDev Policy MD3 advises that, additional sites beyond the development boundary that accord with the settlement policy would only be acceptable where a settlement housing guideline appears unlikely to be met by the end of the plan period. There is no indication at this early stage before SAMDev adoption that the housing targets for Church Stretton will not be met. Therefore, the proposals cannot derive any policy support in terms of housing need.

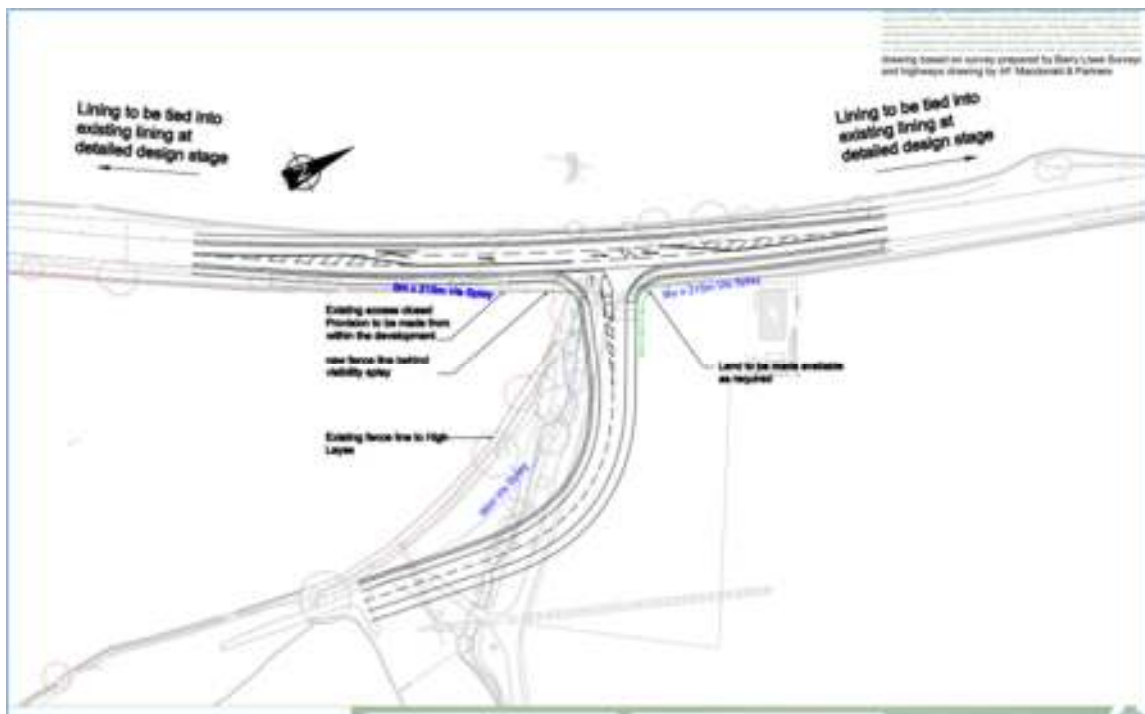
6.1.11 Holiday units, policy considerations: The leisure element of the scheme would need to comply with section 115 of the NPPF and also the exceptional circumstance tests set out in section 116 as this forms part of a larger mixed scheme which together comprised 'major' development. This element of the proposals would also need to comply with Policy CS5 of the Core Strategy which advises that development in the countryside will be strictly controlled. The policy supports 'small scale' economic

development / employment generating use, including live-work proposals and tourism uses and also 'sustainable rural tourism and countryside recreation proposals in accordance with Policies CS16 and CS17'. This is provided such proposals are on appropriate sites and improve the sustainability of rural communities by bringing local economic and community benefits. As the leisure use forms part of a wider inter-dependent scheme it cannot be considered in isolation.

## 6.2 Environmental Considerations

6.2.1 Traffic and access: Objectors including the Town Council have expressed concerns that the proposed access would join a dangerous stretch of the A49 and would exacerbate existing traffic capacity issues. They have questioned the ability to legally close Cwms Lane at its eastern end adjacent to the Battlefield Estate as proposed. The occupants of Eastwood, a private property beyond the proposed stopping up point have also objected that this would affect their existing right of access and would result in a much longer route to access the town centre.

6.2.2 The applicant's landscaping scheme refers to the fact that the Highway Authority 'may have scope to impose a traffic regulation order' closing Cwms Lane East to vehicular traffic. However, highway officers advise that there is no certainty that this would be legally possible. They express concern that if the lane cannot be stopped up then this would have the potential to result in use of the lane as a short cut for through traffic and traffic to the Battlefield estate. This would be unsustainable and highway officers advise that in these circumstances they cannot support the proposals.



Plan 4 – A49 Junction Layout

6.2.3 The access onto the A49 has been the subject of detailed discussions between the applicants' consultant and highways England which has resulted in an amended

junction layout. Highways England has not objected on this basis but has advised that the applicant has not demonstrated that the proposed improvement to the A49 / New House Farm junction has been designed in line with Highways England's standards. They have therefore advised that a pre-commencement condition should be imposed on any planning consent requiring additional detailed information on junction layout. Objectors have queried whether it is appropriate to deal with such matters in this way when the outline application specifies that details of access will be provided at this stage. The officer would share this concern. The possibility cannot be ruled out that the additional information required to satisfy Highways England might give rise to additional impacts in terms of appearance, vegetation loss and/or requirements for third party land at this strategic location on the northern approach to Church Stretton.

- 6.2.4 It the absence of clear confirmation that Cwms Lane is capable of being legally stopped up the officer would consider that the proposals are not compliant with Core Strategy Policies CS6 and CS7. The officer would also consider that in the absence of exact details of the A49 junction layout and their compliance with Highways England criteria it is not safe to conclude that these improvements are deliverable in practice and in a way which would not result in an unacceptable visual impact on the approach to Church Stretton (Core Strategy CS5, CS6, CS17, NPPF116).
- 6.2.5 Visual amenity: A core principle of the NPPF (paragraph 17) is that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable for the local context. The site is within the AONB and hence is afforded the strongest possible protection by national policy (NPPF115) and local policies (Core Strategy CS6, CS17). The adopted AONB Management Plan also includes specific policies designed to protect, conserve and enhance the landscape and environment of the AONB. The importance of protecting the landscape of the countryside was underscored by a recent (March 2015) letter to the Planning Inspectorate by Brandon Lewis, the Minister of State for Housing and Planning.
- 6.2.6 There has been consistent and strong opposition to the scheme from local stakeholder organisations. Concerns are expressed that the proposals would adversely affect the landscape and visual amenities within the AONB and associated leisure and tourism interests which form a key component of the town's economy. The AONB Partnership considers that the housing development would be 'highly intrusive' to local footpath users and 'is the biggest single development proposal to affect the AONB in many years, in a location of extreme sensitivity for landscape character and quality'.
- 6.2.7 The proposed site is located on sloping ground within the AONB at the base the prominent landmark of Caer Caradoc. The Council's Landscape Character Typology indicates that the site is located at a juxtaposition between upland (high volcanic hills) and lowland (estate farmlands) landscape character types. There are also number of popular public rights of way in the surrounding area which form an important part of the wider footpath network providing access to the hills east of

Church Stretton. Two of these footpaths cross the site providing views towards the site. Objectors have expressed concern that the character of views from these footpaths would be adversely affected. The applicant had initially sought to divert a footpath into the Hollow-Way in order to screen views locally. However, the officer understands that this is unlikely to be achievable legally given the status of the Hollow-Way as a public highway, and this would also reduce the quality of views from the rights of way relative to the current situation.

- 6.2.8 The application is accompanied by a landscape strategy report which seeks to identify appropriate visual mitigation measures in the event that the development proceeds. The report is a comprehensive document although it does not address the issue of whether the development should proceed in the first place and whether there are other options available which have less impact on the landscape. A range of mitigation measures are recommended, including planting and land / vegetation management (see Appendix 4). The conclusion is that the development can be successfully integrated into the landscape if the recommended measures are adopted. A recent update to the site layout deletes 20 proposed houses in the more visible western part of the site in response to the comments of Historic England regarding the setting of Caer Caradoc scheduled ancient monument.
- 6.2.9 The AONB Partnership has criticised the landscape strategy report on the basis that it is not compliant with the nationally accepted 'Guidelines for Landscape and Visual Impact Assessment' (GVLIA, 2013). It is stated that the report does not 'identify and describe the landscape effects the components of the landscape that are likely to be affected by the scheme'.. 'and interactions between them and the different components of the development'. Nor does it 'determine the significance of the landscape effects' through a 'methodical consideration' of each identified effect including sensitivity and magnitude.
- 6.2.10 The officer notes these concerns whilst accepting that the proposed amended landscape strategy and the removal of the western residential area would be likely to succeed in reducing the visual impact of the scheme over time. However, the proposed new planting would take many years to become fully established. The officer considers that the site is in a more visually sensitive location than the 2 allocated sites, when the views afforded towards these sites from the surrounding areas are compared.
- 6.2.11 The officer also considers that the proposed development and associated planting measures would change the essentially open character of the pasture fields which define this edge of church Stretton, making it more visually enclosed. In addition, the proposals, including the proposed holiday cabins, would narrow the gap between New House Farm and the existing built edge of Church Stretton. Therefore, the farmstead would no longer be seen as a separate visually discrete element within the landscape. Moreover, the proposed residential site is immediately adjacent to the allocated site at the Leasowes which has outline approval. If the current site is also developed this would have the potential to give rise to cumulative visual impact for views from the north including from Caer Caradoc. The officer considers that these issues would potentially increase the

perception of encroachment by the development into the open countryside and the AONB.

- 6.2.12 It is concluded that the proposals would give rise to adverse visual impacts within the AONB and that these would not be fully mitigated by the proposed landscape strategy. The proposals are therefore in conflict with NPPF paragraphs 115 and 116, Core Strategy policies CS5, CS6, CS16 and CS17 and relevant policies of the Shropshire Hills AONB Management Plan.
- 6.2.13 Drainage / Flooding: The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. Objectors have however raised concerns that the proposals could make existing local flooding problems worse due to replacing sloping field areas with less permeable surfaces. Some objectors refer to existing local drainage problems. The applicant is however proposing that a sustainable drainage system (SuDs) is adopted. Surface water from roofs and other impermeable surfaces would be directed to one of 2 balancing ponds and then to suitably sized soakaways. The soakaway design of which would be dealt with at building regulation stage, and would comply fully with BRE 365.
- 6.2.14 The council's land drainage service has not objected subject to imposition of appropriate drainage conditions. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. It is considered that the proposals are capable of complying in principle with Core Strategy Policy CS18 relating to drainage.
- 6.2.15 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs nearby to the site. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water would be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. (Core Strategy Policy CS8, CS18)
- 6.2.16 Noise: It is not considered that the level of traffic to be generated by the development would be likely to materially affect existing noise levels. (Core Strategy Policy CS6)
- 6.2.17 Privacy: It is not considered at this stage that the indicative layout plan suggests that there would be any fundamental limitations with respect to privacy issues. (Core Strategy Policy CS6)
- 6.2.18 Heritage and archaeology: A heritage assessment considers the impact of the proposals in relation to surrounding heritage assets and advises that the site cannot be seen from the hill fort at Caer Caradoc. The assessment concludes that other iron-aged ancient monuments in the surrounding area are too far away for there to be any significant adverse effects. The assessment advises that the applicant's proposals to upgrade the Hollow-way would be beneficial to this heritage asset, provided they were done sensitively.

- 6.2.19 The councils conservation service initially objected to the scheme however based on concerns that the wider setting and approach to the hill fort would be adversely affected and these concerns were also raised by Historic England. In response to this the applicant has recently amended the scheme in order to remove the northern area of housing which is closest to Caer Caradoc. In response to this the conservation service and Historic England have withdrawn their objections to the scheme.
- 6.2.20 The council's archaeology service has not objected but has requested that an archaeological field evaluation is undertaken if the proposals are approved. It is considered that whilst the development would still be visible from the southern approach to the ancient monument the removal of the northern housing area means that a heritage objection could not be sustained. Core Strategy Policy CS17.
- 6.2.21 Ecology: An ecological survey confirms that the site has limited habitat interest. A supplementary survey concludes that there are unlikely to be any negative effects on Great Crested Newts. A precautionary approach is recommended. Landscaping is proposed and would add to overall levels of biodiversity within the site. Appropriate ecological conditions and informative notes could in principle be imposed. It is considered that the proposals are capable of complying at this outline stage with Core Strategy Policy CS17.
- 6.2.22 Arboriculture: The applicant has provided an updated tree protection plan. The Council's trees service advises that the improved visibility splay on the A49 appears to necessitate the loss of a number of trees which would be compensated by some new planting along the revised drive / entrance. However, an amended landscaping scheme hasn't been submitted to deliver this. The trees service advises that these plans and details of the new archery centre are needed at this stage so that the owner and developers could be held to the agreement if this proposed development goes ahead. The trees service advises that the amended housing layout removes earlier concerns. However, concerns remain regarding the status of two TPO'd trees on the southern corner of the garden at Eastwood. It is stated that the trees remain too close to one of the proposed houses and the only solution would be to remove this property or to set it back further into the site. The trees service advises that this has not been addressed.
- 6.2.23 Further reference is made to the intention to regrade / drain / improve the track that runs up the sunken lane known as the Hollow-way. The trees service advises that the condition of the trees along the Hollow-Way needs to be fully considered before any works are planned as part of an Arboricultural Method Statement. The trees service advises that if the plans for the new archery facility are an addition to the existing application then an appropriate level of arboricultural information and landscape mitigation would be required. (Note, the archery proposals indicate a possible future use and are not part of the current application).
- 6.2.24 It is recognised that the application is in outline although the application proposes that details of access, layout and landscaping are agreed at this stage. However, it is considered that there would in principle be scope to amend the position of the

proposed building slightly at any reserved matters stage to place it further from the trees.

- 6.2.25 A further update to the landscape strategy plan to confirm the extent of mitigation planting / management proposals in the vicinity of the revised A49 junction would also have been helpful at this stage. The officer considers however that this additional clarification would also be capable of being provided in principle at the reserved matters stage. However, the unresolved concerns of the trees service would add to the concerns in relation to landscape and visual amenity which are described above. This is given the importance of the existing and proposed trees to the applicant's visual mitigation / landscape strategy and to the amenity of future property occupants in the property in question. (Core Strategy Policy CS17).
- 6.2.26 Footpaths: Prior to the recent deletion of the northern housing area the rights of way service objected to the scheme. This was on the basis that the previously amended housing plan did not indicate the existence of Footpath 24. This runs parallel and to the north to Cwms Lane and is used by pedestrians in preference to the lane due to easier conditions and better views. They advise that it is very unlikely that this path could be legally extinguished. The rights of way service have advised that the fact that this part of Cwms Lane is a County Road would prevent the metalled road section being pedestrianised. The characteristics of the sunken lane will also not allow for other users to pass vehicles. The retention of Footpath 24 is therefore imperative. This issue has now been resolved by deletion of the northern housing area.
- 6.2.27 Footpath 23 runs across the southern part of the proposed development and the rights of way service advises that its diversion into the sunken lane is not legally possible or of any benefit to users. The definitive route runs across the rear gardens of some of the proposed properties which would be likely to necessitate a minor diversion. The applicant's landscaping proposals also specify that the footpath would be upgraded and would be provided with an all-weather surface. The updated layout plan shows a proposed hedge separating the footpath from the gardens which should address privacy issues. It is concluded that the omission of the northern housing area mitigates the main area of concern of the rights of way service. Other issues would in principle be capable of being addressed at the reserved matters stage.
- 6.2.28 Conclusion on environmental effects: The officer considers that the proposals would result in adverse visual impacts in an area of high scenic quality within the AONB. Landscaping measures are proposed to mitigate this but would take a long time to become fully established and would themselves change the character of the local landscape. It is considered that the observations of the Council's trees service regarding the need for further detail on landscape mitigation measures adds to the above concerns.
- 6.2.29 Highway officers have also advised that there is no certainty that Cwms Lane would be capable of being legally stopped up at its eastern end to avoid potential problems with local through traffic. The proposals do not therefore comply with relevant policies and guidance covering landscape, trees and highway issues. It is



not considered that there would be any unacceptably adverse environmental impacts with respect to issues such as archaeology, ecology and drainage. On balance however the proposals would not pass the environmental sustainability tests set out in the NPPF.

### 6.3 Economic sustainability

6.3.1 All housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. However, inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses (i.e. tourism) and property values.

6.3.2 In this particular case it is considered that there may be some potential for adverse economic impacts on tourism given concerns about the visual impact of the proposals. This would however be difficult to demonstrate or quantify. It is not considered that there would be any material impact on property values provided a sensitive design and landscaping are applied. (Core Strategy Policy CS5, CS13)

### 6.4 Social sustainability

6.4.1 Church Stretton Town Council has objected and has supported alternative allocated sites and there has also been a high level of public objection. The degree of community acceptance provides one indication of the level of social sustainability of a scheme. As stated above, the future housing needs of Church Stretton are intended to be met from 2 allocated sites. Hence there can be no clear justification for the current proposals in terms of social sustainability.

### 6.5 Affordable Housing

6.5.1 The Council will continue to seek provision of on-site affordable housing and/or affordable housing contributions for all residential developments, within the Shropshire area and will continue to require developers to enter into S.106 agreements for this purpose.

### 6.6 AONB Exceptional Circumstance tests

6.6.1 Section 115 of the NPPF advises that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Section 116 advises that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

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

6.6.2 In terms of the first test (need for the development) the NPPF recognises the delivery of housing in general as providing a public benefit. The housing which the scheme would deliver is proposed to be medium to high density 'intermediate' family housing of a type which supporters have indicated would be beneficial. The applicant has also suggested that the scheme could deliver a number of other public benefits as detailed in succeeding sections. It is recognised that this would potentially add to the intrinsic benefits of new housing provision. However, no legal agreement has been put forward to deliver these improvements and the proposed archery centre does not form part of the current application. Hence the extent of these potential benefits is not clear.

6.6.3 The SAMDev plan indicates that Church Stretton's housing needs can be met on other allocated sites. The applicant has challenged this conclusion by questioning the deliverability of the 2 allocated sites. However, there is no indication at this stage that the allocations will not be developed and that levels of windfall housing within the town will be as anticipated. The officer therefore considers that there is no need to develop the site in order to provide the required levels of housing, so the first exceptional circumstance test is not met. In terms of the second test (cost of and scope for developing elsewhere) it is reiterated that there is scope to provide the levels of housing required by the SAMDev through development of the allocated sites and through the anticipated levels of windfall housing.

6.6.4 In terms of the third test (environmental acceptability), as concluded above, it is considered that the proposals would give rise to adverse visual impacts on the high quality landscape within the AONB. Whilst the landscaping proposals would provide some mitigation over time the officer considers that the visual effects would not be fully moderated and that the character of the landscape would be subject to adverse change. This conclusion is supported by a number of organisations including the AONB Partnership, the Town Council, The CPRE, the National Trust, the Strettons Civic Society and Tourism Association.

6.6.5 In addition, there are concerns that the detailed requirements of Highways England with respect to the A49 junction are not yet fully known and could potentially add to levels of visual impact on a principal approach to Church Stretton. Moreover, there are concerns that it may not be possible to achieve legal closure of Cwms Lane east and that this could in turn give rise to unsustainable use of the route as a short cut for local traffic. Hence the proposals do not comply with the third test in NPPF paragraph 116.

6.6.6 Holiday Units and AONB tests: As stated above, the proposed holiday units form part of the wider scheme and are interdependent on the access and landscaping

improvements which are required for the housing scheme. They form part of a major development in the AONB and so also need to pass the exceptional circumstance tests in NPPF paragraph 116. It is considered that individually there would be less impact on the AONB from this element of the scheme. This is given the nature and appearance of the proposed holiday chalets, their lower elevation within the landscape and the additional degree of policy support provided to certain types of leisure development in the countryside. It is recognised that there are a number of specific reasons for wanting to locate holiday units in this position:

- Scenic lakeside location beneath Caer Caradoc;
- Footpath access to the Shropshire Hills;
- Good transport link;
- Accessibility to services at Church Stretton;
- Separation from existing housing;
- Potential synergies with the archery club.

6.6.7 However, when seen as part of the wider development package the officer considers that the holiday let proposals would add to the overall levels of visual impact of the scheme. The benefits of the proposals would therefore be significantly and demonstrably outweighed by the adverse effects and, as such, this element of the proposals would also fail to meet the environmental test under paragraph 116.

## 6.7 Late amendment

6.7.1 The Church Stretton Civic Society has questioned why the applicant was allowed to submit a late and significant amendment to the scheme deleting the 20 houses from the northern part of the site. It is a matter of judgement for planning officers whether such an amendment to an undetermined application can be accepted based on the nature and extent of the proposed change. In this case officers judged that the amendment did not fundamentally change the character of the application and could therefore be accepted.

## 7.0 CONCLUSION

7.1 The proposals would involve the development of 65 dwellings for open-market occupation adjacent to an existing residential area on the eastern side of Church Stretton and the provision of 16 holiday units to the west of New House Farm. The site is within the AONB and is not allocated for housing development in existing or emerging policies. Other allocated sites would provide the necessary housing under emerging planning policy. As such, there is no need for the housing development and the proposals are therefore not compliant with the first 2 tests set out in NPPF paragraph 116 (need for the development and no suitable alternatives).

7.2 It is considered that the proposals would have an unacceptably adverse impact on the visual amenities and character of the AONB in this strategic location. There are also concerns regarding the uncertainty of being able to secure a required closure to Cwms Lane at its eastern end. In addition there are concerns that insufficient information has been provided on detailed tree mitigation proposals. As such the proposals also fail to comply with the third test of NPPF116 (environmental sustainability). Refusal is therefore recommended.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry. If the decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will intervene where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds for making the claim first arose. Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

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

## 9.0 FINANCIAL IMPLICATIONS

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

## 10.0 BACKGROUND

Relevant Planning History:

None of relevance to this proposal

Relevant Planning Policies:

## Central Government Guidance:

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

10.1.1 The National Planning Policy Framework (NPPF) The NPPF emphasizes sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

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

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

10.2 Core Strategy:

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

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

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

- i. CS6: Sustainable Design and Development Principles:  
To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts

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

v. CS17: Environmental Networks

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

management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

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

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

### 10.3 Emerging Planning Guidance

#### 10.3.1 SAMDev

i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

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

ii. MD2 – Sustainable Design

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

1. Achieve local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans.
2. Contribute to and respect locally distinctive or valued character and existing amenity value by:
  - i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
  - ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and

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

iii. MD3 - Managing Housing Development

Delivering housing:

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

Renewing permission:

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

Matching the settlement housing guideline:

3. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:



- ii. The likelihood of delivery of the outstanding permissions; and
  - iii. Evidence of community support; and
  - iv. The benefits arising from the development; and
  - v. The presumption in favour of sustainable development.
4. Where a settlement housing guideline appears unlikely to be met by the end of the plan period, additional sites beyond the development boundary that accord with the settlement policy may be acceptable subject to the criteria in paragraph 3 above.

*Note: Under the schedule of proposed main modifications a change is proposed to this policy to include an additional sub-clause after (iv) (The benefits) to read '(v) The impacts of the development, including the cumulative impacts of a number of developments in a settlement', with the last sentence of related paragraph 4.22 of the Explanation amended to read 'Exceeding the settlement housing guideline by too great a degree and the cumulative impacts of a number of developments in a settlement can result in unsustainable development that stretches infrastructure and community goodwill towards breaking point'. In addition, in order to reflect that the matters to which regard should be had set out in Clause 3 are broad considerations rather than precise criteria, it is proposed to replace the word 'criteria' in Clause 4 with 'considerations', amending Clause 4 to read, "...may be acceptable subject to the ~~criteria~~ considerations in paragraph above."*

- iv. MD7a – Managing Housing Development in the Countryside
1. Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements and , in the case of market residential conversions, a scheme provides an appropriate mechanism for the re-use and retention of buildings which are heritage assets. In order to protect the long term affordability of affordable exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions;
  2. Dwellings to house essential rural workers will be permitted if:-
    - a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural enterprise; and,
    - b. in the case of a primary dwelling to serve an enterprise without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; or,

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

3. Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
  - a. Required in connection with a viable agricultural enterprise and is of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve;
  - b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,
  - c. There will be no unacceptable impacts on environmental quality and existing residential amenity.
  
- vi. MD8 –Infrastructure Provision  
Existing Infrastructure
  1. Development should only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall which it has created or which is identified in the LDF Implementation Plan or Place Plans. Where a critical infrastructure shortfall is identified, appropriate phasing will be considered in order to make development acceptable;
  2. Development will be expected to demonstrate that existing operational infrastructure will be safeguarded so that its continued operation and potential expansion would not be undermined by the encroachment of incompatible uses on adjacent land....
  
- vii. MD12: The Natural Environment  
In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire’s natural assets will be achieved by:
  1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
    - i. the special qualities of the Shropshire Hills AONB;
    - ii. locally designated biodiversity and geological sites;
    - iii. priority species;
    - iv. priority habitats
    - v. important woodlands, trees and hedges;
    - vi. ecological networks
    - vii. geological assets;
    - viii. visual amenity;
    - ix. landscape character and local distinctiveness.In these circumstances a hierarchy of mitigation then compensation measures will be sought.
  2. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.
  3. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB,

Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

viii. S5.1: Church Stretton Area

Policy S5.1 of the Pre Deposit Draft SAMDev advises that Church Stretton will provide a focus for development in this part of Shropshire, with a housing guideline of about 370 dwellings and about 1 ha of employment land for the period 2006-2026. New housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town's development boundary as shown on the Proposals Map. The release of further greenfield land for housing will be focused to the east of the A49 on sustainable sites adjoining the development boundary. New development must recognise the importance of conserving and where possible enhancing, the special qualities of the Shropshire Hills Area of Outstanding Natural Beauty as set out in the AONB Management Plan and should be in accordance with Policies MD12 and MD13. Particular care should be taken with the design and layout of development in accordance with Policy MD2.

Note: The wording of this policy was not subject to any major or minor modifications as part of the post-submission SAMDev Inquiry process. There was some minor amendment to the explanatory text.

## 10.4 Other Plans

### 10.4.1 AONB Management Plan 2009-14

**POLICY 2:** Consideration of the purposes of designation in all decisions affecting the AONB should reflect sustainability and the full range of special qualities defined in the Management Plan as well as landscape character and visual amenity.

**POLICY 10:** The siting, design and specification of new developments for tourism and recreation should be to high standards of environmental sensitivity and sustainability. The following guidelines are recommended:

- Single developments of more than around ten accommodation units are less likely to be supported in small settlements and open countryside.
- Large parks of static caravans, cabins or chalets are likely to be intrusive. Smaller sites with good landscaping are preferable, and facilities for touring caravans and camping generally have a low impact as there are fewer permanent structures.
- Built facilities for recreation should only be allowed where their location and the activities they support are compatible with the special qualities of the AONB.

**POLICY 18:** Tranquillity should be taken fully into account in both strategic and specific decisions. Proposals having a significant impact on tranquillity in the AONB should be prevented where possible.

POLICY 20: A principle of ‘quiet enjoyment’ should apply, and activities which are in keeping with this encouraged. Recreation activities which are inherently noisy or intrusive should be discouraged, and where possible prevented, e.g. facilities for such activities not allowed through the planning system.

