



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

Date: Monday, 4 February 2019

Committee:
South Planning Committee

Date: Tuesday, 12 February 2019
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

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

Members of the Committee

David Evans (Chairman)
David Turner (Vice Chairman)
Andy Boddington
Gwilym Butler
Simon Harris
Nigel Hartin
Richard Huffer
Madge Shingleton
Robert Tindall
Michael Wood
Tina Woodward

Substitute Members of the Committee

Jonny Keeley
Heather Kidd
Christian Lea
Elliott Lynch
Cecilia Motley
William Parr
Vivienne Parry
Kevin Turley
Leslie Winwood

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 257716
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 12)

To confirm the minutes of the South Planning Committee meetings held on 18 December 2018 and 15 January 2019.

Contact Linda Jeavons (01743) 257716.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 24 hours prior to the commencement of the meeting.

4 Disclosable Pecuniary Interests

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

5 Proposed Dwelling Adj. The Lindens, Duke Street, Broseley, Shropshire, TF12 5LS (17/04603/OUT) (Pages 13 - 30)

Outline application (all matters reserved) for the erection of one detached dwelling

6 Land to the north east of Aston Munslow, Near Craven Arms, Shropshire (17/05026/EIA) (Pages 31 - 70)

Erection of two poultry sheds with office/wash facilities; 4 feed silos; creation of vehicular access with visibility splays, estate road and yard; formation of screening bunds.

7 The Old Post Office, Chetton, Bridgnorth, Shropshire, 18/03091/FUL (18/03091/FUL) (Pages 71 - 88)

Replacement of existing bungalow with 1 / 1.5 storey four bedroom dwelling and associated landscaping (amended description and plans).

8 Stottesdon C E Primary School, Stottesdon, Kidderminster, Shropshire, DY14 8UE (18/04323/FUL) (Pages 89 - 126)

Erection of a new school hall building.

9 Schedule of Appeals and Appeal Decisions (Pages 127 - 146)

10 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 12 March 2019, in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

12 February 2019

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 15 January 2019

2.00 - 2.59 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 David Turner (Vice Chairman), Andy Boddington, Gwilym Butler, Simon Harris, Nigel Hartin, Richard Huffer, Madge Shingleton, Michael Wood and Tina Woodward

57 Apologies for Absence

There were no apologies for absence.

58 Public Question Time

There were no public questions or petitions received.

59 Disclosable Pecuniary Interests

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

With reference to planning applications 18/05004/FUL and 18/05005/LBC, Councillor David Turner declared that he was the applicant and would leave the table and take no part in the consideration of these items.

60 Burford Nurseries, Burford, Tenbury Wells, Shropshire, WR15 8HF (18/03308/FUL)

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

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Richard Huffer, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement the following points were raised:

- He referred Members to Burford Parish Council objections. He was generally in agreement with their concerns, but did not agree with their comments that the site should remain as horticultural land;
- Without the use of some of this land it was a possibility that the Tenbury Countryside Show may not be able to go ahead in the future;
- A housing application on this site would have been welcomed;
- If granted, would not preclude any further application in the future, perhaps for residential and car parking provision;
- His main concerns related to volume of traffic and highway safety. The A456 was the main thoroughfare to Worcester and used by a considerable number of HGVs; and
- He was not opposed to the proposal but had concerns regarding access, highway safety and speeding.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members particularly expressed concerns and considered options regarding the implementation and possible funding of traffic calming measures along the A456 by means of a S106 Legal Agreement and/or CIL payment. Given that this was a main busy road and the access was outside of the 40 mph speed limit through Burford and a caravan park would attract a higher footfall and include families and children, some Members suggested an extension to the existing 40mph speed limit with some suggesting that it should be lowered down to 30 mph. The Consultant Planner, Area Planning Manager and Area Highways Development Control Manager (South) provided clarification on traffic and highway safety. They further identified the development boundary and explained that the right of way located to the south of the site fell within the ownership of a third party. They explained that a thriving nursery would generate the same amount of traffic and it would be difficult to justify road improvements given that Highways had raised no concerns and it would not be necessary for improvements to be made to make this application suitable. Funding of a feasibility study may be a more appropriate route. The Consultant Planner confirmed that the colour of the caravans could be conditioned and conditions relating to lighting and a Construction Plan were included and as set out in Appendix 1 to the report. The safety concerns expressed by Members regarding the condition of the hedgerow running alongside the pavement along the A456 could be addressed through appropriate highway maintenance.

RESOLVED:

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

- Before the caravans are first installed details of their external colour shall be submitted to and approved in writing by the Local Planning Authority; and
- Provision of cycle racks close to the reception building.