POLICY 27: Tourism activities which draw on the special qualities of the area without harming them should be especially encouraged. This may include development of access infrastructure (e.g. off-road cycle routes, rights of way), use of public transport, historic and natural sites, interpretation to help aid understanding, enterprises based specifically on the special qualities of the AONB (e.g. wildlife watching, landscape painting, walking festivals) and cultural events.

POLICY 37: Promotion of the area for tourism should aim to minimise car travel. Towns and locations best served by public transport should receive the main promotion as ‘gateways’ to the Shropshire Hills, in preference to locations where access is only possible by car.

POLICY 40: Opportunities should be taken to strengthen the integrity and identity of the Shropshire Hills as an area of exceptional landscape value. Consistent use of the ‘Shropshire Hills’ identity should be given greater prominence in tourism and other forms of promotion, along with the special qualities of the AONB and opportunities for visitors to adopt a sustainable approach.

POLICY 41: Opportunities and promotion aimed at both visitors and the local community should encourage people to experience the AONB’s countryside more fully in ways which are not damaging (e.g. through walks and activities away from cars and roads, through appreciating wildlife and heritage).

11. ADDITIONAL INFORMATION

List of Background Papers: Planning application reference 13/01633/OUT and associated location plan and documents
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member: Cllr David Evans, Councillor Lee Chapman (Church Stretton and Craven Arms)
Appendices: Appendices 1, 2, 3 and 4

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

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. Further information has been provided by the applicant on indicative design, layout and housing need. Unfortunately the submitted scheme has not allowed the identified planning issues raised by the proposals to be satisfactorily addressed.

## **APPENDIX 1**

### **COMMENTS OF CHURCH STRETTON TOWN COUNCIL**

1. Church Stretton Town Council (Nov 2014) –
  - i. 1) Objection because the proposals contravene the National Planning Policy Framework in the following ways –
    - The site is not sustainable.
    - There is no need for further housing in Church Stretton as housing numbers have been met and this development would constitute over-development.
    - The site is of a highly sensitive nature as it comprises the setting of two heritage assets, Caer Caradoc and Helmeth Hill with Ancient Woodland.
    - It is at the heart of the AONB and is not compatible with the natural and historic surroundings.
    - There are serious issues of access and safety.
    - There are flooding & drainage concerns.
  - ii. 2) Background: The Church Stretton Town Council has been working closely with the Shropshire Council to identify sites which can accommodate housing to fulfil the requirements set down in the SAMDev Plan to deliver the Vision and Objectives of the Core Strategy. At the same time the Town Council has consulted the community at every stage of the process. Town Councillors have also read and analysed all submissions by the Church Stretton community, inputted to Shropshire Council during the Preferred Options and Revised Preferred Options stages. In this way the Town Council has been able to reflect the needs and priorities of the community. Analysis of results from the first phase showed the response to Question 7 on alternative sites, indicated that the main concern was that sites should be within or close to the town boundary with the first choices being sites on Burway Road and at the Continental Fires site. 161 people responded to Question 7 out of 490 questionnaire respondents, with only 18 people opting for sites at New House Farm (NHF). On this extremely small result the NHF site entered the Preferred Options. The second phase of consultation on the Revised Preferred Options was responded to by around 616 people with 558 people (91%) saying “No” to the question “Do you agree that...New House Farm...should be allocated for up to 85 houses?” 519 people (84%) answered “No” to the question “Do you agree NHF ...should be allocated for employment. Acting on this information the Town Council liaised with Shropshire Council to look for alternative and more sustainable sites, as one of the roles of the Town Council is to promote and watch over the interests of the town. This resulted in the bringing forward of CSTR 018 the School Rugby field and CSTR 019 Leasowes, between them providing up to 102 houses. In February 2014 following presentations by the AONB and the town Mayor, the Cabinet of Shropshire Council, ratified by the full Council, agreed to exclude CSTR 027 NHF and ELR 070 NHF from the Proposed SAMDev Submission Document as well as removing these sites as reserve sites “as it is considered that sufficient housing and employment land has now been identified.” Although SAMDev is not linked to the present outline planning application it does set the context to it. Another aspect which is not linked with this application but which should be borne in mind, is that it is only part of a larger integrated development, which is planned to include –

- An Outdoor-Pursuits Centre
- Archery Centre
- Café
- Shop
- Stables
- Indoors riding School

iii. 3) The content of the application: Because this is a major development in an AONB in the setting of the Conservation Area, the Church Stretton Town Council would have thought it more appropriate to have received a Full Planning Application. In the case of this Outline Planning Application the Town Council would have expected the following ...

- Proof of Local Consultation (up to date, not previous SAMDev consultations)
- Statement of Design Principles & Concepts
- Scale Parameters (width, height, footprint)
- Environmental Impact Assessment
- Heritage Asset Statement
- Arboricultural Statement
- Flood risk assessment

There are a number of inaccuracies, inconsistencies and contradictions in the submitted documentation. Application Form (12,13,15,24). DAS (7.8, 7.9, 7.12, 8.15, 8.17. 8.22.8.24,9.14, 9.26)

Inappropriate commentary in the application:

The Town Council was also amazed that Les Stephan Planning Ltd saw fit to issue inaccurate and potentially defamatory statements relating to the Town Council and the community of Church Stretton. The Town Council believes the statements below have no place in an outline planning application, seriously undermine the credibility of the application and are contrary to the RTPI code of conduct:

7.12 , "...the actual involvement by the community has been one of contradiction, obstruction and objection."

7.16, "This unreasonable and inconsistent decision making is in complete contrast to the professional and objective consideration of the future development of Church Stretton by the officers of the Council"

7.17, "This behaviour (particularly by Church Stretton Town Council) led the Council's policy officer for Church Stretton to withdraw from engagement with the Town Council in the months leading up to the publication of the July 2013 Revised Preferred Options."

Comments on SAMDev Consultation:

2.7, "...instead of, in this case, allowing a misguided and uninformed pressure group (Church Stretton Town Council) to influence the elected Members of the Council to remove a well planned and deliverable site from the SAMDev at the last minute."

iv. 4) Reasons for objection: The Town Council objects to this application on the ground set out below.

4.1 Sustainability: The Town Council believes that the land bordering the A49 North and East of Cwms Lane (known as New house Farm) is not sustainable. The definition of sustainable is now contained in the NPPF paras 18 to 219. There are three main facets of sustainable development – Economic....that the land is in the

right place at the right time with the right infrastructure and adds to the economy; Social.....that the site meets present needs, provides a high quality built environment and is accessible to local services; Environmental ...the proposed application protects and enhances the natural and historic environment

- v. 4.1.1 Economic: The Town Council does not believe that building what will ostensibly be a separate settlement (referred to in the DAS Landscape Strategy Report as “the hamlet of New House Farm”), can be considered as development in the right place. Development should be positioned so as to enhance and strengthen the town centre not to make it more diffuse. The NPPF says in para 24 “...only if suitable sites are not available, should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre”. In the case of Church Stretton suitable sites have been identified. The site being proposed is neither accessible nor well connected to the town centre. The distance from the proposed new entrance to NHF is a mile and a half from the schools and just over a mile to the beginning of the shopping centre. Walking distances via the proposed pedestrianised routes are too great for people carrying shopping or pushing buggies. There is no bus route. ‘Providing for Journeys on Foot’ recommends that the desired walking distance to a town centre is 200m and 500m to schools. The economy of Church Stretton relies on income from tourism. It is well established as a walking centre with over 250,000 visitors a year. Visitors will only come to walk the hills if they are rewarded with a vista which is rural rather than urban. No community consultation has taken place to ascertain that the proposals being put forward in the supporting documentation from Les Stephan Planning (for what could be classed as a ‘sports theme park,’) is what is needed or supported. The NPPF says in para 28 under ‘rural tourism’ that, “this should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres”. The Town Council believes this location is not appropriate and has not been predicated on proof of need. The town has only recently acquired a Sports & Leisure Centre and is working towards further improved sports facilities in the town. It is well known that the infrastructure in Church Stretton is fragile. To quote STW “there may be some capacity issues in the receiving sewer network which could be exacerbated by additional development”. It is also well known that there continues to be sewer flooding. One aspect of infrastructure often overlooked is the capacity of services to cope with over development. MD3 says “Exceeding the settlement housing guidelines by too great a degree can result in unsustainable development that stretches infrastructure and community goodwill towards breaking point.” The Medical Practice is at present under pressure. With the houses already promised under SAMDev as well as phase 2 of Ashbrook plus the proposed NHF development, this could mean an increase of up to 700 new patients. This number is not enough to trigger the funding for another doctor so existing doctors, nurses and support staff would have to take on the added load.
- vi. 4.1.2 Social: Housing should be provided which meets the needs of the community. The Town Council has recently carried out a survey of employees working in the Co-op, Princes, St Laurence’s, the Academy and Agilent, to find out what type of property (number of bedrooms) would be of interest.



1 bedroom...	6%
2 .....	20%
3 .....	48%
4 .....	20%
5+ .....	6%

From this it can be seen that the properties being proposed on the NHF site do not align with the perceived need. Forty houses (47% against a 74% demand ) having 2 and 3 bedrooms will be provided, while forty- five houses (53% against a 26% demand) will have 4,5 and 6 bedrooms. Historically the larger houses in Church Stretton in the main attract two types of people -those coming into the area of retirement age and professional people who work outside Church Stretton. The former will boost the already skewed demographic (35% over 65) while the latter will make Church Stretton even more of a dormitory town. The houses, which are needed at present, are 1,2 and 3 bedroom houses for the young, key workers and the elderly who are downsizing. The proposed site is not easily accessible to the town centre (see above). It is impossible to say whether the development will provide a high quality of build as there are no 'Design Principles & Concepts' submitted with the application. There are no scale parameters (width/height/ footprint) to be able to assess whether the development will assimilate into the wider landscape (as claimed).

- vii. 4.1.3 Environmental: The unique setting of Church Stretton in the heart of the AONB is key to the Town Council's assertion that all housing development should be small scale and within or close to the town boundary to avoid urban sprawl. The Town Design Statement says "...future housing should primarily be affordable and no larger than 2/3 bedrooms, to cater for local need". The greenfield sites to the east of the A49 form the setting of two of South Shropshire's heritage assets, Caer Caradoc and Helmeth Hill and Ancient Woodland. Caer Caradoc is a large multivallate hill fort (scheduled in 1930) with an associated causeway and Caractacus Cave, the surrounding land comprises ancient field patterns. This ridge links up to Helmeth Hill, topped by an ancient woodland (600 years old), owned by the Woodland Trust. Natural England in its National Character Area profile 65: Shropshire Hills SEO3 says, care should be taken to "Conserve, ..and enhance the area's diverse historic environment its features and their settings...(..landmark features such as castles and hill forts). Conserve and enhance the integrity of the area's heritage....its field patterns, veteran trees, ancient paths and trackways...to promote and enhance understanding and enjoyment of the area." The site being proposed for development seriously influences the enjoyment of Caer Caradoc and Helmeth hill from the valley floor as well as from high vantage points. An ancient Drover's way crosses the site. It is a totally natural oak lined track which the developers are planning to upgrade and convert into a main pedestrian route, destroying the character of the historic pathway. In this application the developer has promised that he would not damage trees, but on his previous development in All Stretton, assurances of this sort were in some cases not honoured. Issues relating to heritage assets and their settings are taken seriously in the NPPF. Para 128 says "...local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting." In para 126 the NPPF says, "Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the

historic environment, including heritage assets...In doing so they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.” Para 132 says “ 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...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”. As the whole of Church Stretton is in the Shropshire Hills AONB it is important that sites for development are chosen carefully to have as little impact on the AONB as possible. This means they should be close in to the built environment and not be on or near tourist attractions such as heritage assets. In para 115 of the NPPF it states that, “Great weight should be given to conserving landscape and scenic beauty in...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty..” It also goes on to say in para 116 “Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration should include

- the need for the development.....
- and scope for developing elsewhere...
- the detrimental effect on the...landscape...”

The Town Council contends that this site is not necessary, as housing numbers have been met and sites allocated elsewhere and that any development on the setting of heritage assets would be detrimental to the appreciation of the landscape and consequently to the established tourist industry. As Church Stretton is a walking centre, consideration must also to be given to views from elevated positions surrounding the proposed site. This site can be seen from many vantage points and footpaths. It is interesting to note that on the Application Form the Agent, in answer to the question “Can the site be seen from a public road, public footpath, bridleway or other public land?” has answered “No”. Church Stretton Town Council, November 2014 9. However in the DAS 10.25 it says, “From all viewpoints the built form of the new development will assimilate into the landscape and the character and attractiveness of the AONB will not be adversely affected”.

- vii. The site from Caer Caradoc: In Appendix 5 of the DAS (covering Landscape) it is noticeable that there is a great deal of emphasis on changes to be made to the landscape but there is little assessment of the existing landscape and the visual impact of the proposed development. However, the Town Council has the ‘Landscape & Visual Impact Report’ on this site prepared under SAMDev, where it says, “The site is visible from the many vantage points on high ground surrounding the site”. It goes on to say “The construction of housing on the site which is located in an AONB would change its character and its use.”[forever] In addition it states “The size of the site is quite large so its impact in the landscape would be significant”. In relation to Caer Caradoc it says “However, the proximity to Caer Caradoc and the effect on the setting makes the impact more significant.”The Town Council notes that in ‘Background Evidence: Church Stretton Housing Sites Assessment (land adj to Cwms Lane) it states that the SSDC Landscape Sensitivity & Capacity Mapping does not cover this site. In the absence of this, the site has been recorded as having “low landscape sensitivity”. The Town Council disputes this for all the reasons stated above. In addition the SSDC LSCM lists all the Church Stretton zones as high or medium or high/medium for landscape sensitivity

except one zone near the railway, which is classified as low. This clearly indicates that the classification claimed by the applicant is wrong.

- viii. 4.2 Access and Safety: It has constantly been implied, and continues to be so in the supporting documentation to this application, that access to this site has been agreed by the Highways Agency (HA). The DAS 5.1 states "...a new junction on to the A49 at the point where the New House Farm track meets the highway will be provided to serve the proposed development" DAS 7.9...." agreement had been reached with the Highways Agency that the site could be served by an access off the A49...." The Shropshire Council Background Evidence: Church Stretton Housing Sites Assessment also says "A new ghost island will be provided at the junction of the existing track to New House Farm with the A49..." The Town Council has seen no evidence that access has been granted to the site by the HA. The A49 is a major trunk road. To quote the HA, "The primary purpose of the trunk road network is to provide for the safe and expeditious movement of long distance through traffic. That means strictly limiting the number of direct accesses to trunk roads" The stretch of road fronting the land at NHF is one of the fastest stretches (60mph +) of the A49 as it approaches Church Stretton. It is notorious for overtaking vehicles including lorries. As mentioned above it has been mooted that a 'ghost island' might be appropriate at the entrance to the site. The HA says "The use of 'ghost islands' on unrestricted and single carriageway roads can, in certain circumstances pose safety problems". The A49 is already renowned as being a dangerous road. There has been a cluster of 6 accidents in the last 5 years (one fatal) at and immediately to the North of the entrance to the site. Traffic leaving the traffic lights at the Church Stretton crossroads heading North, accelerate up the hill, over the brow of which, they will be faced with a line of right turning traffic into the site. It is well known that the 'ghost islands' to the South of the Church Stretton crossroads are regularly used as overtaking spots. The Town Council maintains that to consider a major access point off the A49 with a 'ghost island' on this fast stretch of road at New House Farm could be problematic, especially if it were to include industrial traffic as well as cars. In the past the SC Highways Dept has fiercely opposed the Leasowes development because the very same pedestrian access, especially for children, was deemed too dangerous, either through Coppice Leasowes and across a fast stretch of the A49, across a railway line or down Watling Street North, a poorly lit single track road with no pavements or verges and a blind ridge. Children will take the shortest walking route to school, which could entail exiting the site to the West, walking along the A49 where there are no footpaths and then crossing both the road and the railway line. 5.3 of the DAS states that, "...the site is within walking and cycling distance of the educational, leisure, retail, health and employment facilities...without the need to use the private car". In this day and age most parents take children to school even if it's at the end of the road. Because the walking routes to the school are so dangerous and distant, the car will be used, which goes against the town's green agenda as well as compounding the congestion at the A49 traffic light junction. The Town Council questions the validity of converting Cwms Lane into a pedestrian only route, as it is a recognised County road.
- ix. 4.3 Flooding and Drainage: The ridge of hills to the East of the A49 are volcanic in nature, water rolls off and down into the valley bottom where it lands on boulder

clay. This combination leads to the risk of flooding. On top of this a large proportion of the site (30 to 50%) is susceptible to ground water flooding. If properties are built on this site the number of hard surfaces (roofs, hard standing, roadways, pavements, decking round holiday huts, parking places for coaches etc) will be enormous which will create an opportunity for increased water roll off. This will in turn affect the A49 as the land slopes towards the highway. The site has low permeability, which would mean that Infiltration Sustainable Drainage Systems would not be appropriate to deal with surface water. In extreme rain conditions Cwms Lane and Helmeth Road flood, as can be seen below. The Victorian water infrastructure in Church Stretton has in the past, presented problems. The Wastewater Treatment Works has had localised hydraulic capacity issues and there still remain sewage leaks. Overloading of the system is of concern.

2. Church Stretton Town Council (16/10/15) – The Town Council maintains its objection to the development of this site and the fundamental principles of its objection still remain.
  - i. Overarching comments: Over the period of one year this planning application has gone through a series of changes, with the Agent submitting amendments, which have culminated in the latest addition, which alters the application so that it bears little resemblance to the original application. The Town Council considers the latest changes to be substantial, material and lacking in supporting documentation to justify these amendments. It also believes, that in the light of this, the original application should either be withdrawn or proceeded with to determination and the current amendments not accepted, other than in the form of a new application. It is appreciated that the Shropshire Council is not obliged to go out to further consultation on amendments and so the Town Council appreciates the opportunity to submit the following comments on the amendments submitted to the Portal on 29<sup>th</sup> September.
  - ii. Background: Two previous planning applications on this site were turned down in the 1990s by SSDC on grounds of the site presenting “a major extension of development into open countryside and an intrusion into the landscape which would detract from the visual amenity of the AONB.” It was also stated that access to the site would result in the slowing of traffic and the causing of turning movements on a major trunk road to the detriment of highway safety. The SAMDev Plan Environmental Report comments on this site as follows, “The Highways Agency has concerns over A49 access and couldn’t agree development. Therefore it wasn’t carried forward as a preferred site.” The site was removed from Policy S5(1) (3) and proposed for deletion in the SAMDev modifications. The planning application has been objected to by over 450 people and groups and supported by 7 individuals. The following should be read in conjunction with the Town Council’s three previous submissions uploaded to the Portal on:-20<sup>th</sup> November 2014, 2<sup>nd</sup> March 2015 18<sup>th</sup> August 2015
  - iii. Reasons for continued objection  
Although a number of houses have been removed from the block plan and the red line indicating the area under consideration, has been altered, the Town Council’s

fundamental objections to development on this site have not changed and are as follows:–

- iv. Damage to the town's landscape assets:
- 1) The development of the site would have a detrimental effect on the town's landscape and Heritage Assets. NPPF para 132 says "...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting". The building of a housing estate and holiday units within the setting of Caer Caradoc and Helmeth Hill and Wood would alter the setting of these assets and considerably affect the views from and to these assets, appreciated by the hundreds of thousands of visitors who come to Church Stretton each year and support the town's main industry of tourism. NPPF para 115 states, "Great weight should be given to conserving landscape and scenic beauty in National Parks...and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and natural beauty..."it goes on to say in para 116, "Planning permission should be refused for major developments in these designated areas except in exceptional circumstances..."These circumstances are not applicable to this application. There is no proven need for most of the house types proposed and there is a 5 year housing supply; other sites have been allocated through SAMDev for future development and this proposal would clearly harm the environment and landscape to which great weight must be given. The Shropshire Hills AONB is a major attraction in South Shropshire and as such needs protection for future generations. It should be considered as an asset to the county of Shropshire. This amended application is contrary to many paragraphs of the NPPF as listed in our other submissions as well as being contrary to CS4, CS5, and CS6, not to mention pages 18,23,25 and 57 of the Town Design Statement. Although the proposed houses have been removed from the more northerly section of the site nearest to Caer Caradoc, effectively to address the concerns of Historic England, the issue of the substantial 16 holiday units and associated infrastructure and roads as well as parking areas, has not been addressed. This area of the site is in direct line of sight from the footpath linking Caer Caradoc to Helmeth Wood (see cover of our Nov 2014 submission). It is interesting to note that Historic England continues to say "It does still appear to us that the proposal would impact on the setting of the Hillfort both through the longer views across the valley and through the experience of visitors to the Hillfort as they approach it from the south." The Town Council agrees, and in its submission of February 2015 (sections 3 & 4) amplifies on this. Development on this site will also be visible from Bodbury Ring, Ragleth Hill and the Long Mynd. The proposed holiday units will also encroach on the setting of the Grade II Listed New House Farm and associated Barn. Consideration should be given to views to and from the Conservation Area, which were fundamental to its designation. The Town Council considers the preservation and enhancement of the character of this area is important, in line with the Planning Act 1990 Section 72. 2.
- v. The site is not sustainable.
- Although the positioning of the houses has changed on the block plan, the issues of sustainability of the site remain. The site is outside both the existing and proposed town development boundary in open countryside. It is a mile and a half to the local schools. It is just over a mile to the shops. It is not on a bus route. There is

no pathway along the A49. It has two dangerous access points (on to the A49 & Cwms Lane). The use of a car is necessary. Pedestrian routes are hazardous especially for children. The infrastructure of the town couldn't cope with the extra housing. Services (Doctors, Dentists etc) cannot cater for a third large housing estate. There is little industry/work to support those moving into the area. The development would utilise good agricultural land in the AONB which is of fine amenity quality. This conflicts with NPPF paras 110-112.

vi. 3. Access:

Moving the proposed housing estate closer to the town boundary does not alter the fact that traffic will still have to gain access to the site from the A49. All the reasons stated in our previous submissions under Access & Safety still apply. The access point to the site, opposite Windy Ridge, which is in constant use by the farm, could not be at a more dangerous point on this busy fast trunk road. The accident rate alone on this stretch of the A49 should be a guide to Highways England in determining whether it is sensible to put a 'ghost island' in such a position (three fatalities since our first submission on this site). It is hoped that HE's decision making is consistent, bearing in mind how often permission has been turned down previously for access to the site at this point, on safety grounds. The volume of traffic has increased dramatically since the 1990s. It is difficult to see what plans the developers have for Cwms Lane. Safe to say that at present it is narrow with a blind summit and no footpaths and not suitable for any increase in volume of traffic.

In conclusion, the Town Council maintains its objection to the proposed development of this site for the reasons stated above and those in its three previous submissions

## **APPENDIX 2**

### **FURTHER REPRESENTATIONS FROM STRETTONS CIVIC SOCIETY**

#### **Planning critique on behalf of Strettons Civic Society**

#### **of application no. 14/04374/OUT New House Farm, Church Stretton**

1. This note includes comment on the applicants' submitted 'Design, Access & Planning Statement' with references to its relevant paragraph numbers. It also takes account of the Council's Planning Decisions Briefing Note to Parish Councils of October 2014.
2. As a preliminary matter it is noted that paragraphs 1.1 and 1.2. of the Design Statement refer to the application being a "follow up" to SAMDev and a "preferred option". The Statement goes on to make frequent references to the SAMDev representations made by the applicants. It is submitted that although the applicants are entitled to place some reliance on the actual SAMDev plan content, their own and LPA officers views on it and its formulation are largely matters for argument and consideration through that process and not as part of the determination of this development control application.
3. Furthermore, the applicants are not comparing 'like with like'. The application site is different in area and location from that considered under SAMDev, now using parts of two fields not one, plus the chalets site. It is also clear that the Council's assessment of the SAMDev site took account of factors not included in the current application (ie: an employment site; 30-35 log cabins; a tourism hub; archery centre). This resulted in the preferred option officer recommendation of support not being for housing alone but as "part of a larger mixed scheme which meets requirements for employment land....and delivers tourism, leisure and nationally important sports facilities. The overall package offers valuable social and community benefits...." In any event when the Council identified allocated sites in the final SAMDev plan they decided not to include New House Farm.
4. So the current application is substantially different in character and intention as well as area and location to the SAMDev proposal as previously considered by Council officers. Also, the development control considerations affecting this application, such as the policies of the current development plan, are somewhat different from that forward planning context and the application must be treated purely on its own merits.

#### **Planning history.**

5. In paragraph 7.1 the applicants claim there is no relevant planning history prior to SAMDev, but this is erroneous. In fact there have been several past applications affecting New House Farm of which two are of particular interest as they cover matters of highway safety and visual amenity which also arise in this application. The first was in 1990 (*App. 1/00246/O*) for a housing estate, together with access onto the A49. This

was refused by South Shropshire Council, being regarded as a major extension of development into the open countryside and an intrusion into the landscape which would detract from the visual amenities of the AONB. It was also stated that the access would result in slowing and turning movements on the trunk road to the detriment of highway safety.

6. The second application (*App. 1/03669/P*) was a site for 20 touring caravans and access alterations. This was directed for refusal by the Department of Transport because additional turning movements onto and off the A49 would be detrimental to the safety and free flow of traffic. This decision was appealed to the Secretary of State and was dismissed in July 1994. It is appreciated that the current application proposes different access arrangements, but this appeal decision is still of some material relevance.

### **The effect on the natural and historic landscape of the AONB.**

7. The application contains a very limited and biased landscape assessment and no heritage assessment. A full landscape and visual impact assessment based on the Landscape Institute's GLVIA3 would have been appropriate.
8. In the National Planning Policy Framework [NPPF] the pursuit of housing needs is tempered in an AONB where development can be restricted (*para 14*). The conservation of the countryside, heritage assets and designated areas forms a core planning principle (*para 17*); and it states valued landscapes should be protected and enhanced (*para 109*). It must also be remembered that the achievement of sustainability has an environmental role and the NPPF states that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection (*para 115*).
9. The applicants have ignored the fact that the site has some historic importance both in itself and as part of the setting of other features. The New House Farm holding was included in the Council's Historic Farmstead Characterisation Project. Its farmhouse and nearby barn are 18<sup>th</sup> century buildings listed as being of special architectural and historic interest, where the preservation of their setting must be given "*considerable importance and weight*" (Planning [Listed Bldgs & Conservation Areas] Act 1990). Some of the land formed part of the medieval 'open field' system for All Stretton. The locality is associated with the legend surrounding the last stand of Caratacus against the Romans and lies below the nationally important hillfort scheduled monument on Caer Caradoc. The housing site also affects the setting of the semi-ancient woodland of Helmeth Hill and the views out from it.
10. In terms of both the AONB landscape and other heritage assets the role of the site as part of the setting for Helmeth and Caradoc is important. The term 'setting' is not just visual in nature but includes the experience and appreciation which arises from being within the surroundings (see *NPPF Annex 2: Glossary and 'The Setting of Heritage Assets' EH 2011*). The setting of Heritage Assets is recognised in the NPPF, as is the potential harm of development within such settings (*paras 124, 129 and 132*).



11. The open ended nature of one of the proposed housing estate roads clearly shows an intention to develop further to the north-east in the future which would lead to much greater intrusion and harm to the AONB landscape, including the hills' setting and vistas from the west from the Long Mynd and parts of the Church Stretton Conservation Area. It is clear that to approve this application would set a precedent for further extensions of housing which would be extremely difficult to resist. It is appreciated that 'precedent' is not enough, in itself, to refuse an application, but it adds to the cumulative shortcomings of the proposal and is in line with the aim of the NPPF to try to avoid major development in AONBs (para 116).
12. In landscape and visual terms the application sites for housing and the chalets cannot be treated separately from the overall character of the Caradoc and Battlefield area created by the combination of its components, including the aesthetic and perceptual aspects. The application area currently forms an intrinsic part of the lower slopes of Caradoc and Helmeth hills extending down towards the A49. It contributes to the scale, character, openness and tranquillity of the landscape. It functions mainly as field pasture and provides an open verdant setting for the hills and facilitates quiet footpaths routes and appreciation of attractive vistas.
13. The Tetbury appeal case quoted by the applicants was significantly different to this case in terms of the degree of housing shortfall and visual quality issues, but it is worth noting that the Secretary of State did agree that the loss of fields to housing development was a primary concern and that this would inevitably have a detrimental effect on landscape and environment, harmful to the AONB (Paras. 21, 22 of DCLG Decision dated 13/2/13). In this case it is submitted that in weighing the merits the balance favours AONB protection.
14. In paragraphs 9.14 and 10.25 of their statement the applicants imply the site is not very prominent and that the development will assimilate into the landscape with no adverse effect on the AONB. They have engaged new landscape consultants who seem to have somewhat different findings to the previous consultants used during the SAMDev process. Previously it was accepted that there would be substantial intrusion into various views with significant impact on some residents and users of popular footpaths, as well as the settings I have referred to. It was also accepted that the encroachment of the urban edge towards Caradoc would still be evident after mitigation works had been established. Now the applicants propose new tree belt planting but this and existing tree cover are only effective in low level views and would offer very little screening in Winter. Also the new planting is mainly to the east of the site above the housing so would not be of any effect in the major views from the west.
15. In fact a tour of the area shows that, contrary to the applicants' claims, much of the developed application site would be clearly seen from various well known public viewpoints to the west, including parts of the town and Conservation Area, the golf course, the Burway, Bodbury Hill/Stanyeld, and Nover's Hill; as well as the permissive path through Helmeth Wood to the east, Ragleth Hill (Shropshire Way) to the south, and to the north-east Caer Caradoc itself with Three Fingers Rock.

16. The value of the locality and views is recognised by the Government's own advisor Natural England in designating the Shropshire Hills as a Natural Character Area (NCA 65) where they seek to protect, conserve and enhance the "*tranquil landscape of national importance*", including the "*key landmark and striking feature*" of Caer Caradoc. They also state that every effort should be made "to conserve the area's outstanding views from intrusion by development". (NCA65 pages 14, 43, 55-56). Their consultation comments on this proposal suggests that the LPA take full account of the AONB Partnership's response which is an objection.
17. In addition, the need for quiet enjoyment of the countryside and views gained from the public footpaths approaching Caradoc would be disrupted, in conflict with the secondary aim of AONB designation. At present public footpaths from the town cross the site or pass nearby. These paths and their rural surroundings are greatly valued locally and feature in several national walks guides. The visual ambience and tranquil experience of the approaches to the upper hillsides, woods and areas of Caradoc, Helmeth, Cwms, and Hope Bowdler would be lost if development took place.
18. In any case the applicants' proposals to divert paths and close Cwms Lane to motor traffic are ill considered and probably illegal. Any diversion orders would probably be objected to, especially the idea of placing walkers into the deep, narrow hollow way with severely restricted views out (and which they do not own).
19. Landscape value has been defined as "*the relative value attached to different landscapes by Society*." In this case the development site falls within a landscape which is recognised as of national importance by statute, contains heritage assets, and provides access for the many walkers seeking to appreciate that environment. The public distress over the proposed development cannot be over-emphasised as illustrated by the several hundred individual letters of objection submitted to the Council; and those of groups such as the Town Council, the CPRE, the Civic Society, the Chamber of Commerce, and the National Trust; together with the strong objection from the Council's own advisers the Shropshire Hills AONB Partnership. In a recent tourism survey 94% of those questioned agreed that the Shropshire Hills should be protected from any future major development (*S.Hills & Ludlow Visitor Survey 2013*).

### **Sustainability.**

#### Economic & Social considerations.

20. The three dimensions of sustainability set out in the NPPF (*para. 7*) and discussed by the applicants in section 10 of their statement are mutually dependent and should be sought together in considering this application.
21. The applicants make much of the perceived economic benefits and provide figures of the general financial contribution to the overall Shropshire economy arising from the development's construction and its residents' activities. However, this would arise from any similar development built in a more suitable location and cannot be used as

a material planning consideration. It is accepted that it may be appropriate to take account of 'local finance considerations' in the form of NHB and CIL contributions, but it must be shown there is a direct connection between their intended use and the development and makes it acceptable in planning terms (*NPPF:PPG para.11*).

22. On examining this aspect it can be seen that apart from possible highway improvements there are no 'critical' projects in the Church Stretton Place Plan. Whether there would be any net benefit to 'priority' projects such as the primary school and sewerage capacity, given that the development would itself create additional pressure and costs on such facilities anyway, is debateable. It is my belief that the net financial benefits to the Strettons locality arising directly from the development would not be as substantial as implied by the applicants when assessed against the costs of its locational, environmental and sustainability shortcomings, together with the added pressure placed on existing infrastructure and services.
23. Looking at some of the 'costs' in more detail, the first matter arises from the importance of the site and footpaths as part of the approach to the hillsides as described in para. 17 above. Church Stretton is a 'Walkers are Welcome' town and this aspect of tourism is its major attraction and economic benefit (see *S.Hills & Ludlow Tourism Survey 2013: 4.4*). The paths across the application area are not only of local value but feature in nationally published routes (eg: *Walking Britain walks 1321 & 3048*). The disruption of visual quality, visitor attraction, and accessibility caused by the development would have an adverse economic impact.
24. Second, there can be little doubt that there would be added strain placed by the new houses on certain local services such as the medical practice, Mayfair Centre, and the primary school, as well as parking and traffic movement in the town and the drainage system. Also, the Chamber of Trade object to the proposal as likely to have an adverse economic effect on local business.
25. Third, the need for starter homes in the town is accepted, but there is quite a range of existing 2 and 3 bedroom dwellings. The real problem is one of affordability. Only 17 of the proposed dwellings are stated to be affordable and they may well not be built if a commuted payment can be agreed instead. Also, the likely price of such units is not given so it is not known if those working in the very low paid employment which predominates in the Strettons could afford them, or if the shortage of rented accommodation would be addressed at all. Anyway unless occupation is controlled in perpetuity it is likely most of the affordable units would go as second home/holiday units or be taken by retired people. Nothing has been said about any discussion with the Council's housing enabling team.
26. Fourth, there would be further adverse impact on the aims of sustainability due to the housing and chalet developments utilising AONB land which is obviously not of the "*least environmental or amenity value*", or brownfield; and is also mainly of reasonable agricultural quality (*NPPF paras 110 - 112*).

### Accessibility.

27. Under the heading of sustainability the applicants claim the site is within easy walking distance of the schools and services using a standard of 2km (*paras 5.3 & 9.28 & Transport Asst. App 4, para 4.2*). I would dispute this relying on the well known guidelines in paragraph 3.10.3 of DoT LTN 1/04: '*Policy Planning & Design for Walking and Cycling*' and Tables 3.2 and 3.3 of '*Providing for Journeys on Foot*' (IHT 2000).
28. From the middle of the site the distance to High Street/Shrewsbury Road via the signal controlled junction A49/Sandford Avenue is about 1.4km and just over 2km to the academy school. This primary route poses safety difficulties for large numbers of pedestrians as they have to use Watling Street North which has no footways. There is a shorter route to the school across the A49 over the railway and through Russells Meadow of about 1.4km, but this is clearly dangerous with uncontrolled crossing of the trunk road and the railway.
29. In any event, the 2km quoted by the applicants is a 'maximum' distance in the guidelines for a school, with 500m being considered 'desirable'. For shops and bus stops the desirable distance is 200m and the maximum is 800m. It follows that the site is not really sustainable in terms of accessibility to services and schools. It is also possible that cars trying to get to and from the schools quickly might be tempted avoid the town centre by using Farm Lane, All Stretton which would be hazardous.
30. It must be seen that there is not safe and suitable access to the site for all users (*NPPF para 32*), nor would there be minimal walking distances to services and schools advocated in NPPF (*paras 37 and 38*). In addition, the walking distance to and from the most likely used bus stop in Beaumont Road is some 1.4km which is too far for many, especially if carrying shopping or other goods. These are serious shortcomings which would cause social problems for the house residents and promote car use. The applicants' Travel Plan to mitigate the accessibility problems and control car use is quite impractical and unrealistic in the long term, especially given the distances and 'unfriendly' routes involved for walkers and cyclists and the convenience of car use compared to the alternatives.
31. It is concluded that the development would be car dependant and remote from many services in terms of walking and cycling, as well as being separated from the town by the barrier of the A49 trunk road. As there is no doubt many of the residents would have to commute by car to work away from Stretton this would be another economic cost. Much of the sustainability aims in the NPPF (*paras. 32, 37, 38 and 110-112*) would not be met.

### Tourism development & policies.

32. The Design & Access Statement (*paragraphs 9.15 – 9.29*) refers to the alleged tourism benefit of the proposed log cabins. Earlier proposals had included other public related facilities but now is confined to private accommodation only. This has no bearing on

relieving tourism pressure elsewhere, is not supported by any tourism organisations, and offers no substantial benefits to the wider community. It is submitted that the site's location and alien appearance would be an intrusion into the visual and historic context of the Caradoc locality and the character of the AONB, which would demean the visual experience for walkers approaching Helmeth and Caradoc described in paras. 17 and 23. This is also an important policy point as harm to the landscape conflicts with the objective of the adopted Tourism Strategy for Shropshire Hills & Ludlow to maintain the landscape as a tourism resource.

33. At present the low key fishing and touring caravanning which takes place does not constitute anywhere near the same degree of visual impact as the 16 holiday units and paraphernalia now proposed. The Shropshire Hills Management Plan 2014-19 contains policies which militate against sites of more than 10 accommodation units and considers larger sites of cabins/chalets are likely to be intrusive. In general the Management Plan prefers small low key tourism development which is more compatible with the special qualities of the AONB. The application proposals are out of keeping with the plan's aims.

#### **Access.**

34. Previous concerns about the access to New House Farm off the A49 are illustrated in the Planning History section above. In respect of this application and the main site distributor road off the A49 it is understood that there is no objection in principle from the Highways Agency, subject to various criteria such as the provision of a ghost island.

35. The existing A49 accident record near the site of about 1 injury incident per year is regarded as acceptable by the applicants, but no estimate of the forecast PIA rate calculated in accordance with the COBA Design Manual for Roads (Volume 13) has been given. Many local people are very concerned about general safety on the A49 between the Little Stretton and All Stretton turns and there have been two pedestrian fatalities along it in the locality in recent months.

36. It is appreciated that the ghost island now proposed is seen as an effective means of improving safety, but it is considered that this is not always the case. This is particularly so where overtaking opportunities are restricted and the presence of an effectively widened carriageway could encourage overtaking (*para 2.19, page 2/5, TD42/95*). In this locality I have concern about traffic approaching from the south on the A49. Vehicles come round the brow of a hill where no overtaking is allowed and then speed up to overtake on the stretch of road past the site entrance. This problem could be exacerbated by slow manoeuvring farm traffic and caravans using the ghost island and access.

37. A final concern is that the housing estate would have access to a footpath about 320m north of the Stretton traffic lights (by Coppice Leasowes) referred to in para 28 above. This would be used by many children as a short cut to the schools involving a dangerous crossing of the trunk road.

**Development plan status & policies.**Background and existing 'saved' policies.

38. It is important to note that the applicants appear to have misunderstood the legal status of the development plan, as illustrated by paragraph 8.6 of their Statement. It must be remembered that the starting point for consideration of any application must be the development plan and where its policies are material to the application the decision must be made in accordance with that plan, unless there are other overriding material considerations (see *NPPF paras 12, 150 and 196*).
39. The development plan for Shropshire comprises the adopted Core Strategy, including in respect of Church Stretton certain 'saved' policies from the 2004 South Shropshire Local Plan. In the Council document '*Conformity of the adopted Shropshire Core Strategy with the NPPF*', paragraph 5 states that such policies must be given appropriate weight (see also *NPPF para 215*) and that the Core Strategy and 'saved' policies together form the basis for making decisions on planning applications.
40. Looking at the 'saved' policies which remain in place and are relevant to this application we find policies **SDS3 and S1** and they must be accorded due weight. These policies require most new housing development to take place within the development boundary for Church Stretton, including unidentified and brownfield sites, and state other housing will not be permitted. As the proposal lies outside the development boundary it does not comply with these policies. This must be seen as a major objection to the application.

Shropshire Core Strategy.

41. Turning to the Core Strategy, as this is an adopted document its policies must carry substantial weight and the Council have stated it accords with the NPPF. It is considered that the proposal does not comply with policies CS3, CS5, CS6 and CS17 and these are examined in detail below.
42. Examining the visual, environmental and accessibility shortcomings of the proposal against the adopted Core Strategy it is submitted that it does not comply with **policy CS5** which seeks to strictly control new development in the countryside. In terms of **policy CS6** it does not protect, conserve or enhance the natural and historic environment; there is no evidence that the capacity of the existing off-site infrastructure will not be seriously pressurised by the development; it does not respect or enhance local distinctiveness; and it is not in an accessible location which would maximise walking, cycling and public transport opportunities and reduce the need for car travel.
43. Also, its scale of development on a rural greenfield site and the contrasting appearance of the cabin and housing development would do nothing to protect or enhance local character, or enhance the setting of the listed buildings at New House Farm, or pay due regard to the AONB landscape, so would conflict with **policy CS17**.
44. As the proposal does not identify that it is meeting a specific local need for housing, apart from the compulsory affordable quota dealt with in para. 25 above, it must be

assumed it is aimed mainly at county wide market housing. It is suggested that this is not sufficient to meet the balance required to be struck between need “*in the settlement and its hinterland*” (see *Core Strategy Glossary definition of ‘need’*) and environmental constraints by **policy CS3**.

SAM Dev. Development Plan Document and **Housing Supply**.

45. Paragraphs 8.7 – 8.28 of the Design & Access Statement concentrate on SAMDev. But the rationale for this difficult to understand. As the DPD has not yet been reported on by the Inspector and is the subject of many unresolved objections, it can only carry very limited weight. Also, the applicants have actually criticised the plan as submitted, so in reality their argument is not that the SAMDev plan should be given some weight but that weight should only be given to their own version of what the plan should have included.
46. Looking at the SAM Dev plan as submitted to the Inspector by the Council there are several factors which offer no comfort to the applicants. First, there is no allocated site at New House Farm. Second, although the application site might be claimed as a candidate to feature under policy S5.1.3 that policy has attracted many objections so carries little weight, and the site would have to be considered sustainable which is not accepted for reasons explained elsewhere. Third, the plan does include allocated sites and windfall allowance which together can provide 370 dwellings which comfortably fall within the 200 – 500 range envisaged for the period 2006-2026 in the Core Strategy and public consultation documents. So the Council are satisfied that sufficient housing land in Church Stretton will be available. Fourth, the Council state that they have a 5 year housing supply (including a 20% buffer to meet under-delivery) which it must be assumed has been calculated in accordance with correct procedures. Also, this means that the Council’s existing policies for housing supply are not out-of-date (*NPPF para. 49*). So for the purposes of considering this application it must be assumed there is a 5.47 years supply. The applicants dispute this but that is a matter to be pursued on appeal if the application is refused.
47. A concern that the SAMDev plan is unsound due to housing under-delivery and allegedly outdated figures in the Core Strategy has been expressed by various developers and agents. However, the SAMDev Inspector has stated her view that the plan should not be withdrawn. She has pointed out that the purpose of the plan is purely to meet the requirements of the Core Strategy, so any proven problems with objectively assessed housing need will have to be addressed in the review of the plan due to commence later this year.
48. It should also be noted that while the NPPF states that objectively assessed needs should be met in an LDF this is only “*as far as is consistent with the policies set out in the NPPF*” (*para. 47*), which include that in paragraph 14 which allows development to be restricted in an AONB. So it can be argued that Church Stretton should accommodate less housing in proportion to settlements outside the AONB.
49. Looking at the actual policies in the SAMDev plan it is submitted that the proposal fails to meet several of them. The location and design runs contrary to the AONB

Management plan so conflicts with policy **MD2**; the adverse impact of the development on the countryside and heritage assets conflicts with policy **MD7**; the scale of the chalet development does not meet policy **MD11**; and it is out of accord with policy **MD12** as it fails to conserve or enhance the AONB.

50. A final point is that, as previously mentioned, it must not be forgotten that as the site lies within the AONB the normal presumption in favour of development is not necessarily triggered even if there was a housing shortfall, as indicated in paragraphs 14 and 49 of the NPPF. It is noted that the Tetbury case (APP/F1610/A/11/2165778) quoted by the applicants was challenged largely on housing supply issues with investigation of possible alternative areas for housing outside the immediate application area and the AONB. As, according to the Council, there is a 5 year housing supply and the existence of deliverable allocated sites and windfall allowance, there is no serious shortfall in this case so there is no need for a similar exercise.

#### AONB Management Plan.

51. This is a statutory plan which has been approved by Shropshire Council. It was prepared by the Shropshire Hills AONB Partnership who advise the Council on management of the AONB and who have objected strongly to the New House Farm development.

52. For the various reasons discussed in this critique it is considered that the proposal does not comply with Management Plan policies concerned with protection of the AONB, housing and design, and tourism and recreation. This is evidenced by the objection of the AONB Partnership.

53.

#### Conclusions.

54. The proposal is unsustainable and unacceptable for all the reasons discussed above. It would compromise the environmental role of sustainability in the NPPF because of its failure to protect and enhance the natural environment. Instead it would cover what is currently open AONB countryside with roads, buildings and parking extending some 500m away from the current firm physical town boundary provided by the north facing rear gardens of the Oaks Road dwellings.

55. Its location in countryside outside the development boundary for Church Stretton would conflict with the 'saved' settlement policies of the existing development plan and policy CS5 of the Core Strategy. Its location in terms of walking distances and lack of proximity to bus transport would conflict with the levels of sustainability and accessibility defined in the NPPF and the Core Strategy. It would be at odds with various other policies in the Core Strategy and AONB Management Plan.

56. Above all it does not fulfil the aim of conserving the landscape and scenic beauty of the AONB, given that the NPPF attaches "*great weight*" and the "*highest protection*" to such areas. No overriding need for market housing has been proven to offset these constraints.



57. Paragraph 116 of the NPPF as confirmed in case law such as *R[Mevagissey PC] v Cornwall CC* (QBD CO/6597/2013) requires the decision maker not simply to weigh all material considerations in the balance, but to actually refuse a major AONB application such as New House Farm unless they are satisfied that there are exceptional circumstances and the development is in the public interest, after giving great weight to conserving the landscape and scenic beauty of the AONB. In this case the shortcomings of the application, particularly in respect of conflict with the development plan, harm to the AONB landscape and scenic quality, and lack of sustainability, significantly and demonstrably outweigh any limited benefit to overall housing supply and cannot be mitigated. The application does not show exceptional circumstances and certainly as far as Church Stretton residents are concerned is not in the public interest. It should be refused.

(Prepared by David N. Wilks MRTPI MCMI FRSA)

**STRETTONS CIVIC SOCIETY RESPONSE TO APPLICANT'S AMENDED DESIGN, ACCESS & PLANNING STATEMENT POSTED ON 13/10/2015 FOR APPLICATION 14/04374/OUT.**

Comment on the lawfulness of the amendment.

We believe that this latest amendment cannot be seen as a “*sensible minor amendment*”, as referred to in Shropshire Council’s **Charter for Development Management**, but rather it is a “*significant*” amendment which it states will “*require the submission of a new application*”. We have written to the Development Manager about this, but have received no response. We would also query that when considering whether to accept amendments to the proposal you took account of the *Wheatcroft Principles*. That judgement established that the main criterion is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation. Even apparently minor changes could materially alter the nature of an application depending on the circumstances.

We submit that the fact the number of dwellings has decreased in an effort to make the proposal more acceptable to English Heritage has no bearing in itself on the procedural decision as to whether the character of the proposal has significantly changed – it clearly has in terms of its site area, scale, visual, physical and economic content. There are also other significant changes, for example, now showing access to the Leasowes site which could mean the estate road having to serve 94 – 110 dwellings rather than the original 85; removal of a drainage attenuation pool; alterations to the landscaping scheme; amendments to the main access junction with the A49 (where are the plans?); and a number of implications arising simply from the change in house numbers. It does not seem that any effort has been made to formally re-consult all those who should be or others who might be unaware of the amendments.

We conclude that both in terms of the different character of the development and the lack of opportunity to comment on these belated changes the ‘amended’ plan should not be

accepted and **the original application should proceed to determination**. If the applicants then want to pursue the revised scheme they should apply through a fresh formal application.

However, without prejudice to the foregoing submission we would comment on the latest 'amendments' as follows and ask that our previous objections posted on 16 January, 28 February, 18 August and 9 October 2015 be considered as also applying to this proposal.

Comments on the Design and Access Statement (using its paragraph numbers).

**2.1.** This description must be wrong. 65 dwellings are specified yet 60 are shown on the plans. It does not specify what the holiday units are yet previous statements imply they will be cabins/chalets. If so, then this will be operational development not a use of land, unless caravans are proposed, so the application is invalid. In addition, the blue ownership line on the plans includes part of the Nature Reserve owned by the Town Council.

**3.1.** By removal of the housing in the middle of the site such physical cohesion as the scheme had will be lost and replaced by an estate (which has no existing boundary to the east) jutting out into open countryside, followed by an urban road and street lights extending across farmland towards an obtrusive chalet complex. This would be unacceptable in the open rural setting of the AONB below Caradoc which is important for visual as well as historic reasons.

An important point to make is that there can be little doubt that if the amended proposal is approved it will inevitably result in the applicants coming back at a future date to extend the site further, including the land from which the housing has been deleted, so nothing will be gained by this amendment in the longer term. This would be extremely difficult to resist. So to allow the proposal would be a **clear precedent for further development** over NHF which even though not enough, in itself, to reject this application is a material consideration which must be taken into account, especially as para 116 of the NPPF seeks to avoid major development in an AONB if possible.

**3.3.** The idea that the holiday units would be visually appropriate in this setting is ludicrous, including views from the public footpath. The agent also forgets that there is another footpath leading across the southern field to Helmeth Wood where views and its ambience will be affected by the housing there, as well as that on nearby permissive paths. Even from the southern footpath alongside Cwms Lane Hollow-Way the urban access road with street lighting would be obvious. The amended layout would also still figure in the iconic distant views from the west and elsewhere.

**3.4.** The agents claim that the issues raised by Heritage England are overcome, but the latest response by HE does not bear this out. HE recognise that the impact has "*potentially been reduced*", but they still advise that the "*impact on the setting of Caradoc should be taken into account*". Their actual recommendation is that the application should be determined in accordance with national and local policy advice and on the basis of local specialist conservation advice. We say, for all the reasons expressed in our previous submissions, that the proposal clearly does not comply with national or local policies. As for the Council's specialist conservation advice, the final recommendation of the Conservation Officer stated "*Concerns are raised that the development will result in a negative impact on*

*the wider setting of NHF and will not preserve its setting... and therefore is not supported... the requested design/rationale analysis has not been submitted, therefore insufficient detail is available to fully assess the impact on the Conservation Area to ensure its character and setting are preserved.”* We suggest that this situation still applies as the housing, chalets and roads will still dramatically alter the landscape setting and views.

**4.2 – 4.10.** Yet again the agent seeks to question the Council’s own site allocations, rather than letting that matter be resolved through the SAMDev process. We have commented on these matters previously and are tired of the agent’s endless speculation (with no firm independent written evidence to support his claims) in a desperate effort to try and justify some form of need for this development. We ask you to read again our comments in paras 4 – 13 of our statement placed on the application web page on 18 August 2015.

**4.13.** The agent fails to appreciate that Inspectors determine appeals on their individual merits and remarks must be seen in that context, including the weight attached to the various issues. In the Wem appeal the Inspector found the site to be safely accessible; of acceptable appearance; and to be PDL (brownfield) – none of which applies to New House Farm, so we are dealing with an entirely different situation. He emphasised the requirement is for sustainable development whereas NHF is not sustainable. Also, the Wem site was only for 10 dwellings and not in the AONB where the NPPF requires different policies to be applied. It is also of note that he found even in that case that only ‘moderate’ weight could be applied to the emerging SAMDev DPD.

**4.15.** The phrase “*following political pressure*” is quite misleading. Objections to the policy were duly made at the SAMDev inquiry and held sway with the Inspector and Council officers at that session. We would disagree with the Policy Officer about land east of the A49 and consider other sites would be more suitable, but surely that is a matter for the forthcoming LDF review, not this application.

**5.1.** Equally this application could be refused without affecting the SAMDev DPD. In any event it would be premature to anticipate the SAMDev outcome prior to the Inspector’s report.

**5.5.** We assume the reference to “*without further delay*” in this paragraph is a poor joke, as it is quite clear where the causes of the delays over the past year lie.

### Conclusions.

The ‘revised’ proposal would exhibit sporadic enclaves of development in the open countryside of the AONB which should be protected and enhanced, contrary to the need for great weight to be given to conserving its natural landscape and scenic beauty (NPPF paras 109, 115). Although now containing fewer houses the proposal would still significantly harm the landscape and historic setting around Caradoc and Helmeth hills. The term ‘setting’ is not just visual in nature, but includes the experience and appreciation which arise from being within the surroundings (NPPF paras 124, 129 and 132 and Annex 2: Glossary and the Setting of Heritage Assets – EH2011).

The proposal is **not sustainable** due to its adverse impact on the environment and landscape quality of the AONB, with the associated disruption of visual amenity, visitor attraction and accessibility; the additional strain placed on local services; the lack of

contribution to local housing need; the lack of safe and convenient accessibility to services and schools for all users, with the likelihood of car dependence and need to commute for employment (see NPPF paras 32, 37, and 38); and both housing and chalets would utilise greenfield AONB land of high amenity value and good agricultural quality, contrary to NPPF paras 110-112.

Although the applicants choose to ignore it, the current development plan is a major factor and comprises the Core Strategy and 'saved' Local Plan policies. Your own document '**Conformity of the adopted Shropshire Core Strategy with the NPPF**' (para. 5) confirms that it is these policies together which "*form the basis for making decisions on planning applications*". The proposal does not comply with saved policies SDS3 and S1 nor Core Strategy policies CS3, CS5, CS6 or CS17 for the reasons contained in paras 38 – 44 of our statement posted on 16 January 2015.

As for the SAMDev DPD we refer to our previous comments in paras 45 – 50 of our 16 January comments. The applicants ignore the caveat applying to an AONB in paras 14 and 47 of the NPPF and that such limited weight that can be given to the SAMDev DPD can only reflect its actual contents as proposed for modification and not how the agent wishes to see it. We have already commented on the Leasowes and school sites in paras 6 – 13 of our statement posted on 18 August.