**61 Woodhouse Farmhouse, Wyke, Much Wenlock, Shropshire, TF13 6NZ
(18/05004/FUL)**

(In accordance with his declaration at Minute No. 59, Councillor David Turner left the table during consideration of this item.)

The Area Planning Manager 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 the ensuing debate, Members considered the submitted plans and it was:

RESOLVED:

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

**62 Woodhouse Farmhouse, Wyke, Much Wenlock, Shropshire, TF13 6NZ
(18/05005/LBC)**

(In accordance with his declaration at Minute No. 59, Councillor David Turner left the table during consideration of this item.)

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

Members considered the submitted plans and it was:

RESOLVED:

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

63 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 15 January 2019 be noted.

64 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 12 February 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and Date

South Planning Committee

12 February 2019

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 18 December 2018

2.00 - 4.45 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 David Turner (Vice Chairman), Andy Boddington, Gwilym Butler, Simon Harris, Nigel Hartin, Richard Huffer, Madge Shingleton, Robert Tindall, Michael Wood and Tina Woodward

44 Apologies for Absence

There were no apologies for absence.

45 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 20 November 2018 be approved as a correct record and signed by the Chairman.

46 Public Question Time

There were no public questions or petitions received.

47 Disclosable Pecuniary Interests

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

With reference to planning applications 18/02384/FUL and 18/03312/OUT, Councillor Robert Tindall declared that he was a member of the Shropshire Hills AONB Partnership. He confirmed that he had taken no part in any discussion relating to these applications.

With reference to planning applications 18/02384/FUL and 18/03312/OUT, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Management Board. He confirmed that he had taken no part in any discussion relating to these applications.

48 Proposed Affordable Dwelling North Of Jays Farm, Hope Bagot, Shropshire (18/02384/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 had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Mr P Robson, on behalf of the objectors, spoke against 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) Councillor Richard Huffer, local Ward Councillor, made a statement in which he made reference to the ongoing concerns expressed by local residents. He then left the room, took no part in the debate and did not vote on this item.

Mr J Bryan, 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. Members considered the proposal to be sustainable and in-keeping with the area and unanimously supported the application.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to completion of a Section 106 Legal Agreement to ensure the dwelling remains affordable in perpetuity and the conditions as set out in Appendix 1 to the report.

49 Land To The South East Of Hemford, Bromlow, Minsterley, Shropshire (18/03312/OUT)

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

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

Councillor P Davies, representing Worthen with Shelve Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr N Williams, 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 this was an outline application with all matters, except for access, reserved for

later approval. Matters relating to scale and appearance, would include consideration of the number of bedrooms, and this would be a matter assessed at the Reserved Matters stage.

RESOLVED:

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

50 Royal Oak, Alveley, Bridgnorth, Shropshire, WV15 6LL (18/03476/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 had undertaken a site visit that morning and had viewed the site and had assessed the impact of a proposal on the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Tina Woodward, local Ward Councillor, made a statement 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:

- She recognised the work that had been undertaken to improve the public house over recent years by the current owner. The pub had taken its place within the community and the wider area as a place to go and enjoy a drink and food;
- The development outside the main building had continued, with the addition of glamping pods, benches and also touring caravans which proliferated during the summer months. In her view, and that of objectors, a couple of caravans appeared to have remained on site for months and had been both occupied and unoccupied;
- This retrospective application had caused concern locally as the land is classed as Green Belt which is governed by planning constraints;
- It had not been an easy decision to reach but, on balance, she supported the recommendation to refuse. However, if Members were minded to support the application she recommended the following:
 - A reduced number of pods in a style more in-keeping with a rural area. Pods to be stained timber, no brightly coloured paint to be used and to be less sprawled out across the site;
 - Native hedge planting and improvements made to increase screening within the site;
 - Appropriate site licences to ensure seasonal use only;
 - Conditions to control noise, including music outside of normal working hours;
 - Conditions to control lighting and to include low level lighting on site.

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

had not been established and that, without prejudice to the decision made on any re-application, Officers should guide the applicant on their options. Members suggested that the pods should be grouped more closely with the pub building and be less sprawled out across the site, a more robust landscaping scheme should be introduced, and a more in-depth case to be submitted as to why the applicant considered the development would be needed to sustain the public house. Members also required more information in relation to the management of the pods and would want them tied to the pub business.