Our final point is that your Council as decision maker is required by the NPPF (para 116) not simply to weigh all material considerations in the balance, but to actually refuse this this major AONB application unless there are exceptional circumstances and the development is in the public interest. There is no proven need for the development; there is scope to develop other sites, if needed, through the LDF review, and there is now a 5 year housing supply; and there is substantial harm to the AONB if 'great weight', as required by the NPPF, is applied to its protection. The obvious shortcomings of the application in terms of its conflict with the development plan, harm to the AONB landscape and scenic quality, and lack of sustainability, demonstrably outweigh any of the very dubious and purely speculative benefit to uncertain future housing supply which is claimed (but not proved). So there are no truly exceptional circumstances and, given the degree of objection from individuals and many respected organisations, the proposal cannot be seen as in the public interest. It must be rejected.

## **APPENDIX 3**

### **REPRESENTATIONS ON BEHALF OF THE OCCUPANT OF 'EASTLANDS'**

(Most recent representations dated 5th October 2015)

I am aware that some new drawings related to the above planning application are available on your Council's planning applications website. There are no supporting documents in the way of a covering letter, Addendum Planning Statement or Addendum Design & Access Statement to explain what these drawings are and why they have been submitted.

My clients Mr D. Harrison & Mrs V. Harrison, the owners of the property Eastwood on Cwms Lane, have not been notified by letter of this new submission, although they are immediately adjoining neighbours and with their access rights being directly affected.

The submitted drawings appear to show removal of the housing from the field to the north of my client's property Eastwood on Cwms Lane which comprises a reduction of some 25 dwellings from a total of 85, a 30% reduction. These changes are so significant as to materially alter the proposals such that a new planning application should be submitted. That would enable the drawings to be accompanied by the full range of supporting documents to allow the application to be fully assessed.

Notwithstanding this view, I would like to make clear that that the recently submitted still do not address my previously submitted objections to this application which can be summarised as follows:

A49 Junction - The drawing number 11047-15-A prepared by ETC Design Ltd does not show how highway access is to be maintained to the two existing properties Windy Ridge on the western side of the A49 and High Lyes on the eastern side. The application is consequently flawed and does not include sufficient non-highway land within the application boundary to deliver the proposed development and its associated infrastructure.

Cwms Lane - If it is intended that there is to be a closure of Cwms Lane just to the south of the proposed new access to the south eastern field, this is a County Road and right of way that provides access to not only Eastwood but to also to vehicular traffic using the Hollow Way. Such a closure or diversion of the Public Highway and Public Right of Way requires the making of the appropriate Orders under either or both of the Planning or Highways Acts and it is evident that my client and probably a number of other public bodies, off road users and individuals will be making strong objections to the making of any such Orders.

SAMdev Planning Policy - If it transpires in the future that there are problems in the delivery of the proposed housing numbers on the principal Church Stretton sites allocated in SAMdev of the school playing field (CSTR018) and Leasowes (CSTR019), then the SAMDev plan should be reviewed to assess and agree by both Shropshire Council and the Church Stretton community what would be the most sustainable strategic directions of growth for the town. Following the recent Examination of the SAMDev plan and publishing the proposed Modifications, it is too early to make decisions on whether or not there is a failure to deliver the allocated housing sites and instead allow a further 60 dwellings on an unallocated site at New House Farm.

Landscape Impact - You will recall that in our previous objection we pointed out that the submitted Landscape Strategy Report is not fit for purpose for fully assessing the landscape and visual impact of the development proposals, given the highly sensitive setting of the site at the foothills of Caer Caradoc and Helmeth Hill in the Shropshire Hills AONB. The scale of even a reduced scheme of 60 dwellings together with the 16 holiday homes justifies a full Landscape and Visual impact Analysis (LVIA). I am convinced that if such an assessment were to be carried out in accordance with proper LVIA procedure, it would demonstrate that the development comprising both the new housing and the holiday homes would be highly visible from higher land to the west and south and have a major adverse effect on the setting of Caer Caradoc and Helmeth Hill.

In the circumstances, the current planning application should be refused by the Council with it made clear to the applicant the reasons why the proposed development is unacceptable in planning policy, environmental impact and highways terms.

Comment submitted date: Tue 10 Mar 2015

Further to my previous letter of objection, on behalf of Mr D. Harrison & Mrs V.Harrison the owners of the property Eastwood on Cwms Lane.. I am now submitting an additional objection in relation to the supplementary information submitted by the applicant's agent during January and February 2015. This information included; a Design & Access Statement Amendments, a Heritage Assessment, a Landscape Strategy Report revision B and a Landscape Strategy Plan LA3379 revision B by John Challoner Associates.

#### Landscape Impact

It is evident that the submitted Landscape Strategy Report is inadequate to fully assess the landscape and visual impact of the development proposals, given the highly sensitive setting of the site at the foothills of Caer Caradoc and Helmeth Hill in the Shropshire Hills AONB.

Your Council's 'Validation of Planning Applications' document 2012 requires development proposals of this scale and potential impact to be accompanied by a Landscape Assessment and Landscape Proposals. The document advises that this assessment should follow the 'Guidelines for Landscape and Visual Assessment'. It is assumed that this refers to GLVIA3 published by the Landscape Institute and the Institute of Environmental Management and Assessment 2013. These guidelines suggest that there should be a separate assessment and evaluation of the sensitivity of receptors (both landscape and visual) and the magnitude of the change (both landscape and visual).

Given the scale of this proposed development and the highly sensitive nature of the location, then surely a full LVIA following the GLVIA3 should have been submitted with New House Farm planning application. The landscape modelling in the submitted Landscape Strategy report looks pretty, but does not substitute for proper LVIA procedure including validated photomontages from agreed viewpoints with assessment of impact over 5 year time periods as screen planting grows. I am convinced that if this were to be carried out that

it would demonstrate that the development comprising both the new housing and the holiday homes would be highly visible from higher land to the west and south and have a major adverse effect on the setting of Caer Caradoc and Helmeth Hill..

#### Cwms Lane Highway Access

Upon further study of the submitted Landscape Strategy Plan revision B, it is evident that Cwms Lane would have to be significantly widened to accommodate the traffic from the proposed 60 dwellings in the southern field. The submitted Amended Design & Access Statement does not fully reflect this requirement and the visual impact this would have, with removal of hedges and trees, would be of a major adverse nature. The change in function of this section of Cwms Lane would also have potential conflict with pedestrian use. The proposal to 'pedestrianise' part only of Cwms Lane would conflict with my client's rights to use it and also vehicular traffic using the Hollow Way.

These landscape impacts and deliverability issues suggest that the previous proposals for Cwms Lane as shown in the SAMdev process by Shropshire Council (prior to this site being withdrawn), are more appropriate.

#### A49 Access

I note that the Highways Agency has issued a TR110 preventing a decision on the planning application until sufficient evidence is provided to demonstrate that a technically feasible site access to the A49 with associated junction improvement scheme can be designed and delivered. I hope the Highways Agency's appraisal of the proposed scheme will be consistent with their previous comments on the earlier planning application at New House Farm. For that application which was refused and dismissed on Appeal they stated that there would be unacceptable detriment to the safety and free flow of traffic from additional turning movements on the A49 trunk road, primarily because of poor forward visibility of drivers of high speed vehicles approaching from the south.

#### Housing Supply

I understand that the Inspector examining the submitted SAMdev plan is recommending that the reference in the plan to 'the release of further greenfield land for housing will be focussed east of the A49' be deleted. This appears to acknowledge that at the present time sufficient housing land has been allocated in Church Stretton and that any further consideration should take place through the future review of SAMdev. In the light of this, the New House Farm application is clearly premature and contrary to the Development Plan.

## **APPENDIX 4**

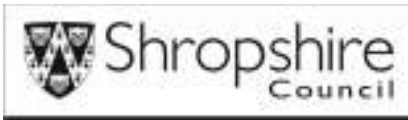
### **RECOMMENDATIONS OF APPLICANT'S LANDSCAPE CAPACITY STUDY**

- New Native Woodland Planting. Tree Belts 15 metres wide along Existing Hedges;
- new Native species diverse Hedge Planting and Infill Planting to Existing Hedges to increase enclosure to existing fields, reducing field size and reinstating old historic boundaries.
- Where old field boundary hedges are fragmented through loss of tree cover, a native mix of new tree and hedge planting shall be carried out to provide a long term shelterbelt.
- Avenue Native Tree Planting – To provide more open tree cover along access routes and creating a distinctive future site feature channelling views along accessible corridors. Ground level vegetation around trees to be grassland, to retain an “open feel” along the avenue.
- Group Native Tree Planting – To provide strategically placed tree cover in open grassland areas of the site
- Native Marginal and Aquatic Planting to Existing Lake Margins and New SUDS Balancing Ponds ,
- creation of fishing platforms and spaces to protect lake edges, scope for new car parking facilities in defined areas of the site and new sections of boardwalk and reinforced sandy beaches along lake edges where direct access to the water is required
- Creation of Low Maintenance Grassland along Verges and Lake Margins.
- Potential for Improvement to Pasture Fields Subject to Agreement with New House Farm –
- Existing Section of Farm Lane giving Access to Cwms Lane To be removed where it crosses the proposed development field B over 195 linear metres and diverted
- Over four small sections to allow extra space for the construction of the new access road.
- The Hollow-Way ancient Drove Route to be retained and improved to create a new diverted public right of way for walkers only, leading from Cwms Lane to Caer Caradoc. The existing tree belt following the line of route has recently been protected by Shropshire Council.
- Use of existing junction off the A49 trunk road with associated visibility improvements. Route follows western site boundary, heavily vegetated along a boundary line of existing mature hedgerows and tree belts and further protected and concealed by rising landform. Further planting of new tree belts along the eastern road edge shall
- Primary Street Tree Planting along Access Roads to Main Development Site –
- Cwms Lane Pedestrianisation – Existing road to be stopped for public traffic and pedestrianised from the junction of Helmeth Road to the point where the new access road enters the development field. Existing countryside character of banked hedges, mature trees and wider sections with grassed verges, to be retained and managed. Emergency & maintenance vehicle access to be provided through permanent robust secure barriers.



- Scope for Creation of New Recreational Spaces in Woodland Areas and Enclosed Pasture Fields –
- Improve Pedestrian Access Across the Site and Surrounding Lane
- Site for Lakeside Holiday Accommodation – Provision of high quality units with low impact sustainable architecture. The whole field is to be upgraded into the creation of a visually open low maintenance semi-natural grassland meadow with perimeter hedgerows, an orchard avenue and central group native tree planting. Scope for green turfed roofs to each unit with outdoor decked terrace and parking space in reinforced grass.
- Site for Expansion of Archery Facilities – Scheme will provide opportunity for expansion of the Archery Club linked with tourist and leisure development.

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Committee and date

South Planning Committee

3 November 2015

## Development Management Report

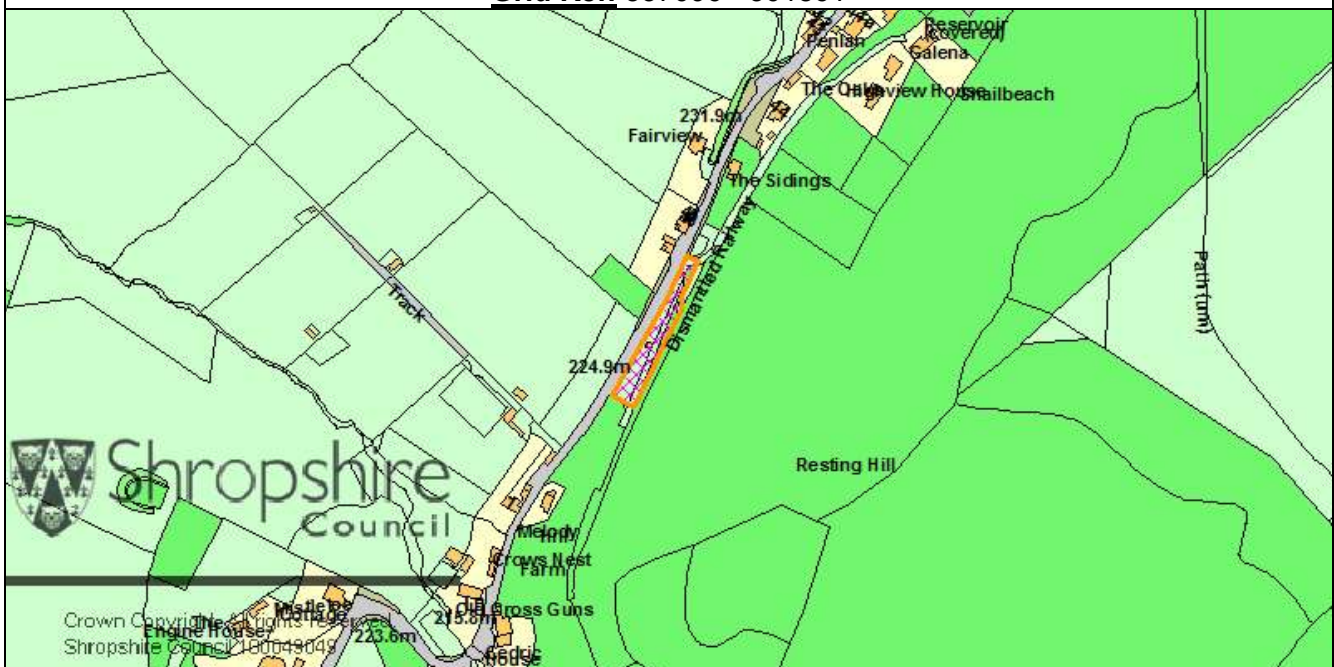
Responsible Officer: Tim Rogers

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> 14/05151/OUT	<b>Parish:</b>	Worthen With Shelve
<b>Proposal:</b> Erection of dwelling and alterations to existing vehicular access (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved)		
<b>Site Address:</b> The Sidings Snailbeach Shrewsbury SY5 0LT		
<b>Applicant:</b> Mrs C M Challinor		
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 337096 - 301861



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**Recommendation:** Refuse**Recommended reasons for refusal:**

1. A new open-market dwelling in this location beyond the established built-up areas of the settlements of Snailbeach and Crowsnest would be contrary to Policies CS1, CS4, CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy, and would not represent sustainable development under the National Planning Policy Framework.
2. The further encroachment of sporadic ribbon development into the essentially open and rural landscape which currently separates the settlements of Snailbeach and Crowsnest would detract from the setting of the Snailbeach Conservation Area and the character and scenic quality of the Shropshire Hills Area of Outstanding Natural Beauty, contrary to the National Planning Policy Framework and Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.
3. On account of its elevation above the adjacent highway the development would appear unduly prominent and overbearing. It would, therefore, detract from the street scene and from key public views into the Snailbeach Conservation Area, contrary to the National Planning Policy Framework and Policies CS6 and CS17 of the Shropshire Council Local Development Framework Core Strategy.

**REPORT****1.0 THE PROPOSAL**

- 1.1 This application seeks outline planning permission to erect an open-market dwelling at the above site. Also sought at this stage is approval of the means of access. However, matters of appearance, landscaping, layout and scale are reserved for consideration under a separate application, and in these respects the plans should be regarded as indicative.
- 1.2 The scheme is a revised resubmission of application No. 14/01271/OUT, which was withdrawn after officers requested heritage and ecological assessments and raised other concerns.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is a long, narrow parcel of land along the eastern side of the Class C road leading south out of Snailbeach village, a former lead mining settlement at the western foot of the Stiperstones ridge. The ground consists of terraces cut into the hillside and retained above the road by a stone wall whose height increases considerably towards the southern end. It once formed part of Snailbeach Wharf, the terminus of the Snailbeach District Railways' narrow gauge freight line from Pontesbury. In actuality the line continued southwards into a siding from which trains would reverse northeast up an inclined plane into the heart of the mine complex, which is now followed by a metalled track. An additional siding extended into the broad lower terrace on the western half of the site.
- 2.2 The railway opened in 1877 and operated sporadically until the 1950s. Little remains besides the earthworks and retaining walls of the terraces (which reflect the differing heights of the railway line and its sidings), although a small timber-framed and iron-clad shed possibly built in the 1920s survives mid-way along the

lower terrace. Opposite the site entrance, meanwhile, is a brick building formerly a weighbridge office, now used as holiday accommodation and incorporated into the curtilage of a cottage further north. 'The Sidings' is a modern house at the north end of the wharf (also owned by the applicant), whilst the hillside to east is densely wooded. The site is just inside the Shropshire Hills Area of Outstanding Natural Beauty (AONB), and its northern tip is within the Snailbeach Conservation Area.

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

3.1 Although the Parish Council has classified its comments as neutral, the Local Member for Shropshire Council supports the application and feels that the issues raised are significant enough to warrant consideration by the planning committee. Accordingly, and in line with the Council's adopted Scheme of Delegation, determination by the committee is required.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee comments**

##### **4.1.1 Shropshire Council Public Protection – comment:**

The dismantled railway would have carried potentially contaminating material from the former lead mines, and may itself have been built on spoil or other material which could present a health risk to people residing in close proximity. It is therefore possible that the site is contaminated, and if planning permission is granted a condition should be attached to secure a site investigation report and, as appropriate, remediation strategy, implementation of the remediation strategy, reporting and remediation of any further contamination uncovered during the construction phase, and a verification report.

##### **4.1.2 Shropshire Council Flood and Water Management – comment:**

Full details of the proposed surface water soakaways, to include percolation test results, sizing calculations and a layout plan, should be submitted for approval. A silt trap or catch pit should be installed upstream of the drainage field. If soakaways are unfeasible, details of an appropriately designed attenuation system should be submitted instead. Additionally, measures to intercept surface water run-off should be provided if non-permeable surfacing would be used for any parking areas or driveways which would slope towards the highway, and the incorporation of other sustainable drainage systems (SuDS) should be encouraged through an informative.

4.1.3 Regarding foul drainage, any connection to the mains sewer would require consent from the utility provider.

4.1.4 All of the above details could be secured by condition for approval at the reserved matters stage.

##### **4.1.5 Shropshire Hills AONB Partnership – comment:**

The local planning authority has a statutory duty to take into account the AONB designation, and National Planning Policy Framework (NPPF) policies give the highest level of protection to AONBs. The application also needs to conform to the Council's own Core Strategy policies and emerging Site Allocations and Management of Development (SAMDev) plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the Partnership should not be interpreted as suggesting that the

application raises no landscape issues.

4.1.6 English Heritage – no objection:

No detailed comments. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

4.1.7 Shropshire Council Affordable Housing – comment:

Core Strategy Policy CS11 and the accompanying Supplementary Planning Document require all new open-market residential development to contribute towards affordable housing provision. Here a financial contribution based on the target rate prevailing at the date of the reserved matters submission would need to be secured through a Section 106 agreement.

4.1.8 Shropshire Council Historic Environment (Archaeology) – comment:

This scheme involves new-build construction on a site that has a direct linear/functional link via the former railway (Historic Environment Record No. PRN 01344) with Snailbeach Lead Mine (PRN 0984). Parts of the mine complex are a scheduled monument which also includes sections of the railway. Most of the railway trackbed appears to have been removed in the past, and in parts has been built on following the infilling of a former cutting to the north of the application site. However, the current proposal relates to land on rising ground which previously incorporated parts of the railway sidings, and which on account of its elevation might theoretically retain some archaeological evidence relating to the railway.

4.1.9 In previous cases English Heritage has acknowledged that ancillary features with strong links to a scheduled site can be regarded as having equal significance, and consequently should be considered under policies on designated heritage assets (NPPF Paragraph 139). In this case a Heritage Statement and Impact Assessment has been submitted. This provides a comprehensive history including of the railway and its relationship with Snailbeach Wharf. It states that the principal significance of the remains located within the proposed development site lies in the surviving terracing, the engineering involved and its historic relationship with Snailbeach Mine, and concludes that despite some of these relationships having been severed by later developments the terrace walls and track formation should be preserved. It suggests that the development proposals would include provision for this, with minimal loss of original fabric, and also concludes that there are unlikely to be any significant buried archaeological deposits which might be disturbed by the development.

4.1.10 The Council's Archaeology Team concurs with these findings, but suggests that conditions are used to:

- secure prior approval of any scheme to renovate or restore the terraces and other earthworks at the site;
- secure a programme of archaeological work which includes provision for the recording of historic fabric; and
- ensure the Historic Environment Team is notified before groundworks commence and afforded reasonable access to monitor such works.

- 4.1.11 Worthen with Shelve Parish Council – no objection
- 4.1.12 Severn Trent Water – comment:  
No objection subject to inclusion of a condition requiring prior approval of surface water and foul drainage systems.
- 4.1.13 Natural England – comment:  
The application site is close to the European-designated Stiperstones and Hollies Special Area of Conservation (SAC). Shropshire Council should therefore undertake screening in accordance with the Habitat Regulations Assessment (HRA) procedure, although in Natural England's view the proposed development is unlikely to have any significant effect on the SAC and can therefore be screened out from any requirement for further stages of assessment.
- 4.1.14 The SAC is also notified at the national level as a Site of Special Scientific Interest (SSSI). Again, however, given the nature and scale of the proposal it is unlikely to damage or destroy the SSSI's interest features, and so the SSSI does not represent a constraint.
- 4.1.15 The local planning authority should also consider possible impacts upon locally designated biodiversity and geological sites, local landscape character and protected species and habitats, as well as opportunities for biodiversity enhancements.
- 4.1.16 Shropshire Council Highways Development Control – comment:  
No objection subject to conditions requiring the submission of details of parking and turning provision at the reserved matters stage, and the provision of 2.4 x 43-metre visibility splays at the junction of the private drive with the public highway. The latter would include land to the north which is owned by the applicant, and which should be included within the red outline denoting the application site.
- 4.1.17 Shropshire Council Ecology – comment:  
Following Natural England's comments the Council's Ecology Team has completed HRA screening. It is concluded that there are no likely significant effects on the nearby SAC. The screening matrix should be included within the planning officer's report.
- 4.1.18 An ecological assessment has been completed by a licensed ecologist. Although the SSSI's interest features would not be affected provided the development is carried out in strict accordance with the submitted details, this should be reinforced by condition. Similarly some notable and protected species are recorded, and these should be protected through a condition requiring a biodiversity conservation plan. This should identify:
- wildlife protection zones where construction activities would be restricted and protective measures would be implemented; and
  - details of protective measures, based on the recommendations of the ecological assessment, to avoid impacts on and secure enhancements in respect of protected habitats, bats, slow worms/reptiles, hairy wood ants and nesting birds.
- An informative regarding the legal status of nesting birds should also be attached.

**4.2 Public comments**

4.2.1 None

**5.0 THE MAIN ISSUES**

- Principle of development
- Affordable housing
- Layout, scale and design
- Impact on historic environment
- Impact on landscape
- Residential amenity
- Access and highway safety
- Ecology
- Other matters raised in representations

**6.0 OFFICER APPRAISAL****6.1 Principle of development**

6.1.1 A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the emerging SAMDev plan. Isolated or sporadic development in open countryside is unacceptable unless there are exceptional circumstances.

6.1.2 Snailbeach is not a settlement designated for development under any *current* planning policy (i.e. 'saved' Policies SDS3 and S1 of the former South Shropshire Local Plan). However, officers consider that its inclusion as a component of a proposed 'Community Cluster' under Policies MD1 and S2 of the SAMDev Pre-Submission Draft can now be afforded considerable weight since this plan is at an advanced stage in the process towards formal adoption. Significantly the Secretary of State Inspector has identified the main modifications needed to make the SAMDev policies 'sound', and thus any plan content *not* subject to modification (which includes Policies MD1 and S2) may already be considered sound in principle in accordance with NPPF Paragraph 216.

6.1.3 Policy S2 gives a guideline of approximately 15 additional dwellings across this particular Cluster. Besides conversion projects the target will be met through infill development on suitable small-scale 'windfall' sites within the named settlements, which also include the neighbouring hamlet of Crowsnest. Since it is not proposed to designate development boundaries around the Cluster settlements the question of whether or not specific schemes would constitute infilling is a matter for judgment in each case. However, the explanatory text accompanying Core Strategy Policy CS4 states explicitly that development must be within the settlements themselves and not in the countryside in-between.

6.1.4 Snailbeach is a scattered settlement whose edges are generally ill-defined, although there are distinct concentrations of housing around the former mine complex and further north. By contrast the application site is at the southern end of a loose ribbon stretching several hundred metres along the road towards Crowsnest. Moreover, on account of the plot's long, narrow shape the new dwelling would need to be positioned towards its southern extremity, in fact just 70 metres or



so from the curtilage of No. 1 Crowsnest.

6.1.5 Despite 'The Sidings' being constructed on the northern part of the old wharf in the mid-1990s, several other proposals for new dwellings further south have been rejected. Notably, in dismissing an appeal against the refusal of application No. SS/1989/1068/P/ the Planning Inspectorate concluded that a new dwelling directly opposite the current site would extend sporadic development further into the surrounding rural landscape and "narrow the already small gap between Snailbeach and Crowsnest". The inspector continued: "it is important to retain this gap and avoid the coalescence of these settlements, which would be detrimental to the character and appearance of this attractive area of countryside". Although Snailbeach no longer has a designated development boundary the objective of concentrating new development towards its geographical centre and maintaining its rural setting remains valid, as discussed further in Section 6.5.

6.1.6 Given the above officers consider that the development would not constitute infilling within the established built-up area, and consequently that it is unacceptable in principle under Core Strategy Policy CS4 and the emerging SAMDev Plan. Whilst there are some benefits (e.g. the availability of public transport, the reuse of brownfield land, short-term construction jobs and trade, increased housing supply, affordable housing and Community Infrastructure Levy contributions and an aspiration for energy efficient construction) these would be marginal and would generally apply to all new housing in Snailbeach, irrespective of the precise location. As such they would not offset the visual harm identified and the scheme would fail to meet the NPPF's ambition for sustainable development led by an up-to-date local plan.

## 6.2 **Affordable housing**

6.2.1 Officers acknowledge the November 2014 Ministerial statement and national Planning Practice Guidance (PPG) advising against the use of planning obligations to secure affordable housing contributions. These were afforded weight in a number of recent appeal cases, although the Council contended that those decisions did not set a binding precedent since the evidence underpinning its Core Strategy Policy CS11 had not been considered fully as part of the appeal process. In any event the Government has subsequently withdrawn the relevant PPG following a successful High Court challenge (as of 31<sup>st</sup> July 2015). The Council therefore maintains its position that an appropriate contribution should continue to be sought in all cases in accordance with adopted Policy CS11 and the Housing SPD.

6.2.2 In this instance the applicant has indicated a willingness to enter into a Section 106 agreement to secure the requisite payment towards off-site provision (see Paragraph 4.1.7).

## 6.3 **Layout, scale and design**

6.3.1 Since layout, scale and appearance are all reserved matters precise details are not known. However, as mentioned above the indicative block plan shows that the dwelling would need to be sited towards the southern end of the plot, which has the greatest elevation above the road and is farthest from the neighbouring properties. Consequently even a very modest or single-storey building would appear overwhelming and unduly prominent within the street scene, particularly when

approached from Crowsnest. Whilst there are examples of houses on elevated plots elsewhere in both Snailbeach and Crowsnest, most of these are set back off the main road and/or predate current planning legislation.

- 6.3.2 In relation to the previous application for the same site, it was suggested that the scheme would provide a three-bedroom family home in line with Parish Plan aspirations. However, because scale is a reserved matter there can be no certainty over the floor space or number of bedrooms. That said, it is worth noting that the Design and Access Statement indicates 160-180m<sup>2</sup>, which is twice the national average for a new 3-bedroom house.

#### 6.4 **Impact on historic environment**

- 6.4.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places on local planning authorities a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. This is reflected by Core Strategy Policies CS6 and CS17 and NPPF Part 12. The latter also acknowledges the importance of non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments, and recognises that an asset's significance can be harmed or lost through development within its setting.

- 6.4.2 As noted above the southern end of the site where the proposed dwelling is likely to be positioned is outside the conservation area. Nevertheless, and contrary to the Heritage Impact Assessment's claim that the main retaining wall screens the site from the road, officers consider that the development would on account of its elevation and prominence detract from the principal public view into the southern part of the conservation area. It would also introduce a new built element and more domestic character into outward views towards the short stretch of open countryside between Snailbeach and Crowsnest. Certainly it would fail to make a positive contribution given the site's poor relationship with the more cohesive structure and street scene of the main part of the village. The loss of the small metal shed, however, is uncontentious.

- 6.4.3 As noted by the Council's Archaeology Team, English Heritage (now Historic England) has indicated in comments on several previous applications for development elsewhere in Snailbeach that other ancillary features of the former lead mine should be afforded a similar level of protection as the mine complex itself, which is a scheduled monument. In this case, however, English Heritage has declined to comment specifically, whilst the Heritage Impact Assessment submitted concludes that there would be a negligible impact on the monument's setting since the application site's railway-related remains are poorly preserved and have effectively been severed from the mine complex (and indeed the north part of the former wharf) by other development. In fact, it suggests that securing a viable use for the site would result in the restoration and maintenance of the surviving terracing and retaining walls, which would otherwise be unlikely. On this basis the Archaeology Team does not object, although it remains open to debate whether the visual impact a new dwelling sited hard up against one of the terrace walls and the 'domestication' of the site in general might diminish the benefits of the restoration works. Certainly officers consider that these benefits would not outweigh the visual harm to the conservation area and wider landscape.

- 6.4.4 The likelihood of disturbing buried archaeological deposits is accepted as being

low, and this could be controlled by conditions.

## 6.5 **Impact on landscape**

6.5.1 The Heritage Impact Assessment also opines that the impact on the wider landscape would be minimal. It argues that in distant views from the northwest the new dwelling would be set against the backdrop of the wooded hillside, and that much of the short gap between the straggling development of Snailbeach and Crowsnest is infilled already by the high terrace wall along the site frontage. However, although the terracing is a manmade feature discernible from across the Hope Valley, much of it is overgrown and the site is currently far less apparent than the scattered housing to the left (north). A new dwelling perched on top of the retaining wall towards the southern end of the site would be difficult to screen effectively, and whilst it would not breach the skyline it would represent the encroachment of the existing ribbons of development into the essentially open and verdant countryside in-between.

6.5.2 The Local Member has suggested that the proposed dwelling would be separated from Crowsnest by the woodland in-between. However, it would in fact be a similar distance from the southernmost property on the edge of Snailbeach, and in the view of officers this reinforces the counterargument that it would not relate particularly closely to the structure of either settlement and would instead extend sporadic development into the intervening gap. Consequently it is felt that the scheme would detract from the character and intrinsic beauty of the AONB, contrary to Core Strategy Policy CS17 and NPPF Paragraph 115.

## 6.6 **Residential amenity**

6.6.1 There are no concerns in this regard given the extent of the plot and the distances from the neighbouring properties.

## 6.7 **Access and highway safety**

6.7.1 As suggested by the Highways Development Control Officer, precise details of parking and turning arrangements and the provision of visibility splays could be secured by condition. Although the northwards splay would extend beyond the site area, this land is also owned by the applicant and so a condition would be enforceable.

## 6.8 **Ecology**

6.8.1 With reference to Natural England's and the Ecology Team's comments regarding the nearby SAC (and SSSI), the HRA screening matrix is attached as Appendix 2. Issues relating to protected species and biodiversity enhancements could be addressed by condition.

## 6.9 **Other matters raised in representations**

6.9.1 Severn Trent Water and the Council's Drainage Engineer are satisfied that precise drainage details could be secured by condition, whilst the issue of contaminated land could be addressed in the same way.

## **7.0 CONCLUSION**

7.1 A new open-market dwelling in this location beyond the main built-up area of Snailbeach village would not accord with the Council's emerging SAMDev plan or otherwise represent sustainable development in line with the NPPF, and thus the scheme is unacceptable in principle. Whilst there would be some benefits, including the potential for restoration of the terrace walls associated with the former Snailbeach District Railways, these would be modest and would not outweigh the visual harm which would result from the elevation and prominence of the proposed dwelling and the further consolidation of the loose ribbon development on the fringes of Snailbeach and neighbouring Crowsnest. In these respects the scheme would detract from the setting of the Snailbeach Conservation Area and the character of the Shropshire Hills AONB, contrary to Core Strategy Policies CS6 and CS6 and CS17. It is therefore recommended that planning permission is refused.

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

### **8.1 Risk management**

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

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

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

### **8.2 Human rights**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

### **8.3 Equalities**

8.3.1 The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee

members' minds under section 70(2) of the Town and Country Planning Act 1970.

## **9.0 FINANCIAL IMPLICATIONS**

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

## **10.0 BACKGROUND**

### **Relevant Planning Policies:**

National Planning Policy Framework:

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 11: Conserving and enhancing the natural environment

Part 12: Conserving and enhancing the historic environment

Shropshire Local Development Framework:

Core Strategy Policies:

CS1: Strategic Approach

CS4: Community Hubs and Community Clusters

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks

CS18: Sustainable Water Management

Supplementary Planning Documents:

Type and Affordability of Housing

### **Relevant Planning History:**

SS/1989/1068/P/ – Erection of split-level house with integral garage (on opposing site) (refused December 1989; appeal dismissed October 1990)

14/01271/OUT – Erection of dwelling and alterations to existing vehicular access (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved) (withdrawn July 2014)

## **11.0 ADDITIONAL INFORMATION**

**View details online:**

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NF1N5WTDGIX00>

**List of Background Papers:**

Application documents available on Council website

**Cabinet Member (Portfolio Holder):**

Cllr M. Price

**Local Member:**

Cllr Heather Kidd

**Appendices:**

Appendix 1 – Informatives

Appendix 2 – Habitat Regulations Assessment Screening Matrix

**APPENDIX 1 - INFORMATIVES**

1. Despite the Council wishing to work with the applicant in a positive and proactive manner as required in Paragraph 187 of the National Planning Policy Framework, the proposed development is contrary to the policies set out in the officer report and referred to in the reasons for refusal, and as such it has not been possible to reach an agreed solution in this case.

**APPENDIX 2 – HABITAT REGULATIONS ASSESSMENT (HRA) SCREENING MATRIX****Application name and reference number:**

14/05151/OUT  
 The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT  
 Erection of dwelling and alterations to existing vehicular access

**Date of completion for the HRA screening matrix:**

24<sup>th</sup> June 2015

**HRA screening matrix completed by:**

Rob Mileto, Ecological Consultant to Shropshire Council

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

Name of plan or project	14/05151/OUT The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT Erection of dwelling and alterations to existing vehicular access
Name and description of Natura 2000 site	The Stiperstones and The Hollies SAC (601.46ha) represents a nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with <i>Ilex</i> and <i>Blechnum</i> .  Annex I Habitats that are a primary reason for selection of site: <ul style="list-style-type: none"> <li>European dry heaths: This site in central Britain is an example of European dry heaths that contains features transitional between lowland heathland and upland heather moorland. The most extensive vegetation type present is H12 <i>Calluna vulgaris</i> – <i>Vaccinium myrtillus</i> dry heath, which is characteristic of the uplands. South-facing slopes support stands of H8 <i>Calluna vulgaris</i> – <i>Ulex gallii</i> heath, a predominantly lowland vegetation community of south-west Britain. The heathland of the Stiperstones is in excellent condition because it is managed by a programme of rotational, controlled winter burning and cutting.</li> </ul> Annex I Habitats present as a qualifying feature, but not a primary reason for selection of site: <ul style="list-style-type: none"> <li>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</li> </ul>
Description of the plan or project	Erection of dwelling and alterations to existing vehicular access
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

**Statement:**



Given the scale and nature of the development Natural England does not believe there will be any likely significant effect on the SAC, either directly or indirectly.

**The Significance test:**

There is no likely significant effect on the European-designated site of The Stiperstones and The Hollies SAC as a result of the works proposed under planning application 14/05151/OUT (erection of dwellings and alterations to existing vehicular access at The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT).

**The Integrity test:**

There is no likely effect on the integrity of the European-designated site of The Stiperstones and The Hollies SAC as a result of the works proposed under planning application 14/05151/OUT (erection of dwellings and alterations to existing vehicular access at The Sidings, Snailbeach, Shrewsbury, Shropshire SY5 0LT).

**Conclusions:**

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

### Guidance on completing the HRA Screening Matrix

**The Habitat Regulation Assessment process:**

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

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

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

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

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

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

**Habitat Regulation Assessment Outcomes:**

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

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

**Duty of the Local Planning Authority:**

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



Committee and date

South Planning Committee

3 November 2015

## Development Management Report

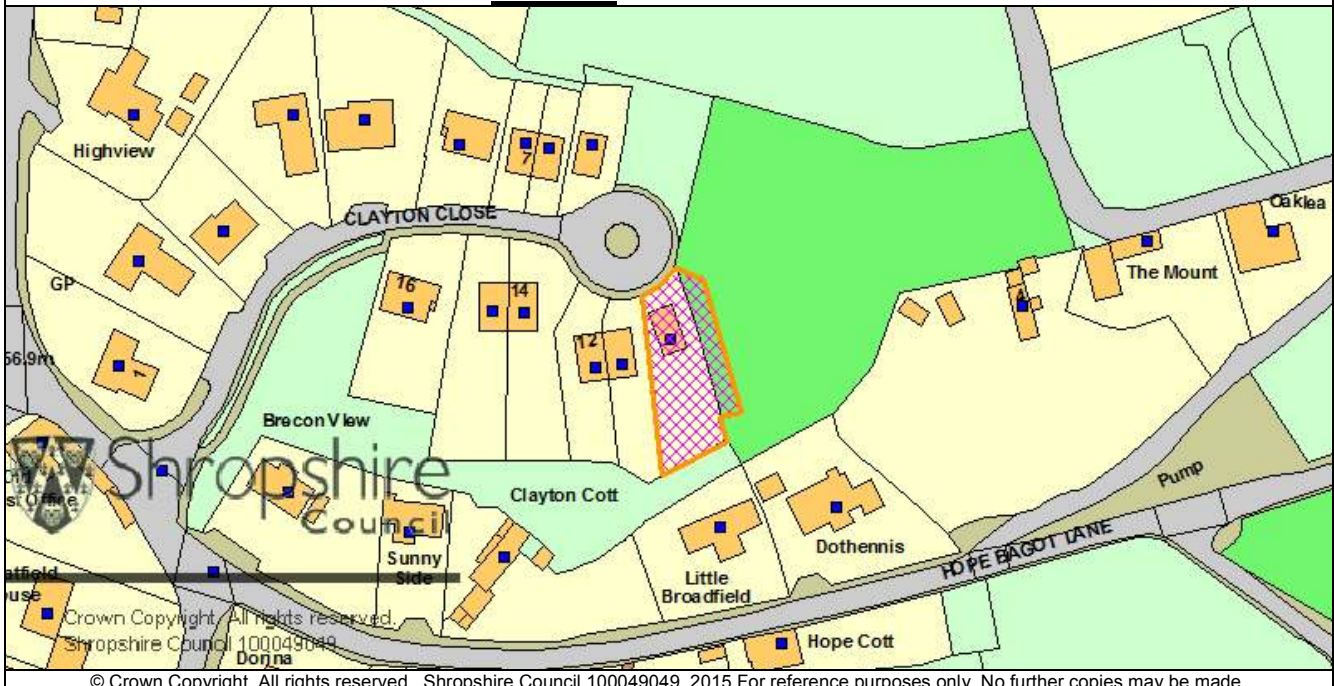
Responsible Officer: Tim Rogers

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> 15/01171/FUL	<b>Parish:</b> Caynham
<b>Proposal:</b> Erection of extension to dwelling, and change of use of adjoining land to additional domestic curtilage	
<b>Site Address:</b> 10 Clayton Close Knowbury Ludlow Shropshire SY8 3JA	
<b>Applicant:</b> Mrs M Jordan	
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>

**Grid Ref:** 357672 - 274638



**Recommendation:** Grant permission subject to the conditions set out in Appendix 1

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks full planning permission to erect a 1½-storey extension comprising a double garage and en-suite attic bedroom to the east side of the above dwelling house. A dormered French window would connect the bedroom to a small balcony recessed into the rear roof slope. The application also includes the incorporation of a strip of grassland into the property's domestic curtilage, ostensibly to accommodate the extension.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The property is situated at the end of a modern cul-de-sac development within Knowbury village, just inside the Shropshire Hills Area of Outstanding Natural Beauty (AONB). It is a detached two-storey house with a narrow gabled frontage faced in render under an unusually steep clay tiled roof. Like its more conventional semi-detached neighbours to the west it is part-owned and managed by the Shropshire Housing Group, a registered provider of 'affordable' homes to meet specific local needs. On lower ground to the rear (south) are a pair of bungalows fronting Hope Bagot Lane, whilst to the east is the undeveloped area of grassland.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council's objection is contrary to the officer's recommendation of approval, and Shropshire Council's local member and planning committee chair feel that the application raises significant material considerations. Accordingly, in line with the Council's adopted Scheme of Delegation, the application is referred to the committee for determination.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee comments

4.1.1 Shropshire Council Affordable Housing – comment:

This shared ownership property was intended to provide an affordable option for home ownership. The housing association will need to be consulted in order to ensure the property remains affordable.

4.1.2 Shropshire Housing Group:

2/4/15 – objection:

Contrary to the claim within the submitted Design and Access Statement, the proposal has not been discussed with the South Shropshire Housing Association (SSHA). The Association has not and will not agree to any addition beyond the provision of a garage.

4.1.3 8/6/15 – no objection:

Having considered further background information, SSHA now wishes to withdraw its objection.

4.1.4 Shropshire Council Flood and Water Management – comment:

Public objections regarding flooding appear to relate to an existing land drainage issue. The proposed extension would not increase the risk of surface water flooding provided the roof water is connected to the existing storm water drainage system.

4.1.5 There should be no dumping of waste or storage of domestic paraphernalia alongside the sump installed on the adjacent land, which was reserved for flood alleviation.

4.1.6 Caynham Parish Council – objection:

This property was approved as part of an affordable housing scheme. The size of the proposed extension is not in keeping with the existing affordable dwellings and would make the property larger than the prescribed size for affordable buildings. There is no proven local need for this increase in size. There are also concerns about the impact of drainage systems on adjoining houses, problems having been experienced when the affordable houses were originally constructed.

## 4.2 **Public comments**

4.2.1 Three local residents object on the following grounds:

- The submitted plans are inaccurate in that they do not show a previous addition made in 2014. This, combined with the proposed extension, would increase the floor space beyond 100m<sup>2</sup>, which is the maximum permitted size for affordable dwellings. This would remove the property from the realms of affordability in the future.
- The scale and proportions of the extension would be out of character with the neighbouring properties.
- Because of its height this property is already intrusive to the properties along Hope Bagot Lane. The proposed extension, and in particular the balcony, would worsen overlooking.
- When the Clayton Close estate was built in 2007 the developer removed the grass and topsoil to leave clay. There had been a long spell of very hot weather followed by heavy rain, which resulted in water pouring off the field and flooding gardens and dwellings along Hope Bagot Lane. The housing association subsequently drained the field, installed a sump and agreed to leave this area undeveloped. However, the proposed development would encroach onto this land and could cause further flooding. Already the applicant has gained access and dumped soil, bins and other domestic items on the edge of the sump.

## 5.0 **THE MAIN ISSUES**

- Principle of development/affordability
- Design
- Impact on landscape
- Impact on residential amenity
- Drainage and flood risk

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Principle of development/affordability**

6.1.1 In general, the principle of enlarging existing dwellings is accepted under the Supplementary Planning Document (SPD) which supports Core Strategy Policy CS11. Whilst this does also impose a 100m<sup>2</sup> limit on the floor space of owner-occupied affordable dwellings built on 'single plot' rural exception sites, no such restriction applies in the case of other tenures.

- 6.1.2 In this instance, as noted above, the property is part-owned and managed by the SSHA, the intention being to provide an affordable option for home ownership. Under the terms of the Section 106 agreement to which the original planning permission is subject the housing association will retain partial control, and thus there is no danger of the property losing its affordable status and being offered to people not in local housing need. Even if the current occupiers did effectively make the house unaffordable they would find themselves unable to sell their share in the marketplace since the housing association would not buy it back.
- 6.1.3 It should also be noted that the applicant's agent has now provided details of the 'need' for an additional bedroom with en-suite facilities on medical grounds (following which the SSHA has withdrawn its initial objection), and that this alone would not increase the gross internal floor space beyond 100m<sup>2</sup>. Although the garage cannot be justified in the same way and would count towards the 100m<sup>2</sup> restriction in the case of a single plot exception site dwelling, again it would not affect this particular property's affordable status given its shared ownership. Furthermore the agent points out that since there would be no internal access to the garage it could not be used as additional habitable accommodation (this could be reinforced by condition if members consider it necessary), and that it would be impracticable to provide a detached garage given the plot's narrow width.
- 6.1.4 The Parish Council's and Local Member's fears regarding the property's future affordability are perhaps exacerbated by the Government's proposal to extend its Right to Buy scheme. Be that as it may, for the reasons explained above officers consider that there are no planning policy grounds on which to resist the proposed development as a matter of principle.
- 6.2 **Design**
- 6.2.1 A key requirement of the SPD is for extensions to be in scale and character with the original dwelling and its surroundings for aesthetic reasons. In this case it is appreciated that the existing house is rather idiosyncratic, but if anything the wider extension set at right angles would help to balance the design and better reflect the form and massing of the semi-detached properties along Clayton Close. Its recessed frontage and lower roofline would also ensure a subservient appearance. Thus, subject to a condition requiring matching materials, the design is considered acceptable.
- 6.3 **Impact on landscape**
- 6.3.1 The reasonably modest enlargement of this existing house within a village setting would not harm the generally open character or natural beauty of the wider landscape. Similarly the slight enlargement of the domestic curtilage would not encroach beyond the established built-up area, whilst details of new boundary treatments can be secured by condition.
- 6.4 **Impact on residential amenity**
- 6.4.1 Although the existing house is elevated above and visible from the dwellings to the south (along Hope Bagot Lane), the distances of at least 32 metres in-between are more than sufficient to achieve a reasonable degree of privacy (by way of

comparison a gap of 21 metres between *principal* elevations across a street is usual). The dormer window and small balcony set into the roof of the extension would be even further away, and thus their impact in planning terms would not be significant.

## 6.5 **Drainage and flood risk**

6.5.1 As summarised above the Council's Drainage Engineer is satisfied that the extension would not increase the risk of surface water flooding provided it is connected to the existing storm water drainage system installed following the 2007 floods. This would be subject to Building Regulations approval in the usual way, and thus there is no reason to suppose the development would damage the system.

## 7.0 **CONCLUSION**

7.1 Although the property is designated affordable to meet local housing needs, because it is part-owned by a housing association there is currently no risk of the proposed extension making it unavailable to other qualifying people. The design is satisfactory, and there are no undue concerns regarding landscape character, residential amenity, drainage or flood risk. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

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

### 8.1 **Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

### 8.3 Equalities

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

## 9.0 FINANCIAL IMPLICATIONS

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

## 10.0 BACKGROUND

### Relevant Planning Policies:

National Planning Policy Framework:

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

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

Part 11: Conserving and enhancing the natural environment

Shropshire Local Development Framework:

Core Strategy Policies:

CS6: Sustainable Design and Development Principles

CS11: Type and Affordability of Housing

CS17: Environmental Networks

CS18: Sustainable Water Management

Supplementary Planning Documents:

Type and Affordability of Housing

### Relevant Planning History:

SS/1/06/18819/F – Erection of affordable dwelling (Plot 5) (permitted December 2006)



## 11.0 ADDITIONAL INFORMATION

### VIEW DETAILS ONLINE:

[HTTPS://PA.SHROPSHIRE.GOV.UK/ONLINE-APPLICATIONS/APPLICATIONDETAILS.DO?ACTIVETAB=DETAILS&KEYVAL=NL5LCP TD0HG00](https://pa.shropshire.gov.uk/online-applications/applicationdetails.do?activetab=details&keyval=NL5LCP TD0HG00)

<b>List of Background Papers:</b> Application documents available on Council website
<b>Cabinet Member (Portfolio Holder):</b> Cllr M. Price
<b>Local Member:</b> Cllr Richard Huffer
<b>Appendices:</b> Appendix 1 – Conditions and Informatives

## **APPENDIX 1 – CONDITIONS AND INFORMATIVES**

### **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 in strict accordance with the approved plans and drawings listed below.

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

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

3. No development shall commence until details of the treatment of the new/realigned site boundaries have been submitted to and approved in writing by the local planning authority. These shall include precise details of the type, materials, height and alignment of any fences, walls or other means of enclosure, and timetables for implementation. The development shall be completed in accordance with the approved details, and shall be maintained thereafter in the absence of any further specific permission in writing from the local planning authority.

Reason: To ensure that the external appearance of the development is satisfactory and maintain a reasonable standard of privacy in neighbouring properties, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

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

4. Except where indicated otherwise on the approved plans and drawings, the external materials of the extension hereby permitted shall match in colour, form and texture those of the existing dwelling on the site.

Reason: To ensure the development is in scale and character with the existing dwelling and its surroundings, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### **INFORMATIVES**

1. Your attention is drawn specifically to the condition above which requires the Local Planning Authority's prior approval of further details. In accordance with Article 21 of the Town and Country Planning (Development Management Procedure) Order 2015 a fee (currently £28) is payable to the Local Planning Authority for each request to

discharge pre-start 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.

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

2. This consent does not affect the terms of the legal agreement under Section 106 of the Town and Country Planning Act 1990 which refers specifically to the existing property.
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

3 November 2015

## Development Management Report

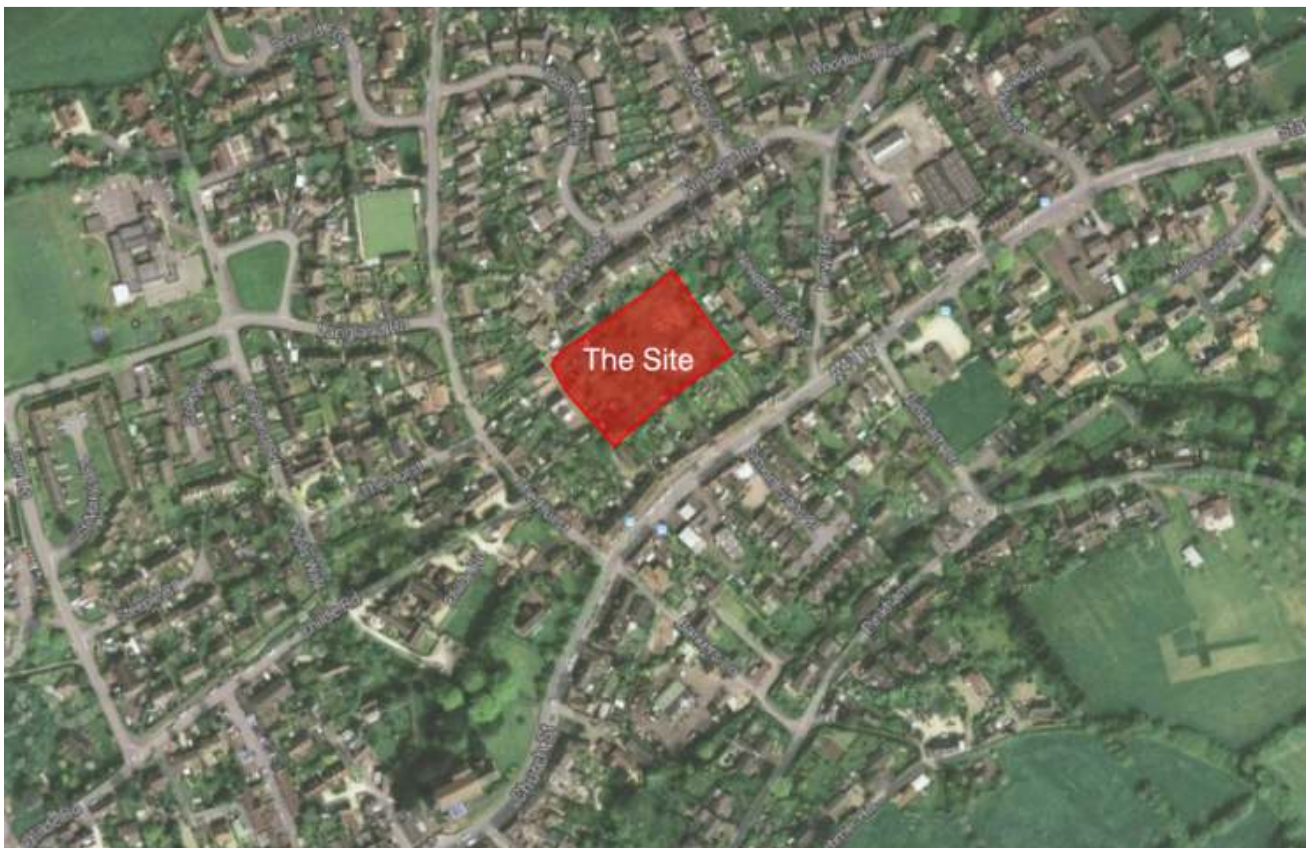
**Responsible Officer:** Tim Rogers

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

### Summary of Application

#### Summary of Application

<b><u>Application Number:</u></b> 15/01919/FUL	<b><u>Parish:</u></b> Cleobury Mortimer
<b><u>Proposal:</u></b> Erection of residential development 12No dwellings, garages and roads design	
<b><u>Site Address:</u></b> Land To The Rear Of 41 Furlongs Road Cleobury Mortimer Shropshire DY14 8AR	
<b><u>Applicant:</u></b> Percy Cox Properties Ltd	
<b><u>Case Officer:</u></b> Graham French	<b><u>email:</u></b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>



**Recommendation:** Grant Permission subject to the conditions and informatives set out in Appendix 1, and subject to a Section 106 legal agreement to secure the following matters:

1. Payment of an affordable housing financial contribution, in accordance with the Council's affordable housing policy.
2. Payment of a highway contribution of £20,000 to improve pedestrian and cycle links within the vicinity of the development in order to further promote sustainable travel and undertake localised highway improvements to formalise parking arrangements within the vicinity of the site. The Highway Contribution should be deposited prior to commencement of the development and returned to the developer within 5 years if remained unspent.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Full permission is sought for the erection of 12 detached and semi-detached houses including garages and roads on land at Furlongs Road, Cleobury Mortimer for 'open market' sale. The plots are proposed to be family sized homes of generally modest accommodation.
- 1.2 It is proposed to extend Furlongs Road into the site as a shared surface. The development is an extension of the cul-de-sac arm of Furlongs Road, which is a conventional street consisting of 4.8m wide carriageway with 1.8m footpaths each side, which connects to the main town high street via New Road to the east.
- 1.3 The site has a fall of 6m from west to east. Houses would step down the contours in order to follow the existing ground levels. Granite paving would mark the edge of the adoptable highway and clearly demarcate private and public space. Walls would screen rear gardens from the street, providing private rear garden areas.



- 1.4 All public areas would be overlooked, providing natural surveillance throughout the scheme. Special corner designs ensure there are no negative, blank gables with houses providing attractive elevations to all streets. The use of dwarf walls to the front of plots 2, 4 and 11 reinforce the conservation setting, providing a design enclosure within the heart of the development.
- 1.5 The use of large single (6m x 3m) or double garages for 7 of the houses (as recommended in Manual for Streets) provide for both car and cycle storage. Properties without a garage will be provided with a lockable garden shed for use as a cycle store. Refuse bins will be stored on plot in rear gardens on a paved area with a level path from the storage area to the roadside collection point. All properties will have a dedicated refuse bin storage area, away from the street, and convenient to each property.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The site comprises an area of vacant land with brambles and some trees and a fall from west to east which is located in the Cleobury Mortimer conservation area to the north of the High Street (A4117). To the south are the rear gardens of period houses fronting the A4117 and the Grade 2 listed Old Lion Public House. To the north is more recent housing whilst to the west is a single dwelling known as the Old Bakery.

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

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

## **4.0 COMMUNITY REPRESENTATIONS**

- 4.1ai. Cleobury Mortimer Town Council (9/07/15) – Objection for the following reasons:
- Consistency with the development plan for the area
  - Traffic and Highway issues
  - Overlooking, loss of privacy
  - Design, appearance, layout.
  - Noise, disturbance
  - Local knowledge of drainage and sewage.
  - Impact on surroundings.
- ii. Inadequate plot: Cleobury Mortimer is a dispersed settlement where development proposals should be considered very carefully. Firstly we consider this plot to be a tandem development and as such are inadequate in the context of the surrounding development. It would be discordant with the character of the surrounding properties and the prevailing densities in the area. As such the proposal is considered to fail to have due regard to the local character and to safeguard residential amenity and as such it is contrary and conflicts with, the aims and

objectives contained in the National Planning Policy Framework of sustainable development, core planning principles, as well as the Council's adopted Core Strategy and in particular conflict with policy CS6 and CS3. This is also supported in the SAMDev report and our Community led Parish Plan 2014. On page 57 of the Core Strategy item 4.52, it also states that in 2001 Census 77% of houses were owner occupied, 14.4% private rented and 8.6% social rented and to date we still need a balance, which we feel is not being looked at. Also that paragraph raises the concerns of Wastewater and gives clear instructions, which needs to be looked at as another major concern of the council.

- iii. Community needs: As stated in our Parish Plan 2014, p11, planning permission for developments must see the wider picture of community needs and the current infrastructure capacity is inadequate for the growing population, rising 25% from 2001 to over 3,000. The Cleobury Mortimer neighbourhood Plan developed in consultation with the community and Shropshire Council and Policy SD7 states that beyond market housing provision made in the districts site allocations development plan document only proposals for affordable housing for local people are supported. Looking at eS4 this application goes against the development plan for Cleobury Mortimer.
- iv. Public house: When looking at the proposed rear entrance for the Public house which backs onto the development, it is a great concern that it may promote criminal activity and anti social behaviour from patrons leaving the establishment at the rear, which cannot be guaranteed will not happen eS6 Item 4.79. It will also be access for deliveries causing more Lorries and large vehicles to use the already congested New Road and the Furlongs.
- v. Commuter pressure: Pressure for development in the village is considerable, mainly for housing city commuters and seems to be a growing theme which needs to be resisted.
- vi. Access: The reasons for rejecting such schemes include the inadequacy of access, increased traffic, adding to increased congestion to already problem areas which would suffer to cope with even small increases in traffic. The creation of the access by the demolition of the one property raises concerns of the entrance, causing issues for emergency, refuse vehicles and also Highway safety.
- vii. Natural environment: This development would add to an already substantial concern that the overall proposal is uncharacteristic of the area and conflicts with Policy eS6, with regard to its requirements to protect the natural environment, respect local context and safeguard residential amenity and living conditions of surrounding residents.
- viii. Parking: Parking of visitors to residents by the proposed entrance would also add to the congestion. If allowed this would generate significant levels of traffic in an already congested area via New Road and Ronhill and we consider that the development is not appropriate for its surroundings as there is not enough room for vehicular access especially of waste and emergency vehicles. Developments should try and minimise the impact of traffic in communities and for 41 car parking



spaces indicates the level of traffic, goes against eS7 item 4.89 of the Core Strategy 2011. It also refers to safer roads and public footpaths, which if the development goes ahead, will make it worse for residents and especially children's safety.

- vii. Setting: When considering, note should be taken of Paragraph 4.81 in policy CS6 of the Shropshire Core Strategy 2011 states that: "The quality and local distinctiveness of Shropshire's townscapes and landscapes are important assets. The Council will ensure new development complements and relates to its surroundings, not only in terms of how it looks, but the way it functions, to maintain and enhance the quality of Shropshire's environment as an attractive, safe, accessible and sustainable place in which to live and work. This is also echoed in paragraph 56 of the NPPF. The proposed siting of the two storey development is particularly ill-considered: as building such a development would both diminish the view and will be prominent from outward angles of the village. The design is out of keeping with the village's strong historic character and Policy eS3 and eS6.
- viii. Housing type: As stated in eS4 we have identified in our local plan and SAMDev a need for more retirement homes as there are too many developments with high class homes and there needs to be a balance as referred to in eS1 and more especially Affordable housing as stated in eS11 which seems to be diminishing for local people. Previous plans were noted as favourable but changed from bungalows to houses for financial reasons, and this is a not a Brownfield site, which also needs to be noted. Furthermore there is no need for more of this kind of open market housing in the village. In the opinion of the Parish Council, Cleobury Mortimer has more than the five years supply of housing land to meet the requirements of the emerging SAMDev policy to take it to 2026. CS4 confirms that Shropshire Council will work with communities with a "Bottom up approach" so we urge the Council to take our views into consideration when looking at this application.

4.1ai. Cleobury Mortimer Town Council (8/10/15 – following re-consultation on further information) – Objection. All of the objections in the previous letter dated 9<sup>th</sup> July 2015 still stand as the points addressed as amendments have not addressed the Points of Principal and are therefore not fundamental changes.

1. The legal obligation to only allow access to the rear of the Old Lion by the owners only, is not a Fundamental change as it would be down to individuals to police. Like having double yellow lines does not prevent anyone parking if they wish to ignore the rules.
2. Pedestrian linkage issue to suggest that better well lit routes are available again is not a fundamental change, just a suggestion.
3. Refuse collection and changing kerbing again does not alter the fact that access to the site will be an issue, as large vehicles still go over kerbs when they need to.
4. Internal parking issue has still the same houses with spaces and will also have a visitor which in turn, increases the traffic and parking.

It is a fact that new road is already a daily issue with access for small vehicles let alone emergency vehicles, would compound an already bad situation for the area. Site vehicles would cause very stressful situations for local residents and again access to the site is a major issue. The Parish Council wish that its objections

stated previously and now are once again strongly noted that there have been no fundamental changes and the points of principal have not been addressed.

- 4.2 SC Public Protection - Specialist – No comments received.
- 4.3 SC Affordable Homes: - No objection. The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.
- 4.4i. SC Archaeology (Historic Environment): - No objection. The proposed development site lies within the historic medieval core of the town of Cleobury Mortimer (PRN 05478) as defined by the Central Marches Historic Towns Survey, within a group of tenement plots, north of Lower Street (PRN 05475), close to a Medieval burgrave plot, Lower Street (PRN 05467) and is circumscribed on all sides by parts of the medieval street system (PRN 05477). A tentatively defined Saxon minster enclosure (PRN 05468) lies immediately to the south west. Evaluation excavations undertaken in 1993 at Lacon Childe School 150m to the south west, revealed archaeological remains dating from late Neolithic/Early Bronze Age through Roman occupation to the Medieval period.
- ii. An archaeological desk based assessment has been submitted in support of the application. This assessment concludes that there is a low possibility of prehistoric or Roman remains being present on the proposed development site and a moderate potential for significant archaeological deposits of medieval to post-medieval date being present. The assessment recommends that further field evaluation in the form of trial excavation be carried out in order to assess the survival, nature, and significance of these remains, and to formulate any mitigation strategy. We concur with these findings.
- iii. In view of the archaeological potential of the proposed development site, and in line with Paragraph 141 of the NPPF, we recommend that a programme of archaeological work be made a condition of any planning permission. This should comprise an initial field evaluation comprising trial trenching followed by further mitigation as appropriate
- 4.5i. SC Historic Environment (Conservation): - No objection. The application proposes the erection of 12 residential dwellings on this site to the rear of 41 Furlongs Road. The site lies within the Cleobury Mortimer Conservation Area and nearby to a number of listed buildings. Pre application advice was provided on a previous scheme for bungalows at the site and was generally supportive at that time. This scheme is for two storey dwellings on the site. A previous scheme for 19 dwellings on the site was dismissed at appeal for reasons including the impact upon the conservation area. The appeal inspector considered that the development would not incorporate variations in roof heights, plots widths, positioning of window openings or use of materials and felt that it would therefore not reflect the varied character of the conservation area. It was acknowledged that the site itself does not in its current form particularly contribute to the character of the conservation area and that development on the site is not precluded by the conservation area status.

The proposed development seeks permission for 12 residential units at two storey in height. The scheme uses the change in levels on the site to step down the roof heights of the dwellings and there is some variation in roof form to break up the street scene. The proposed scheme has sought to reflect the character and design elements of the historic core of the town and provided details of how this will be achieved within the Design and Access Statement i.e. design cues, informal layout etc.

- ii. An Archaeological Assessment has been provided in support of the application which has assessed the impact of the proposed development upon the setting of heritage assets and concludes the proposed development would have a low adverse impact on the setting of some of the Grade II Listed Buildings on Lower Street and The Hurst. This assessment has suggested that the significance of the effect of this impact would be minor to negligible. Mitigation in the form of design and screening would further reduce the effect of any impact here. It is considered that these findings are accurate. This assessment hasn't gone into detail about the potential impacts of the development upon the conservation area, however there is a clear analysis of the site and area in the Design and Access Statement which takes the conservation area into account. As noted above, reference is made within the supporting information to local design references, choice of materials, the informal layout and varied roof pitches and these aspects of the proposed development are considered appropriate and supported. The half dormer windows shown on plots 4 and 11 seem unnecessary and would be preferred to be removed or should be more substantial as shown on plot 2. Details of tree planting and landscaping will be important to ensure effective screening and softening of the development and should be conditioned.
- iii. Overall if the above advice is taken into account it is considered that the proposed development will preserve the character of the conservation area and setting of listed buildings in line with policies, guidance and legislation as outlined above.  
Suggested Conditions: Joinery (the window detail proposed is not appropriate for the conservation area), materials, landscaping.

4.6 SC Drainage: - No objection subject to conditions covering surface drainage (included in Appendix 1).

4.7 SC Highways DC: – Verbal comments - No objection subject to conditions and legal agreement covering highway improvements. The following comments are made:

- i. Principle of Development: Shropshire Council as Highway Authority has no objection in principle to a residential development at the proposed location; it is considered that the site is located within a sustainable location, in close proximity to Cleobury Mortimer Town Centre and within the existing development boundary. However, the Highway Authority would raise concerns with regard to the proposed scale of the development and access to the site, in terms of restricted carriageway width along Furlongs Road and the proposed access to the Old Lion Public House.
- ii. Policy Considerations: CS6: Sustainable Design and Development Principles: Requires proposals likely to generate significant levels of traffic to be located in

accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced;

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.”

- iii. Access: Access to the proposed development is via Furlongs Road, which has a carriageway width of approximately 4.25metres wide. Previous submitted applications have been refused on highway safety grounds relating to the restricted access to site, and previous inspector decisions have recommended that a maximum total of 25 dwellings should be accessed off Furlongs Road. However, the application under consideration also proposes that a vehicular access is provided to the Old Lion Public House. Whilst it has been demonstrated that there is sufficient swept path refuse vehicles to manoeuvre into the site, and hence also dray lorry deliveries, it is considered that Furlongs Road does have restricted carriageway width and is a residential area. Therefore whilst there would be a benefit to removing parking of delivery vehicles along the A4117 it is unclear from the information submitted the number of proposed deliveries to the public house and how access to Old Lion Public House should be restricted.
- iv. Impact on Highway: The proposed development site is located within an accessible location and in accordance with Policy CS6 there are opportunities for the need for car based travel to be reduced. Whilst it is acknowledged that there will be an increase in vehicle movements associated with the proposed development, in view of the location of the development it is unlikely that it could be demonstrated that the impact of the development will be severe and in accordance with revised policy guidance a highways objection could be sustained in an appeal situation.
- v. Recommendation: Despite the above, it is recommended that the proposal to provide vehicular access to the Old Lion Public House is removed or restricted to ensure the likely impact is minimised. It is also recommended that a Travel Plan is submitted prior to commencement of the development and Implemented within one month of the first occupation of the residential development, In order to minimise the use of the private car and promote the use of sustainable modes of transport. In addition to the above, it is recommended that a highway contribution of £20,000 is secured through a Section 106 Agreement to improve pedestrian and cycle links within the vicinity of the development in order to further promote sustainable travel and undertake localised highway improvements to formalise parking arrangements within the vicinity of the site. The Highway Contribution should be deposited prior to commencement of the development and returned to the developer within 5 years if remained unspent. Conditions covering these matters have been recommended and are included in Appendix 1.

4.8 SC Ecology: – No objection. Conditions and informatives advised.

- 4.9 SC Trees: No objection - The proposed plans have very little arboricultural impact, but the long-term sustainable integration of this development into the landscape and conservation area would benefit from the creation of space to include a number of feature trees. On a site like this the use of well positioned fastigiated cultivars would not cause conflict between residents and the trees as they matured but would add to the character and amenity of the area.
- 4.10 SC Rights of Way: - No objection. Public Footpath 65, Cleobury Mortimer runs off Furlongs Road adjacent to the proposed new access to the proposed development and then turns westerly towards The Hurst as correctly acknowledged within the design and access statement. It is noted that No 41 furlongs Road will be demolished to allow construction of the new access to the proposed development and access to the footpath must remain open and available at all times during the demolition of the property and construction of the access route. If the footpath cannot be safely open during any stage of the development, the applicants will need to apply to the Mapping and Enforcement Team for a temporary closure of the route. Informative advised:

#### Public Comments

- 4.11 The application has been advertised in accordance with statutory provisions and the nearest residential properties have been individually notified. Objections have been received from 11 individuals. The main issues are as follows:
- i. Pub delivery disruption: Concern about access to the Old Lion pub and the likely disruption this will bring with heavy goods deliveries to the rear, and the likelihood of the road becoming an unofficial pub car park if public access is obtained. It is understood that the above application is for domestic dwellings and not for business or commercial purposes. Therefore why does the proposal include for gated access to the rear of "the lion public house" will this be for delivery purposes? If so egress and access through a "solely" residential area is unacceptable and should not be permitted. The noise levels alone of dray lorry deliveries over traffic calming measures will be a constant nuisance.
  - ii. Pedestrian disturbance / safety: Concern about the proposed narrowing of the pavement on the existing cul-de-sac, which will disadvantage pedestrians and those who currently use the pavement on mobility scooters. The proposed access from the development to the Old Lion Public House in Lower Street could provide a location for anti-social elements to gather along with the attendant problems; discarded food containers, noise, dog fouling etc. Amending carrigeway aspect to suit new access is unsafe as pedestrians will lose the use of pavement currently used by school children and disabled/local residents, to "The Hurst".
  - iii. Questioning housing type: We are surprised that the applicant has changed the plans from the pre-application for 12 bungalows to 12 full-sized houses. Full-size two-story houses will block the beautiful views over to Mawley Hall from the top of the cul-de-sac and from the public footpath heading east down from The Hurst. The applicant's argument that bungalows are not cost effective is clearly nonsense and is designed to maximise company profits at the expense of the quality of life of

those currently living in the area. A development containing more bungalows would mitigate 'some' of the concerns outlined by current residents. The views of existing residents would be blocked. This would not be so bad if bungalows were built. The size of the proposed dwellings (within the application-4 bedroom detached ) is not in keeping with character or size of dwellings in the surrounding and adjacent areas (predominantly 3 bedroom semi-detached).

- iv. Concerns specific to 43 Furlongs Rd: Plot 1 which is unacceptably close to the garden of 43 Furlongs Rd. The proposed house at plot 1 will considerably block the light, and directly overlooks our garden. At the very least we want the position of the garage and house on this position swapped so that we are not overlooked and do not lose considerable light resources. There is a large area of undefined white space opposite our house, to the east of the current footpath. We seek information on the planned use of this space as our house directly looks out onto this area at the front. We bought number 43 as the final property in a quiet, small cul-de-sac. We currently have zero traffic outside our house and I can play football with my daughter safely in the street. Under the new proposals we will be sited in the middle of a longer road, with a far greater degree of traffic. The application for planning suggests that parking spaces for a 41 cars will be built on the new estate. The slim entrance at the head of the Furlongs cul-de-sac will not bear this amount of traffic, and our quality of life will be degraded by the change. We also have concerns about safety and driver sightlines at the tight turn at the top of the cul-de-sac into the new development.
- v. Objecting to principle of housing development. We are pleased that the dilapidated building at number 41 has been knocked down. Ideally we would like this plot to be rebuilt as a family house, with the land behind being re-purchased by the council for public use as allotments / a park / a nature reserve rather than used to build 12 further houses. There has already been planning permission given for a large number of houses on the current 'box-factory' site just to the north-east. This part of Cleobury doesn't need any further construction. If the re-purchase of the land is unfeasible, we suggest that planning permission be given for 8 bungalows maximum to minimise impact on current residents. This small parcel of land is the last remaining green space in the whole of Cleobury Mortimer , we need it for wild life and children to play, it should have been developed as a town park for everyone to enjoy. It has been left in this mess to make people think its a tip but it could easily be put back with the help of the councils and local business.
- vi. Loss of privacy / light: The drawings do not show Lower Street in its entirety. The area of concern is the junction of New Road and Lower Street. This is because the bedrooms to our cottage have Velux roof lights and we believe that any nearby dwellings will intrude on our privacy as the proposed development is at a higher level. The dwelling (plot no.12 is too large and will affect "right to light" to the rear aspect of my property, to obscurity of the rear aspect consideration should be given to a "bungalow" type dwellings.
- vii. Construction disturbance: The access to the site via New Road to Furlongs Road during construction and subsequently could cause congestion problems with regard to commercial delivery vehicles, refuse collection vehicles and emergency vehicles.

The pinch point being New Road. Where will the "contractors compound" be located? What are anticipated hours for deliveries of building materials etc.? Who will clean and maintain "furlongs road" during the construction phase. No construction traffic should be allowed to park on "Furlongs Road "at any time during the construction phase.

- viii. Sewerage capacity: We understand the foul and storm water discharge from the site will enter the town's system at the junction of New Road and Lower Street. This junction has proved problematical in the past and more development will only add to a system which is at best barely adequate.
- ix. Traffic / access: The width of the road/carrigeway 4.25m .not wide enough to sustain volume of projected traffic flow. Egress and access via "new road" is currently an issue as there is no "off road parking" this will be made even more acute when the houses on "the box factory" site are built and if the proposed development goes ahead. - the existing surface water drainage system does not have the additional capacity for the proposed development. The use of soakaways to resolve this issue will be inadequate. The "flood risk" to the lower areas of the site and adjoining areas will be greatly increased. The condition of the road / tarmacadam / surface water drainage system etc. In "Furlongs Road" will decline as it was not designed originally for heavy duty traffic flows. I object to the building of this development on the grounds that the roads surrounding are already too busy. This development would bring in up to an extra 25 or so cars. The roads on the estate are already full of parked cars on pavements and the road up to the cul de sac where 41 Furlongs Road is being demolished is narrower as it is a cul de sac not a through road. The road leading up to 41 Furlongs Road will be blocked if heavy vehicles are accessing the building site, it would be difficult for a fire engine to get up the road at times because of parking on the pavement/road. I also worry about more traffic using this route when complete by parking at the rear of the Lion. New Road which is the access from the Furlongs to the main road is already over congested.
- x. Wildlife: Existing wildlife will loose their habitat. When the land was purchased , the new owners cut down ancient fruit trees and ripped up the grassland so as to destroy the rich natural habitat. I asked natural England to step in and save it but was ignored. The Bat roost was in the old pear tree and it was cut down and burnt. It is home to a whole wildlife eco system even now ,which we would only miss once the damage was done ,birds would disappear from your bird tables once their nesting sites have vanished under block paving.

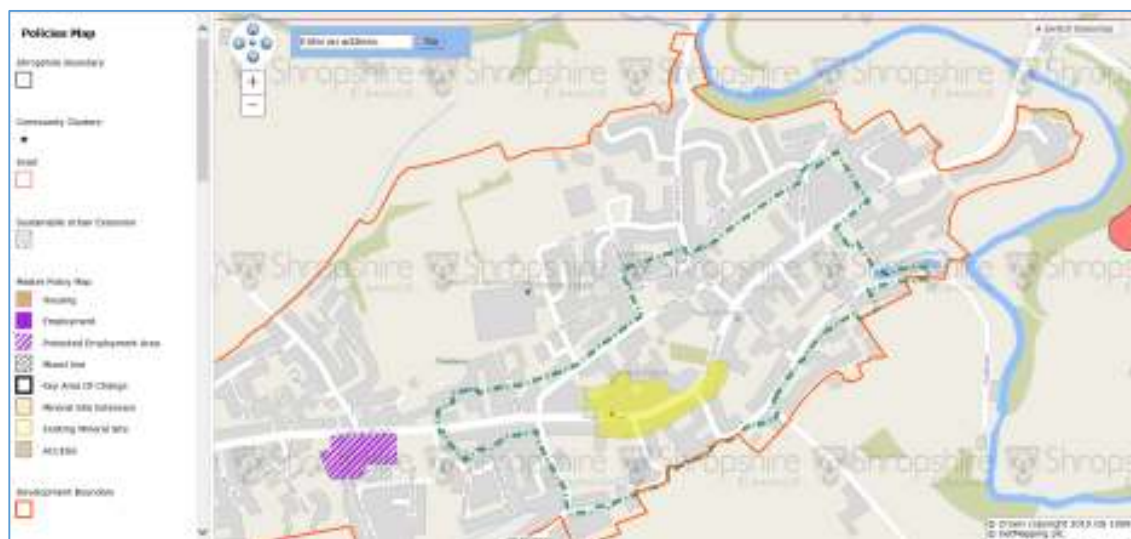
## 5.0 THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### 6.1 Policy Context and principle of the development:

- 6.1.1 The Council's Core Strategy identifies Cleobury Mortimer as a main market town suitable for further residential development that balances environmental constraints with meeting local needs. Policy CS3 – "Market Towns and Other Key Centres" requires market towns such as Cleobury Mortimer to accommodate balanced housing and employment development within their development boundaries and on sites allocated for development. Development must be of a scale and design that respects the town's distinctive character and must be supported by improvements in infrastructure.
- 6.1.2 Policy s6 of the emerging SAMDev advsies that 'as a key centre, Cleobury Mortimer will continue to provide facilities and services for its rural hinterland. To support this role, around 350 additional dwellings and a minimum of 0.7 hectares of employment land will be delivered over the Plan period 2006-2026. New housing development will be delivered on two allocated housing sites off Tenbury Road set out in schedule S6.1a, and identified on the Policies Map, alongside additional infill and windfall development within the town's development boundary. Key planning issues include the need to retain Cleobury's character as a small market town, to provide more affordable housing and a mix of open market housing types, and to retain a balance between housing and employment. Policy SDS3 and policy S1 of the South Shropshire Local Plan relating to settlement strategy are "saved" and as such are also applicable. These also identify Cleobury Mortimer as a key centre.
- 6.1.3 Whilst the site is not specifically allocated for housing development in current saved and / or emerging policy it is located within the development boundary of Cleobury Mortimer where the principle of housing development is accepted. This is supported by the NPPF and the Council's adopted Core Strategy.



*Plan 2 – SAMDev plan. Cleobury Mortimer*

- 6.1.4 The main issue to address is whether the particular development proposed would result in any unacceptable impacts on surrounding properties, amenities, the environment, infrastructure, economy or the local community. This includes



potential effects on the Conservation Area and the amenity of the nearest residential properties. If so, then are these impacts capable of being mitigated such that the proposals would be sustainable? If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS5, CS6 and CS17.

## 6.2 Design and layout of the development

- 6.2.1 Whilst the policy principle of residential development at the site can be accepted the proposals must also comply with relevant design policies and criteria. This is particularly important in view of the location of the site within a Conservation Area, on sloping land and adjacent to existing residential property. 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.
- 6.2.2 The key development plan policy relevant to design and layout is Core Strategy Policy CS6. This aims to create sustainable places by ensuring development is designed to a high quality using sustainable design principles, ‘to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change’. The policy requires that development ‘protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character’. Development should also contribute ‘to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities’. It should be ‘designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision.’ Policy CS17 also sees to protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment.
- 6.2.3 The Town Council considers that the development would be discordant with the character of the surrounding properties. However, the site has a plot density which is average for the surrounding area (see succeeding section) and is in a transitional area between the residential area to the north and the high street with associated listed buildings to the south. The development needs therefore to comply with particular design criteria in order to respect the privacy of the residential properties to the north, respect the setting of the listed buildings at the core of the Conservation Area to the south and also to achieve an economically feasible scheme for the developer.
- 6.2.4 It is considered that the design of the properties would be appropriate for this location. The predominant use of brick and tile would reflect features found in this

local area. The inclusion of short projecting bay windows and dormers to some dwellings, and chimneys on plots at focal points within the development would add variety and interest to the street scene. 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 the properties adjoining the A4117. The shared surface road areas with curving road sections, granite setts and different treatment of public and private surfaces would also enhance the street scene. The 2 storey properties would be seen in the context of single storey brick and tile detached garages which would add variety to the roofscape. The density of the plot allows for sufficient privacy within the site and in relation to neighbouring properties whilst respecting the integrity of the heritage area to the south. It should be noted that the Council's Conservation section has not objected to the scheme. It is considered that a denser development would not respect the setting of the conservation area and a denser scheme for 19 properties was refused for this reason in 2001.

- 6.2.5 Spatial separation: Shropshire does not have formally adopted design criteria. Therefore, the spatial acceptability of each proposal must be judged on its own merits. It is however generally accepted good practice that there should be a minimum stand-off distance of 20m between the principal windows of existing and proposed properties. Account needs also to be taken of the slope of the ground and the type and orientation of existing and proposed properties. When this criterion is applied the site is seen to have a satisfactory relationship with existing housing on the southern boundary with separation distances of 30-45m between principal windows. The proposed houses would be approximately 1m higher than existing properties to the south. On the west boundary there is only one property, Honeysuckle House. This would have a separation distance of 25.5m from the nearest plot (plot 2) and principal windows would be at right angles. This relationship is considered acceptable.



- 6.2.6 On the eastern side of the northern boundary the separation distance between plot 9 and properties to the north (26m) is considered acceptable. On the western side of the northern boundary the separation distance between plot 12 (a 2-storey property 8.2m to the ridge) and the nearest properties to the north (37 and 39 Furlong Road) was originally 14-15m. These existing properties currently have a south facing open aspect. However, following discussions with Officers the agent has agreed to relocate the property 2.5m further to the south (by substituting its position with the proposed garage) and to set the building line back 2m further to the east. This increases the separation distance between the properties to 18m, preserves a more open southerly aspect and lowers the slab level relative to the existing situation. It is considered that this amendment now achieves an acceptable spatial relationship between the properties.
- 6.2.7 The eastern edge of the proposed development achieves separation distances of 15.3 and 14.5m between existing and proposed properties. However, principal windows are at right angles and the new properties are not located to the south of the nearest existing properties. Hence, there should be no loss of natural light. On balance therefore, it is considered that the proposals with the amended layout to Plot 12 can be accepted in relation to spatial amenity considerations.
- 6.2.8 Housing density: The town council considers that the proposals to be discordant with the character of the surrounding properties and the prevailing densities in the area. This is not accepted. The application involves the provision of 12 detached and semi-detached houses on a plot of just under 0.5 hectares. This equates to a plot density of just over 24 houses per hectare. An assessment of plot density in adjoining residential areas yields an average plot density of 24 houses per hectare to the south, 20 houses per hectare to the west, 27 houses per hectare to the east

and 30 houses per hectare to the north. The site is therefore surrounded by areas of varying plot density but is similar to or slightly below the average for the general area. It is considered that this density is acceptable and allows a layout which respects the setting of the site and the Conservation Area, allowing appropriate space for structural landscaping and site drainage and respects the privacy of existing residential properties. A higher density scheme for 19 houses was refused in 2001 and a lower density scheme for 9 houses was refused in 2002.

6.2.9 Privacy: Some local residents adjoining the site have objected on the grounds of loss of privacy as a consequence of the proximity of new housing. It is perhaps understandable that some existing residents who currently overlook an open plot would express this concern. It is considered however that the amended scheme succeeds in preserving the privacy of existing and proposed properties.

### 6.3 Environmental Considerations

6.3.1 Traffic: An appeal on refusal of a 21 house scheme was rejected in 2003 on the basis of access concerns. The current proposals relate to a reduced scheme of 12 houses. The Town Council has expressed concerns that the development and the proposed access would exacerbate existing traffic capacity issues. Local residents have expressed concerns that the proposals would allow pub vehicles to deliver via the proposed access, leading to additional disruption.

6.3.2 Highway officers have not objected to the proposals but have recommended the following measures in order to address these concerns and minimise the highway impact of the development. Conditions covering relevant matters have been included in Appendix 1:

- Removal or restriction of the proposal to provide vehicular access to the Old Lion Public House to ensure the likely impact is minimised.
- Submission of a travel plan prior to commencement of the development, in order to minimise the use of the private car and promote the use of sustainable modes of transport.
- Recommended that a highway contribution of £20,000 is secured through a Section 106 Agreement to improve pedestrian and cycle links within the vicinity of the development in order to further promote sustainable travel and undertake localised highway improvements to formalise parking arrangements within the vicinity of the site.

6.3.3 The Council's waste management team has advised on the need to ensure that the proposed development is suitable for refuse vehicles to access and turn around in. Local residents refer to problems caused for refuse vehicles by on street parking in Furlongs Road. In response to officer discussions the applicant has provided a swept path plan which confirms the ability of refuse vehicles to turn acceptably within the site. One kerbed area has been realigned in order to enhance accessibility. The proposals provide a better solution for turning than the existing cul-de-sac at the end of Furlongs Road as there is a greater depth for reversing and improved off-site parking relative to the existing situation.

- 6.3.4 The site is within a sustainable settlement where the principle of residential development is accepted by planning policies. The applicant has provided access and layout plans which indicate that a safe access compliant with relevant highway visibility standards is capable of being achieved. The proposals would yield CIL money for investment on local infrastructure. If the density of the development was greater, as advocated by the Town Council, then the level of traffic generated by the development would be greater. It is considered that the proposals can be accepted in highway and access terms subject to the recommended conditions and legal agreement. (Structure Plan Policy CS7).
- 6.3.5 Parking: The Town Council expresses concerns about the adequacy of parking provision. The applicant has however provided plans which confirm that each property would be have 2 full parking spaces and this complies with the Council's adopted parking standards. Additional parking would be provided for 7 properties in private garages. The site is within easy pedestrian reach of the range of services available at the centre of Cleobury Mortimer and this should reduce the requirement for private car movements. If the development was denser, as advocated by the Town Council then there would be greater potential pressure on local parking provision.
- 6.3.6 Pedestrian access: There is a narrow gated access at the side of 33 Lower Street which currently is reported as being a public access to the site. Concern has also been expressed that this pedestrian access could be used as a short cut to the Old Lion Public House, leading to potential anti-social behaviour. The applicant has however confirmed that this would not be a public access. It has however been agreed that a private gated access would be being provided to the rear gardens of 31, 32 and 33 Lower Street.
- 6.3.7 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems worse. References to local drainage problems have been made by some objectors. A sustainable drainage system (SuDs) would be adopted. Surface water from roofs would be taken to suitably sized soakaways and would comply fully with BRE 365. This would ensure that drainage from the site is attenuated to greenfield rates. The council's land drainage section has not objected subject to imposition of appropriate drainage conditions which are included in Appendix 1. The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. It is considered that the proposals are capable of complying in principle with Core Strategy Policy CS18 relating to drainage.
- 6.3.8 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs nearby to the site. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water would be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. (Core Strategy Policy CS8, CS18)

- 6.3.9 Visual amenity: The proposed site is located on rising ground within and on the northern margin of the Clebury Mortimer Conservation Area. It is enclosed by existing housing and views towards the site from publicly accessible areas in the surrounding area are limited. The main views afforded towards the site are from existing residential properties surrounding the site. There would be some local loss of views to the nearest residents but planning caselaw establishes that there is no right to a view. It is not considered that there would be any unacceptable visual impacts. Following amendment to the layout of plot 12 the spatial relationships between existing and proposed properties are considered acceptable in terms of maintaining privacy and natural light.
- 6.3.10 Heritage: The principal heritage interest in the Conservation Area rests with the frontage of the A4117 Lower Street to the south and The Hurst to the west and associated listed buildings. The Conservation Area boundary has been drawn widely in order to protect the setting of these listed buildings. It is considered that the proposals respect the setting of the listed buildings by preserving an appropriate stand-off. The design of the proposed buildings is also considered generally acceptable. Conservation officers have not objected subject to the imposition of a condition requiring approval of detailed specifications for materials and surface treatments including the design of the windows. An archaeological investigation condition has been recommended and is included in appendix 1. Subject to this it is considered that the proposals can be accepted in relation to relevant heritage policies and guidance.
- 6.3.11 Construction: A condition requiring submission of a Construction Management Plan has been recommended. This would control matters such as hours of working and management of construction traffic including ensuring that construction workers vehicles are parked on site at all times.
- 6.3.12 Ecology: An ecological survey confirms that the site has limited habitat interest. The council's ecologist has not objected. Appropriate ecological conditions and informative notes have been recommended in Appendix 1. It is considered that the proposals comply with Core Strategy Policy CS17.
- 6.3.13 Conclusion on environmental effects: The proposals would result in some disturbance to local amenities during the construction phase and there would be a change to some local views. There would also be an additional pressure on the public highway and on local sewerage services and a need for archaeological evaluation. However, it is not considered that there is any evidence that there would be any unacceptably adverse environmental effects which would justify refusal when available mitigation measures and recommended conditions are taken into account. The proposals are considered therefore to meet the environmental sustainability test set out in the NPPF.
- 6.4 Economic sustainability:
- 6.4.1 All housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such

properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values.

6.4.2 In this particular case however it is not considered that there would be any obvious adverse economic impacts. There are no leisure or tourism facilities in the immediate vicinity which would be adversely affected. No public footpaths would be affected. It is not considered that there would be any material impact on property values provided a sensitive design and landscaping are applied at the reserved matters stage. It is considered overall therefore that the economic effects of the proposals would be positive and that the economic sustainability test set out in the NPPF is therefore met. (Core Strategy Policy CS5, CS13)

#### 6.5 Social sustainability:

6.5.1 The Town Council has objected that the type of property proposed does not meet identified social needs and that smaller more affordable homes should be provided instead. These concerns are noted. However, the provision of smaller homes would potentially result in a denser layout which may be less sympathetic to the setting of this site within the Conservation Area. There would also be added pressure on parking and traffic in this end of cul-de sac plot. It is considered that the allocated sites at Cleobury Mortimer and other windfall development within the town have the potential to deliver a range of housing to supply market needs. Members considered one such scheme for a change of use of a former store at the September committee.

6.5.2 Some residents have also advocated the provision of bungalows instead of 2 storey homes. The applicant has advised that unfortunately this does not prove cost effective to develop, and as a result the proposals have changed to two storey housing.

6.5.3 The Town Council also considers that the town has sufficient housing to meet policy / SAMDev requirements. However, the site falls within the development boundary of Cleobury Mortimer which is identified in relevant saved and emerging policies as a location suitable for residential development. There are no indications that there is an oversupply of housing within the town and the applicant advises that there is a strong demand for properties of the type proposed. (Core Strategy Policy CS6, CS11).

6.5.4 The proposed site is located close to key community facilities and would be linked to them by a pedestrian footpath. The indicative layout plan also shows the proposed properties as all possessing generous garden space and a communal green area. There would also be good levels of natural light given the unshaded aspect of the plot. It is considered that these factors increase the overall the level of social sustainability of the proposals. It is concluded that the social sustainability test set out by the NPPF is also met on balance.

## 6.6 Affordable Housing

6.6.1 LDF Policy CS11 seeks to meet the diverse housing needs of Shropshire residents now and in the future and to create, mixed, balanced and inclusive communities by securing a financial contribution from residential unit proposals to provide for affordable housing within the Shropshire Council jurisdiction. Accordingly an affordable housing contribution will be required.

6.6.2 The Government has withdrawn a Ministerial Statement and associated PPG following a successful High Court challenge (as of the 31st July 2015). The Council therefore maintains its position that an appropriate affordable housing contribution will continue to be sought in all cases in accordance with adopted Policy CS11 and the Housing SPD.

## 7.0 CONCLUSION

7.1 The proposed site is situated in a sustainable location within the development boundary of Cleobury Mortimer where the principle of housing development can be accepted. Earlier schemes for denser and less dense housing were rejected in 2002 and 2003. The current proposals have attracted objections from the Town Council and some local residents but there have not been objections from technical consultees.

7.2 The scheme has been amended and further clarification has been provided in order to address issues identified during the planning consultation process. It is considered that the proposals would not have an unacceptable impact on the amenities of the nearby existing properties of the character of the Conservation Area. The proposals are considered to represent an acceptable balance in terms of the type, design and density of proposed housing.

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

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry. If the decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves,



although they will intervene where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds for making the claim first arose. Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

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

## 9.0 FINANCIAL IMPLICATIONS

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

## 10.0 BACKGROUND

Relevant Planning History:

RELEVANT PLANNING HISTORY:

- PREAPP/12/00261 Erection of 12 detached and semi-detached bunalows including all necessary road and sewer works. Demilition of 41 Furlongs Road in order to provide vehicular access. PREAIP 24th August 2012
- 15/01919/FUL Erection of residential development 12No dwellings, garages and roads design PDE
- SS/1983/308/P/ Conversion of redundant telephone exchange to a dwelling. REFUSE 28th July 1983
- SS/1/02/13701/CA Erection of 9 no. dwellings, construction of estate roads and formation of vehicular and pedestrian access. Works to include demolition of (existing) dwelling and buildings. REFUSE 19th September 2002
- SS/1/02/13700/F Erection of 9 no. dwellings, construction of estate roads and formation of vehicular and pedestrian access. Works to include demolition of (existing) dwelling and buildings. REFUSE 19th September 2002

- SS/1/01/12755/CA Erection of 19 no. dwellings, formation of estate roads and vehicular and pedestrian access, to include demolition of (existing) dwellings and buildings. (re-advertised - amended scheme) REFUSE 11th January 2002
- SS/1/01/12754/F Erection of 19 no. dwellings, formation of estate roads and vehicular and pedestrian access, to include demolition of (existing) dwellings and buildings. (re-advertised - amended scheme) REFUSE 11th January 2002

#### Relevant Planning Policies:

#### Central Government Guidance:

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

10.1.1 The National Planning Policy Framework (NPPF) The NPPF emphasizes sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

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

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

#### 10.2 Core Strategy:

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

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

efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

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

i. CS6: Sustainable Design and Development Principles:

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

v. CS17: Environmental Networks

Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local

distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

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

### 10.2.3 Saved Policies – South Shropshire Local Plan

#### Policy E4 Development in Conservation Areas

Development in conservation areas will be required to be complementary to the scale, design and materials of adjacent buildings and preserve or enhance the character and appearance of the area. Conservation area consent for the demolition of buildings in conservation areas will only be granted in conjunction with proposals for replacement buildings or remedial works. In determining applications for proposals to which this policy applies, the Council will have regard to:

- any conservation area statement, village design statement or other supplementary planning guidance for the area;
- the quality of the design and the appropriateness of the proposed use;
- the appropriateness of materials and building techniques.

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

### 10.3 Emerging Planning Guidance

#### 10.3.1 SAMDev:

##### i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

1. Overall, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2;
2. Specifically, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies

- CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4;
3. Additional Community Hubs and Community Cluster settlements, with associated settlement policies, may be proposed by Parish Councils following formal preparation or review of a Community-led Plan or a Neighbourhood Plan and agreed by resolution by Shropshire Council.

ii. MD2 – Sustainable Design

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

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

opportunities to help alleviate infrastructure constraints, as identified with the Place Plans, through appropriate design; 7. Demonstrate how good standards of sustainable design and construction have been employed as required by Core Strategy Policy CS6 and the Sustainable Design SPD.

iii. MD3 - Managing Housing Development

Delivering housing:

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

Renewing permission:

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

Matching the settlement housing guideline:

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

iv. MD7a – Managing Housing Development in the Countryside

1. Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements and , in the case of market residential conversions, a scheme provides an appropriate mechanism for the re-use and retention of buildings which are heritage assets. In order to protect the long term affordability of affordable exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions;
2. Dwellings to house essential rural workers will be permitted if:-
  - a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural enterprise; and,

- b. in the case of a primary dwelling to serve an enterprise without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; or,
    - c. in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the business for the majority of the time, a functional need is demonstrated and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.
  3. Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural enterprise may also be subject to occupancy restrictions, where appropriate. For primary and additional rural workers' dwellings permitted prior to the adoption of the Core Strategy in March 2011, where occupancy restrictions are agreed to be removed, an affordable housing contribution will be required in accordance with Policy CS11 at the current prevailing target rate and related to the floorspace of the dwelling.
  4. In addition to the general criteria above, replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed;
  5. The use of existing holiday let properties as permanently occupied residential dwellings will only be supported if:
    - a. the buildings are of permanent construction and have acceptable residential amenity standards for full time occupation; and,
    - b. the dwellings are restricted as affordable housing for local people; or,
    - c. the use will preserve heritage assets that meet the criteria in Policy CS5 in relation to conversions and an affordable housing contribution is made in line with the requirements set out in Core Strategy Policy CS11.
- vi. MD8 –Infrastructure Provision  
Existing Infrastructure
  1. Development should only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address

a specific capacity shortfall which it has created or which is identified in the LDF Implementation Plan or Place Plans. Where a critical infrastructure shortfall is identified, appropriate phasing will be considered in order to make development acceptable;

2. Development will be expected to demonstrate that existing operational infrastructure will be safeguarded so that its continued operation and potential expansion would not be undermined by the encroachment of incompatible uses on adjacent land....

vii. MD12: The Natural Environment

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

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
  - i. the special qualities of the Shropshire Hills AONB;
  - ii. locally designated biodiversity and geological sites;
  - iii. priority species;
  - iv. priority habitats
  - v. important woodlands, trees and hedges;
  - vi. ecological networks
  - vii. geological assets;
  - viii. visual amenity;
  - ix. landscape character and local distinctiveness.

In these circumstances a hierarchy of mitigation then compensation measures will be sought.
2. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.
3. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

viii. S6: Cleobury Mortimer Area

S6.1: Cleobury Mortimer strategy

1. As a key centre, Cleobury Mortimer will continue to provide facilities and services for its rural hinterland. To support this role, around 350 additional dwellings and a minimum of 0.7 hectares of employment land will be delivered over the Plan period 2006-2026.
2. New housing development will be delivered on two allocated housing sites off Tenbury Road set out in schedule S6.1a, and identified on the Policies Map, alongside additional infill and windfall development within the town's development boundary.



3. To foster economic development and to help deliver a balance between new housing and local employment opportunities, a specific site allocation for new employment land at New House Farm, adjacent to the existing industrial estate on Tenbury Road, is set out in Schedule S6.1b and identified on the Policies Map. Other appropriate brownfield opportunities for employment use within the town will also be supported. Existing employment areas are safeguarded for employment use in accordance with Policy MD9.
4. New development will take account of known infrastructure constraints and requirements identified in the LDF Implementation Plan, Place Plan and any additional infrastructure capacity assessments recognising the impacts of incremental growth, and will support the delivery of local infrastructure improvements in line with Core Strategy policies CS8 and CS9, including through appropriate financial contributions.
5. To support Cleobury Mortimer’s role as a District Centre new main town centre uses will be focussed within the defined town centre area identified on the Policies Map, and will be subject to Policies CS15 and MD10.

There are 2 housing allocations: Tenbury Road (CMO002) and Land at New House Farm (CMO005)

11. ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NNMTA3TDK5800>

List of Background Papers: Planning application reference 15/01919/FUL and associated location plan and documents
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member(s) : Cllrs Gwilym Butler and Madge Shineton (Cleobury Mortimer)
Appendices: Appendix 1 – Conditions

## APPENDIX 1

### Legal Agreement

1. Affordable housing contribution;

### Planning 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 numbers NO56.1.1.03 Rev A and NO56.1.1.04 Rev B.

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

3. The new dwelling(s) hereby permitted shall be constructed to a minimum of an equivalent to the Code for Sustainable Homes level 3, for energy and water efficiency.

Reason: To ensure the dwelling is constructed with a view to reducing its carbon footprint.

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

##### Drainage

4. No development shall take place until plans for the disposal of foul sewage have been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and before the development is first occupied.

Reason: To ensure satisfactory measures for the disposal of foul sewage from the site.

- 5a. The development hereby approved shall not commence unless details of the proposed surface water soakaways have been submitted to and approved in writing by the County Planning Authority. Percolation tests and the sizing of the soakaways shall comply with BRE Digest 365 and shall cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. The details shall include

calculations and dimensions for the soakaways and confirmation of the location for the percolation tests.

- b. Surface water shall pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

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

- 6a. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant shall submit for approval a drainage system to intercept water prior to flowing on to the public highway.

- b. If it is proposed to employ highway gullies for the disposal of the surface water runoff from the proposed highway within the site, the developer shall submit a highway water runoff disposal scheme for the approval of the Local Planning Authority prior to the commencement of the development. This shall confirm that the proposed gullies will be able to convey the 100 year plus 30% storm to the soakaway system. Alternatively, a contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12. This requires that 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. The exceedance flow path should be detailed to ensure that any such flows are capable of being satisfactorily managed on site.

Reason: To comply with the Flood and Water Management Act 2010 and ensure that no surface water runoff from the new access runs onto the highway.

#### Archaeology

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

Reason: The development site is known to have archaeological interest

#### Construction

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

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ensuring that construction workers vehicles are parked on site at all times;
- ensuring that smaller vehicles are used whenever possible.

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

9. 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.

10. 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.

11. Prior to the commencement of development a travel plan shall be submitted. The submitted travel plan shall be implemented within one month of the first occupation of the residential development. The travel plan measures shall relate to the entirety of the residential development, and reflect the phasing of occupation as appropriate.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in Planning Policy Guidance Note 13.

#### Materials and surfacing

12. Notwithstanding the details submitted in support of the application no above ground development shall commence until exact details of all external materials, including hard surfacing and fenestration, have been first submitted to and approved by the

Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

13. Notwithstanding the details submitted in support of the application a scheme to prevent or appropriately restrict vehicular access from the development site to the car park of the Old Lion Public House shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of residential amenity and highway safety.

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

#### Parking provision

14. The dwellings hereby approved shall not be first occupied until the car parking areas shown on approved plan have been constructed and surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking spaces thereafter shall be kept clear and maintained at all times for that purpose.

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

#### Landscaping

- 15a. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
- i. Means of enclosure
  - ii. Hard surfacing materials
  - iii. Planting plans
  - iv. Written specifications (including cultivation and other operations associated with plant and grass establishment)
  - v. Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
  - vi. Implementation timetables
- b. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the

opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

#### Lighting

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

Reason: To minimise disturbance to bats, which are a European Protected Species (and in accordance with Policy CS17 of the Shropshire Core Strategy).

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

#### Ecology

- 17a. A total of 4 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.
- b. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

#### Informatives:

##### Ecology:

- i. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.*
- ii. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If*

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

- iii. If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.*
- iv. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*

#### Drainage

- v. The surface water drainage strategy of the proposed site should be designed to treat and control of runoff as near to the source as possible. It should seek to protect downstream habitats, further enhancing the amenity value of the site and aiming to incrementally reduce pollution, flow rates and volumes of storm water discharging from the site. SuDS should link with the individuals plot structure, planting, public open space requirements and amenity areas, gaining multiple benefits from a limited area of land. Opportunities for permeable paving, swales, filter strips and rain garden for the highway within the development site should be explored to make the drainage system more sustainable.*
- vi. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:*

*Residential Dwellings per hectare Change allowance % of impermeable area:*

- Less than 25 - 10*
  - 30 - 8*
  - 35 - 6*
  - 45 - 4*
  - More than 50 - 2*
  - Flats & apartments - 0*
- vii. The applicant should consider employing measures such as the following:*
    - Attenuation*
    - Water Butts*

- *Rainwater harvesting system*
- *Permeable surfacing on any new access road, driveway, parking area/ paved area*
- *Greywater recycling system*
- *Green roofs*

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

*Other matters:*

- ix. *An independent 32 amp radial circuit isolation switch should be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building. Paragraph 35 of the NPPF states in this respect that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."*
- x. *Public Footpath 65, Cleobury Mortimer runs off Furlongs Road adjacent to the proposed new access to the proposed development and then turns westerly towards The Hurst. The Council's Rights of Way service has advised as follows:*
- *The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.*
  - *Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.*
  - *Building materials, debris, etc must not be stored or deposited on the right of way.*
  - *There must be no reduction of the width of the right of way.*
  - *The alignment of the right of way must not be altered.*
  - *The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.*
  - *No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.*

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

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



raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.

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Committee and date

South Planning Committee

3 November 2015

## Development Management Report

### SCHEDULE OF APPEALS AND APPEAL DECISIONS As at 3rd November 2015

<b>LPA reference</b>	14/05601/PMBPA
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Neville Taylor
<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 agricultural building to dwelling
<b>Location</b>	Little London Farm, Alveley, WV15 6HZ
<b>Date of appeal</b>	4.6.15
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	15.9.15
<b>Date of appeal decision</b>	1.10.15
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	14/01138/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Elaine Newton
<b>Proposal</b>	Erection of a dwelling
<b>Location</b>	Proposed Dwelling NW Of Tiffany Stables Benthall Lane Benthall Broseley
<b>Date of appeal</b>	16/07/2015
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	01/10/2015
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	14/02558/out
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Ben Trough
<b>Proposal</b>	Outline application for the erection of one dwelling with garage (all matters reserved)
<b>Location</b>	Land East of the Old School, Caynham, Ludlow
<b>Date of appeal</b>	01.10.2015
<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>	14/03562/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	James Dunn
<b>Proposal</b>	Outline application for 1No dwelling (to include access)
<b>Location</b>	Proposed Dwelling Adjacent Barkshed Cottage Wyson Lane Woofferton Ludlow
<b>Date of appeal</b>	29.09.2015
<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>	14/02873/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	EBS Energy LLP
<b>Proposal</b>	Erection of ground mounted solar farm along with associated infrastructure, landscaping and ancillary structures on agricultural land
<b>Location</b>	Whitton Solar Farm Caynham Shropshire
<b>Date of appeal</b>	08.10.15
<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>	15/01214/VAR
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Paul Brennan
<b>Proposal</b>	Removal of Conditions No 3 and 4 (holiday accommodation) to allow for unrestricted occupancy
<b>Location</b>	Proposed Log Cabin At Former Reservoir Park Gate Cleobury North Bridgnorth Shropshire
<b>Date of appeal</b>	09.10.15
<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>	14/02386/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Green Switch Developments Ltd
<b>Proposal</b>	Construction of a solar farm comprising the installation of (circa) 16,082 ground mounted solar panels; 4 inverters; electricity sub-station; pole mounted CCTV system; 2.4 metre high security fencing
<b>Location</b>	High Trees Farm Proposed Solar Farm North West Of Tasley Bridgnorth WV16 4RE
<b>Date of appeal</b>	09.10.15
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	15.10.2015
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	14/04242/ENF
<b>Appeal against</b>	Enforcement notice
<b>Committee or Del. Decision</b>	N/A
<b>Appellant</b>	Apley Estate
<b>Proposal</b>	Possible unauthorised change of use
<b>Location</b>	Outbuilding At Grindle House Farm Grindle Road Grindle Shifnal Shropshire TF11 9JR
<b>Date of appeal</b>	16.10.15
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

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## Appeal Decision

Site visit made on 15 September 2015

**by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**

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

**Decision date: 1 October 2015**

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### **Appeal Ref: APP/L3245/W/15/3013403**

#### **Little London Farm, Alveley, WV15 6HZ**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph Q.2. of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO).
  - The appeal is made by Mr Neville Taylor against the decision of Shropshire Council.
  - The application Ref 14/05601/PMBPA, dated 10 December 2014, was refused by notice dated 9 February 2015.
  - The development proposed is the change of use and conversion of an existing agricultural building to a new dwelling.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural matters**

2. On 15 April 2015, an updated and consolidated GPDO came into force which has changed the class names of various permitted development classes of the old GPDO. The submitted appeal referred to a prior notification under Class MB which has been re-titled to Class Q under the new GPDO. In respect of this appeal, I am satisfied that the changes do not raise any substantive issues and that the main parties would not be prejudiced by judging the proposal against the new GPDO.
3. During the consideration of the proposal, the proposed elevation and site plan was amended. The appeal has been considered on the basis of this amended plan, drawing no. 2943-03A.

### **Main Issue**

4. The main issue is whether or not the proposal constitutes permitted development.

### **Reasons**

5. The appeal site comprises a brick and tiled building within an existing complex of farm buildings. It is accessed off a track leading off a main road which splits also to serve a farmhouse.

6. The proposal would result in the change of use of the barn to Class C3 (dwellinghouses). Schedule 2, Part 3, Class Q of the GPDO, as updated and consolidated in 2015, permits development consisting of:  
*(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that schedule.*
7. Under this Class, development is permitted subject to the condition that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. Such a determination is dependent upon whether certain conditions are met. Condition Q.2.(1)(e) considers whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. It is this condition which is at dispute.
8. Planning Practice Guidance (PPG)<sup>1</sup> states impractical or undesirable are not defined in the regulations but that local planning authorities are required to apply a reasonable ordinary dictionary meaning in making any judgement. In this regard, it states that impractical reflects that the location and siting would “not be sensible or realistic” and undesirable reflects that it would be “harmful or objectionable”. The PPG also indicates when considering whether it is appropriate for the change of use to take place in a particular location, it should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. Furthermore, the PPG indicates that if an agricultural building is in a location where the local planning authority would not normally grant planning permission, this is not sufficient reason for refusing prior approval.
9. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO also sets out that regard to the National Planning Policy Framework (The Framework) may be made so far as relevant to the subject matter of the prior approval. The Council has drawn my attention to a core planning principle of the Framework which states that planning should always seek a good standard of amenity for existing and future occupiers of land and buildings.
10. The appellant indicates that the adjacent farming activities are hay storage and vehicle storage. On my site visit, I found that the appeal building was adjacent to an access track leading to various farm buildings and storage yard areas. The farm buildings were designed with openings that encouraged access from this track. Some of the farm buildings contained vehicles and machinery, whilst one part of a building had cattle within it. To the east of the track and appeal building, there was an open yard area with farm machinery and equipment, and a fuel filling facility. In between this area and the appeal building, there was a building used a workshop.
11. The use of the agricultural buildings and areas would be likely to change over time and in this regard, the various detailed uses observed on my site visit may not be present throughout the year. However, the size and design of buildings and yard areas accessed off the track would inevitably result in significant farm

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<sup>1</sup> Paragraph 109 Reference ID:13-109-20150305.



activity and traffic. Together with the use of farm machinery, it would be reasonable to conclude that there would be substantial amount of smell, noise, and disturbance, during busy farming times of the year. Noise and disturbance could occur outside normal business hours during the week at anti-social times. The converted farm building, along with the rear garden, would be in close proximity to these sources of smell, noise and disturbance.

12. With regard to the PPG, the development would be in a location where the Council would not normally grant planning permission. However, the impact of the development on the living conditions of the occupiers of the proposed dwelling would be undesirable by reason of the harmful/objectionable smell, noise and disturbance. Such an adverse impact would conflict with the core planning principle of the Framework which requires planning to achieve a good standard of amenity. Furthermore, this is a circumstance where impact cannot be mitigated given the extensive nature of farm buildings and yard areas, and therefore, activities adjacent to the appeal development.
13. The existing farmhouse is located further away from the access track, farm buildings and yard areas than the appeal development. The farmhouse is also part of the farming enterprise. There is another farm track serving the farmhouse but this mainly serves this property rather than the farm buildings/yard areas. The Butts Bungalow is near to the group of farm buildings/yard areas and the associated track but it is served by a separate access from the main road and is also physically separated from the track and farm buildings/areas by buildings. To the rear of the cottage, there is also an extensive area of landscaping adjacent to the access leading into Little London Farm. For these reasons, the context surrounding these properties is not similar to that before me and accordingly, I attach little weight to them in my decision. In any case, the appeal proposal has been considered on its individual planning merits.
14. Having had regard to all other matters raised, I find that the proposal would not accord with condition Q.2.(1)(e), Class Q, Schedule 2, Part 3 of the GPDO and would not benefit from being permitted development. On this basis, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR

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## Appeal Decision

Site visit made on 15 September 2015

**by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**

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

**Decision date: 01 October 2015**

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**Appeal Ref: APP/L3245/W/15/3121604**

**Stable Cottage, Land adjoining Tiffany Cottage, Benthall Lane, Benthall, Shropshire TF12 5RJ**

- 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 Miss Elaine Newton against the decision of Shropshire Council.
  - The application Ref 14/01138/OUT, dated 10 March 2014, was refused by notice dated 3 February 2015.
  - The development proposed is the construction of a new dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with all matters reserved. An illustrative block plan shows the footprint and layout of the development. There are also illustrative landscaping details shown and the dwelling is indicatively detailed to be single storey with attic accommodation. The appeal has been considered on this basis.
3. The application description of the proposal explains that the new dwelling would be named Stable Cottage. As this does not describe the nature of the development, this wording has been omitted from the development proposal description under bullet point 4 above.
4. An executed Unilateral Undertaking submitted under Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted which would secure an affordable housing contribution. I will consider the obligation in more detail later in my decision.

### Main Issues

5. The main issues are the effects of the proposal on (a) the living conditions of the occupiers of the proposed dwelling, having regard to outlook, and (b) whether or not the proposal makes sufficient provision for affordable housing.

### Reasons

#### *Living conditions*

6. The appeal site comprises land with a frontage hard surfaced area, some vegetation and two electricity pylons, which is situated between Tiffany Cottage

and 16 Benthall Lane. The two pylons are sited approximately 23m from each other, the larger pylon being positioned in the northeast corner of the plot and the other smaller pylon towards the southwest corner of the plot. The power lines which the pylons support are orientated in a north/south direction across the site. The appellant indicates these to be low 33Kv distribution pylons rather than 300Kv transporter pylons.

7. Amongst other matters, Policy CS6 of the Shropshire Local Development Framework Core Strategy (CS) 2011 requires all development to contribute to the health and well-being of communities, including safeguarding residential and local amenity. The National Planning Policy Framework (the Framework) also requires planning to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings as a core planning principle. These local and national policies are not tailored specifically to the consideration of electricity pylons in relation to residential development. Nevertheless, they require planning to ensure good living conditions for the occupiers of all new development.
8. The appellant indicatively proposes the dwelling to be sited towards the southeast corner of the plot. Frontage car parking would be between this and the road and there would be a garden area between the dwelling and the pylon located towards the southwest part of the site. Within this layout, the pylons and cables above would appear as substantial and stark structures due to their spread, height, grey metal construction and their utilitarian design. Even with a different layout, they would still appear oppressive to any occupiers using their garden, walking to and from the dwelling across the car parking area and from windows within the dwelling given the size of the plot. Therefore, any development would not be conducive to making a place that is attractive and comfortable for people to live in and consequently would not represent good design.
9. With any new dwelling on the site, occupants would be aware of the pylon structures before moving in. However, if they do so, they would experience a poor living environment and they may find that living here is different to what they had imagined, and therefore, I do not consider that this is sufficient justification for the proposal. It is also appreciated that the cables do not emit a hum or buzz noise but this does not overcome the adverse effect that I have identified in relation to outlook.
10. In conclusion, the development would harm the quality of life of the occupants of the new dwelling by reason of the overbearing visual impact of the pylon structures and accordingly, the proposal would conflict with Policy CS6 of the CS.

#### *Affordable Housing*

11. Policy CS11 of the CS seeks to ensure that all new open market housing makes appropriate provision towards local needs affordable housing having regard to the current prevailing target. For a single open market dwelling proposal, the affordable housing provision is expected to be financial in accordance with a formula contained within the Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document (SPD) 2012. The appellant has submitted a legal undertaking to secure the payment of the requisite contribution which has been prepared in consultation with the Council.

12. The need for affordable housing and use of contributions is set out in the CS and the SPD. The SPD sets out a methodology for calculating the contributions allowing for scheme viability to be considered and explains how the monies collected would be spent. On this basis, I find the methodology robust and the approach taken reasonable. Thus, I find the contribution is necessary and meets the statutory tests under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). As the contribution would result in additional affordable housing provision, it is a benefit that would weigh in favour of the proposal.

*Other matters*

13. The appellant has indicated that the Council has a lack of a five year housing land supply which the proposal would contribute to in a sustainable location. It is unclear whether land supply is deficient and during the appeal the Council has argued that the site is not sustainably located. Nevertheless, even if the appellant is correct, the contribution that this development would make towards an undersupply in this location would be limited by reason of being a single dwelling. Similarly, the affordable housing contribution arising from one dwelling would be limited.
14. Consequently, these benefits would not be significant enough to outweigh the harm resulting from the poor quality residential environment that would serve the occupants of any dwelling. In this regard, the Framework requires high quality design and a good standard of living conditions for the future occupants of buildings which this proposal would not achieve. Accordingly, it is not the sustainable development for which there is a presumption in favour under the Framework.
15. The proposal would comply with the relevant electricity utility requirements for the height and safe working distances below power lines. Such a consideration does not weigh significantly in favour of the proposal because it is a matter of technical compliance.

**Conclusion**

16. The proposal would harm the living conditions of new occupants of the dwelling by reason of the oppressive effect of pylon structures on the site and thus would conflict with Policy CS6 of the CS. Such a conflict would not be outweighed by the proposal's compliance with Policy CS11 of the CS and SPD because I consider the harm to living conditions to be substantial.
17. Having regard to the above and to all other matters raised, including support, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR

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# Appeal Decision

Site visit made on 2 October 2015

by **David M H Rose BA (Hons) MRTPI**

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

Decision date: 15 October 2015

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**Appeal Ref: APP/L3245/W/15/3032646**

**Land associated with High Trees Farm, Chapel Lane, Tasley, Bridgnorth, Shropshire, WV16 4QS<sup>1</sup>**

- 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 Markus Wierenga, Green Switch Developments Ltd against the decision of Shropshire Council.
  - The application Reference 14/02386/FUL, dated 29 May 2014, was refused by notice dated 27 January 2015.
  - The development proposed is the installation of a solar park with an output of approximately 3.8MW on land associated with High Trees Farm.
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## Decision

1. The appeal is dismissed.

## Preliminary matter

2. The appeal is to be determined on the basis of the revised drawing showing the formation of a bund and hedge along the northern side of the public footpath which runs along the southern boundary of the site; a revised point of access; a rearrangement and reduction in the number of modules (from 16,082 to 15,180); and the repositioning of the inverter cabins.

## Main Issues

3. The main issues are the visual effects of the proposal on the landscape, public rights of way and nearby dwellings; its effect on the setting of Aldenham Park, a Grade II\* Listed Building, and on its associated Grade II Registered Park and Garden; and whether the benefits of the project would be significantly and demonstrably outweighed by any harmful impacts.

## Reasons

### Planning Policy

4. Two policies relating specifically to renewable energy generation are of particular relevance. Saved Policy D11 of the Bridgnorth District Local Plan (1996 – 2011) requires renewable energy schemes to be designed to minimise their impact on the landscape; to ensure no adverse impact on Listed Buildings; to consider residential and recreational amenity (noise, vibration and any increased risk to health or public safety); and to include measures for site restoration. In turn, Policy CS8 of the Shropshire Core Strategy positively encourages renewable energy generation where this has no significant adverse impact on recognised environmental assets.

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<sup>1</sup> The site address and description of the development are taken from the Planning Application form

5. However, neither of the above policies makes any provision for a balance to be struck between identifiable harm and acknowledged public benefits and, in that regard, it does not reflect the approach to renewable energy development in the National Planning Policy Framework and its call, at paragraph 98, to approve renewable energy developments if their impacts are (or can be made) acceptable.
6. Paragraph 14 of the Framework, in its presumption in favour of sustainable development, confirms that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse effects 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 in the Framework indicate development should be restricted).

#### **Visual effects**

7. Looking first from the public footpath within the site, the initial part of the route from the road provides an extensive open aspect across the site to the west, north and east. The view is characterised by undulating, well-treed countryside with scattered dwellings and farmsteads. It also includes six woodland lodges beyond the north-western corner of the site which are dwarfed by, and merge against, their substantial woodland backdrop.
8. The appeal site forms an integral part of the rural vista, sweeping down and leading into the wider landscape to the west and north-west; with the effect accentuated by the site forming part of a much larger field which continues, without subdivision, onto lower ground. As the path drops, the view broadens to embrace a wider view over open agricultural land to the south-west, which is crossed by the public footpath to Footbridge Cottage, before becoming contained by a substantial hedgerow on its southern side. Aldenham Park provides a noticeable landmark building to the west.
9. The proposed development, with a close presence of solar panels beyond a site security fence, would alienate the foreground landscape from its surroundings with the constituent elements having a highly intrusive presence from the public footpath. As the path descends the view back towards the road would be marked by regimented module strings rising towards the eastern crest of the site which would appear ragged and uneasy against the skyline backdrop.
10. Although a low bund, planted with a new hedgerow, on the northern edge of the footpath, is intended to limit the impact of the project, the masking effect would inevitably take several years<sup>2</sup> before the planting reaches optimal height, depth and density in order to provide an effective screen; and the presence of that screen would isolate the footpath and deprive users from the enjoyment of the existing panoramic view of the wider countryside.
11. The appeal site is also widely visible from the continuation of the footpath to the west, in the vicinity of the fishing ponds; and from the vicinity of Henley Farm (using the photographic evidence provided).<sup>3</sup> In these views the appeal site, rising sharply to the skyline, is central to the view, with added

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<sup>2</sup> Acknowledged to be 'around 5 – 8 years' in the Landscape and Visual Impact Assessment and 5 – 7 years in the grounds of appeal

<sup>3</sup> Access to Photoview 5 was not available as the public footpath appeared to have been obstructed by 'fencing'



emphasis from the framing effect of woodland to the north and south. Despite the existing foreground and mid-ground vegetation, and the proposed planting of a new hedgerow along the western boundary of the site, the upper parts of the development would stand aloft and highly intrusive in the rural scene.

12. Moving further to the west, in the locality of The Lye, the rising topography of the site appears compressed from this similar height viewpoint and the proposal would appear as nothing more than a thin sliver in the landscape. Similarly, from the greater elevation of the public right of way running north-westward from Meadowley, the impact of the development would be diminished by the absence of any skyline effect and its presence against a tiered landscape backdrop.
13. Finally, taking in the public footpath to the south of the site, which runs from the church to, and beyond, Footbridge Cottage, this route provides a clear view across the lower part of the site. Given that the existing substantial, intervening, hedgerow fails to obscure the land from sight, it is inevitable, that elements of the solar farm would be conspicuous and intrusive in the landscape.
14. Overall, in landscape terms, the proposed site is prominent in the rural scene and widely open to public views from both within and close to the site. The proposed development, without mitigation, would cause very serious harm to the appearance of the countryside and its enjoyment by users of the affected public rights of way.
15. Whilst bunding and planting could offset these stark and damaging impacts, the intended landscape works, including those along the western and northern boundaries of the site, would reduce, rather than eliminate, these effects; they would take a disproportionate length of time to become established in relation to the 'temporary' nature of the development; and, by themselves, would diminish the attributes of the public footpath which runs through the site.
16. In addition, although it is suggested that the woodland lodges are '*a prominent and discordant element in existing baseline views*', resulting in an adverse effect on existing views from nearby footpaths, the claim is overstated in that the lodges are a small and relatively discrete element in the landscape with a very limited effect on the inherent qualities of the locality.
17. In terms of the living environment of the adjacent woodland lodges,<sup>4</sup> beyond the low hedge along the northern boundary of the site, the Landscape and Visual Impact Assessment acknowledges that the magnitude of impacts on five of the properties would be high, and the visual impacts would be very substantial adverse. In this regard, the effect on the outlook for occupants, consisting of a security fence and the rear of the solar strings climbing across the site, would be particularly inconsiderate and unforgiving. Again, intended planting, or growth of the existing hedge, would take time to materialise leading to undesirable living conditions (even for short-term and periodic occupation) over a period of several years.

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<sup>4</sup> The lodges are described as '*holiday lodges*' by the appellant and the local planning authority – it is noted that the representations on behalf of Keep Tasley Green indicate that the lodges are occupied full time by owner occupiers or long term rental tenants and they are not rented out as short term holiday lets

18. Turning to Tasley Cottage, to the south of the site, although the house has several north-facing windows, the property sits in mature surroundings with established vegetation breaking the outlook towards the eastern portion of the appeal site. Adding the distance of the dwelling from the site, the overall effect of the proposed development would not be unduly damaging to the living environment of Tasley Cottage.

**Heritage assets**

19. Aldenham Park is a Grade II\* Listed Building which is described as a '*Classical late C17 mansion with earlier core at the end of a long avenue ..... altered in C19 .....'*. It sits within a Grade II Registered Park and Garden comprised of 18<sup>th</sup> century gardens, 19<sup>th</sup> century gardens and pleasure grounds with a 17<sup>th</sup> century avenue leading to the house.
20. Although the principal elevation of the house is now its south-western façade, with aspect along the tree lined avenue, the south-eastern elevation contains a number of main room windows overlooking formal gardens and the wider open countryside beyond. Substantial tree planting on each side of the garden provides every indication of a 'designed view' over a pastoral landscape.
21. The effect, from first floor rooms, is to funnel the view into a narrow fragment of countryside which includes the appeal site as its 'centre-piece'. The proposed solar farm would inevitably have a striking negative influence on the contribution of setting to the significance of the Listed Building. However, this would amount to 'less than substantial harm' to the significance of the designated asset when considered as a whole.
22. Moreover, the proposal would also be visible from the garden itself, principally along its south-eastern boundary, with mid-ground vegetation providing a foil to the northern portion of the site. Other views from within the wider parkland would be limited by the effects of topography and/or vegetation but, as illustrated by Photoview 14 (on a public right of way), there would be instances where the outlook over the wider countryside would include a view of the proposed solar farm. Indeed, from this location, the rising topography of the appeal site is particularly marked; and the open nature of the site, framed by woodland on each side, is clearly evident. The insertion of the proposed development would be noticeably out of place.
23. Finally, there is a short, sideways, glimpse of the appeal site from the avenue to the house, immediately beyond the gateway from the main road. However, as the clear focus of the avenue is towards the house, the effect of the proposal would be minimal.
24. Reference has also been made to the Church of St Peter and St Paul, Tasley which is listed Grade II. The church sits within an enclave of trees with outward glimpses of the countryside from the churchyard, including a limited view, from the north-western edge of the churchyard, of the western portion of the appeal site. Whilst part of the development would be visible from this location, the impact on the setting and the experience of the asset would be very limited.
25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, in considering whether to grant planning permission for development which affects a Listed Building or its setting, that special regard shall be had to the desirability of preserving the building or its setting.

26. The National Planning Policy Framework, at paragraph 132, indicates that when considering the harm to an asset, great weight should be given to the asset's conservation; and, the more important the asset, the greater the weight should be. Where it is found that a development proposal would lead to 'less than substantial harm' to the significance of the designated asset, paragraph 134 explains that the harm should be weighed against the public benefits of the proposal.

#### **The planning balance**

27. Turning to the public benefits of the scheme, the proposal would contribute towards the Government's long-standing and well-documented commitment to renewable energy generation, with an anticipated output equivalent to powering approximately 1,200 homes for a period of 25 years, in the drive towards tackling climate change and reducing the UK's emissions of carbon dioxide. The National Planning Policy Framework confirms that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
28. It is also relevant to note that the effects of the development would be reversible and that the need for further installed electrical renewable energy capacity within Shropshire and the West Midlands is said to be significant and urgent. These factors add further weight.
29. Additionally, the proposal would not result in the permanent loss of agricultural land and it would provide biodiversity benefits; best and most versatile agricultural land has been avoided; there is no compelling evidence to show the availability of brownfield alternatives; and a grid connection is available adjacent to the site. These are also of considerable importance.
30. In the final balance, I consider that the weight to be given to the adverse impacts of the development, taking account of the proposed mitigation measures, on the appearance of the landscape and its enjoyment by users of public rights of way, is of very high magnitude. The effects on the living environment of a small number of woodland lodges are an additional consideration. The adverse impacts on the significance of designated heritage assets, with particular reference to the setting of Aldenham Park (Grade II\* Listed Building) and the impact on its Registered Park and Garden, also merit very substantial weight.
31. In my opinion, the adverse visual effects of the development and its impacts on the significance of heritage assets, when considered individually and in combination, would significantly and demonstrably outweigh the benefits of the scheme.
32. On this basis the proposed development would be in conflict with the development plan (to the extent that Saved Policy D11 of the Local Plan and Policy CS8 of the Core Strategy are material) when read as a whole and the policies within the National Planning Policy Framework when considered in the same way.
33. I have considered all other matters raised but find nothing of sufficient consequence to lead me to a different conclusion.

*David MH Rose*

Inspector

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<b>SOUTH PLANNING COMMITTEE</b>		
<b>SCHEDULE OF ADDITIONAL LETTERS</b>		
<b>Date: 3rd November 2015</b>		
<b>NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting</b>		
<b>Item No.</b>	<b>Minutes</b>	
2	<b>Minutes – 6 October 2015</b>	
<p>Please note the following amendment to the Minutes of the meeting held on 6 October 2015:</p> <p>Minute No. 71 (paragraph 6, page 8) Bullet Point No. 2 should read:</p> <ul style="list-style-type: none"> <li>• Broseley had few modern properties and was essentially not suited to the motor car;</li> </ul>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
5	14/03933/FUL (Meadowley)	Objector - William Cash 29/10/15
<p>Additional comments received from residents of Upton Cressett Hall:</p> <ul style="list-style-type: none"> <li>- Deeply disappointed by the Council's decision to 'recommend' the erection of a giant industrial solar park right on The Shropshire Way within 500 metres of three Grade 1 listed heritage assets at Upton Cressett and another three Scheduled Ancient Monuments</li> <li>- There are clear inconsistencies in the Officer report in relation to the interpretation of clearly stated government planning guidelines</li> <li>- Recommendation is contrary to recent government solar park guidelines - such as not building on unspoilt countryside (upheld at Tasley by the Planning Inspector); or land that is used for growing crops such as wheat or close to important tourism or heritage assets</li> <li>- Shropshire Council is fully aware of the statutory heritage protection of the 'setting' of the Grade 1 heritage assets in an unspoilt tourism hamlet on the Shropshire Way which has won national awards and which boasts a series of Brown tourist signs. Considering that other local solar parks with lesser Objections have been rejected, we find the Council's decision indefensible. We have every confidence that the elected councillors will reject the application</li> <li>- In the event of the application being approved, we will not hesitate to request a Legal Review as we believe we have a number of very good reasons for believing that the Committee report has wrongfully interpreted clear planning law and heritage protection guidelines</li> <li>- disparity between the Officer recommendation and the clear government guidelines that currently exist for solar parks proposals on quality agricultural land in prime tourism areas. NPPF heritage protections for the 'setting' of heritage assets are also clear and the planning inspectorate have already rejected smaller developments with much less heritage asset impact. We have the support of the Bridgnorth and District Tourism Association, the Historic Houses Association, the Churches Conservation trust and there are clear reservations with Historic England's own critique</li> <li>- Thankfully the elected members of the South Shropshire planning committee are sensible and rational and are well versed in actual government guidelines for the positioning of giant industrial solar parks - which is why they have rejected the Tasley proposal. The Bridgnorth Hills has been designated a driver of Shropshire tourism which is essential to the local economy not to mention equine tourism on</li> </ul>		

The Shropshire Way.

- Applicant has misled the Council in their screening proposal and their subsequent various proposals claiming that the 50 acre site - the largest in the region - would NOT be visible from the heritage assets of Grade 1 Upton Cressett or Grade 2 \* Aldenham Park. A subsequent site visit with the Planning Officer proved beyond any doubt that the 50 acre park would be highly visible from the gardens of one of Shropshire's most acclaimed heritage and tourism destinations, and a winner of Best Hidden Gem in the entire country at the Hudson's Heritage Awards.
- Elected and democratically accountable councillors can decide for themselves about the merits of approving the building of the area's largest industrial solar park in a prime tourist location in the middle of the most beautiful and unspoilt area of the Bridgnorth Hills, within 600 metres of the three grade 1 heritage assets and three Scheduled Monuments. And will ruin the experience of walkers, riders and cyclists walking The Shropshire Way.
- clear government planning guidelines on solar energy make it clear that good quality agricultural land where wheat is grown on unspoilt land has been designated as being 'not suitable' for giant solar parks. The Rt Hon. Amber Rudd has been clear on this point.
- The decision, as you know, is not dependent on Historic England's assessment - who still have very considerable reservations about the scheme - but rather is dependent on a judgement whether the public benefits of solar energy at the 50 acre site outweigh the heritage, landscape and tourism benefits - as well as clear policies set out in the Local Plan. We believe there is clear evidence that the park not only contravenes the Council's own Local Plan policies (which stress the importance of the Shropshire landscape being the county's main tourism asset) but also fails to take into consideration the landmark ruling in regards to Cromer Ridge in Norfolk that is regarded as the standard bearer for green energy developments that affect heritage and tourism related assets.
- The Cromer Ridge landmark ruling (Feb, 2014) appears to have been ignored in the Committee report. A main reason for Judge Robin Purchas over-ruling the Planning Inspector in the High Court was not any objection from English Heritage but rather because of the impact on landscape and local tourism which is also a major concern at Upton Cressett as the solar park is adjacent to the heritage assets of Upton Cressett and on The Shropshire Way.
- The aerial film that we have commissioned clearly shows the devastating impact the park will have on a designated area of Shropshire's prime tourism assets.

Item No.	Application No.	Originator:
5	14/03933/FUL	Planning Officer

In response to the above comments, Officers would clarify the following:

- The application site is not in the vicinity of the Shropshire Way. The Jack Mytton Way, a long distance bridleway, passes within 100 metres of the application site, as described in paras. 6.3.10 and 6.3.13 of the Committee report.
- The Churches Conservation Trust have been notified of the planning application, but no comments have been received.
- The Tasley proposal, referred to above, was refused by Officers under delegated powers, not by Planning Committee.
- In the Cromer Ridge case referred to above, the High Court judgment concluded that the Inspector did not comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard is to be had to the desirability of preserving the setting of listed buildings. The Committee report clearly identifies this requirement, at paras. 4.1.9 and 6.4.3. In making the recommendation that planning permission should be granted, Officers have had special regard to the requirements of Section 66(1) of the 1990 Act.

As part of the objection made on behalf of the residents of Upton Cressett Hall, Environment Information Services have suggested that the proposed development would generate electricity equivalent to that used by 2418 households, not 3245 as claimed by the applicant. Officers do not have a definitive view as to which assessment is more accurate. Therefore the para. 6.1.5 of the Committee report should state that the proposal would power between 2418 and 3245 typical households. This does not affect the Officer recommendation.

Item No.	Application No.	Originator:
9	15/01919/FUL (Furlongs Road)	Applicant
<p>The applicant advises that the site is allocated by the council in the local plan for 12 houses (see officer response below).  My client paid for and received pre-application advice from the Local Authority which was very encouraging.  The site sits in a residential area and is surrounded by 2 storey houses.  Vehicle and pedestrian access is taken from an adopted public highway, which under current Government guidelines is more than capable of serving the application and by definition (Public Highway) must be open to traffic at all times.  House types and roof lines have been designed to complement the conservation area as recommended in the pre-application advice.</p> <p>With regard to the latest Highway comments, which are clearly late in the day and appear to be based on outdated information, in particular with regard to the rear access to the Old Lion Public House, which is for the private use of the publican only and not for use by deliveries or the general public. (As confirmed to you on the 15 September 2015) Therefore the use of Furlongs Road and the extension into the development is for residents only.</p> <p>However in order to secure the recommendation of approval, I can confirm that my client is prepared to accept the planning condition as recommended by the Highway Authority.</p>		
Item No.	Application No.	Originator:
9	15/01919/FUL (Furlongs Road)	Applicant & Officer
<p>The applicant has confirmed that the site is identified in the Shropshire Housing Land Availability Assessment 2014 (Ref CMO 010) coloured green and identified as accepted for 12 houses. It has been part of Shropshire's Housing Assessment since 2008.</p> <p>The officer acknowledges this but has clarified to the applicant that the site is not allocated as a specific area for housing in the saved South Shropshire Local Plan or the emerging SAMDev plan. It is however located within the development boundary of Cleobury Mortimer where the principle of further 'windfall' housing development is considered to be acceptable provided it meets other relevant policy criteria.</p>		

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