RESOLVED:

That, as per the Officer's recommendation, planning permission be refused for the following reasons:

- It is acknowledged that the proposed development would contribute to the rural economy and to the role of Shropshire as a tourist destination to stay. However these benefits are considered to be outweighed by the harm the openness of the Green Belt and be at odds with one of the five purposes of the Green Belt, namely safeguarding the countryside from encroachment. No very special circumstances have been demonstrated or exist that would be of sufficient weight to justify inappropriate development in the Green Belt. The development would therefore be contrary to the adopted Core Strategy policy CS5, SAMDev policy MD6 and the guidance set out in the National Planning Policy Framework Part 13.
- Notwithstanding the above the benefits of proposed development are considered to be outweighed by the environmental harm. The introduction of the structures proposed would appear as incongruous additions to the area and as such would result in a detrimental impact upon the character and appearance of the area. Accordingly, the proposed development is contrary to Local Plan policies CS5, CS6, CS16 & CS17 of the adopted Core Strategy and policies MD2, MD11, MD12 of the SAMDev and national guidance contained within the NPPF, in particular paragraphs 83 and 110.

(At this juncture, the meeting adjourned at 03.18 pm and reconvened at 03.26 pm)

51 Barn South West Of The Grove, Ashford Bowdler, Shropshire (18/03585/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 had undertaken a site visit on a previous occasion and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Ms E Davies, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor M James, Chairman – Ashford Bowler Parish Meeting, spoke against 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) Councillor Viv Parry, local Ward Councillor, made a statement 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:

- She expressed concerns regarding the rear windows and the impact of overlooking on the property to the rear;
- She had previously requested that the garage be single story but the height of the garage had only been reduced by one metre;
- The left hand side of the barn sat right on the edge of the road and this would dominate the view as you approach it when entering the village;
- She expressed concerns regarding the culvert, which ran the length of the village and would not be able to cope with anything extra discharging into it; and
- It was a pre-cursor attempt at creating two dwellings.

Mr J Hicks, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members he confirmed that the proposal was for a single dwelling.

In the ensuing debate, Members considered the submitted drawings and noted the comments of all speakers. Members noted that Shropshire Council's Drainage Consultants had raised no concerns and, if granted, appropriate drainage conditions would be attached.

RESOLVED:

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

52 Barn South West Of The Grove, Ashford Bowdler, Shropshire (18/03586/LBC)

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

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

RESOLVED:

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

53 Spicers Hall Caravan Park, Spicers Hall Farm, Digbeth Lane. Claverley. Wolverhampton (18/04206/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 had undertaken a site visit that morning and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Mr A Reade, representing Claverley Preservation Society, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor R Cotham, representing Claverley Parish Council, spoke against 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) Councillor Tina Woodward, local Ward Councillor, made a statement 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:

- Concerns had been expressed locally and objections made to this application, which would, if granted, introduce light into an area where historically there had been none. This had also been highlighted by Shropshire Council's Conservation team who considered the proposed lighting to be inappropriate because of its harmful impact upon the setting of Listed Buildings in the vicinity and also because of the erosion of the rural character of Claverley's Conservation Area. The access track abuts the Conservation Area and is not in the Conservation Area, so one could only assume that Shropshire Council's Conservation had taken this into account when making their response. She agreed with the comments of SC Conservation;
- Highways had also raised concern regarding the visual impact of the proposed lights;
- The applicant's agent had submitted further information which indicated that many units were mostly intensively used at weekends and for holidays and short breaks. She questioned if the intention was not so much for residential in its nature but tourism based, which would suggest that there would be times when the track would not be utilised that frequently in off-peak times, eg winter months. She recognised that holiday makers may be less acquainted with the access track than residents might be;
- She had also noted that the agent, on behalf of the applicant, had indicated that the lights could be reduced in height to 0.5 metres in height, which, in her opinion, could potentially lessen the impact of the lighting, as would the reduction of frequency of lights and the introduction of increased evergreen Holly planting in the proposed hedges, particularly in sections where the lights were proposed to be located. Also, maintaining the hedges at a reasonable height and lights being switched off after 11.30 pm could further benefit the screening affect and so be less intrusive. If granted, she welcomed conditions to reflect the above.

Mr P Dowd, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to comments

from Members, the agent confirmed the applicant's willingness to accept any appropriate conditions to control lighting.

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

RESOLVED:

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

- 1) Notwithstanding the details shown on the lighting bollard design drawing, the maximum height of the lighting bollards above ground level shall be 0.5 metre, in accordance with the email from the agent dated 16th October 2018.

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

- 2) Prior to the lighting bollards being first brought into use an activation control system for the bollard lights, to ensure that they are only activated by vehicles and pedestrians using the access road and are extinguished when there are no users of the road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting bollards shall thereafter be operated in accordance with the approved activation control system.

Reason: In the interests of the visual amenities of the area and to minimise the emission of light in the dusk to dawn period.

54 Garages North Of Mynd View, Craven Arms, Shropshire (18/04776/FUL)

(At this juncture, the Vice Chairman, Councillor David Turner, took the Chair.)

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

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor David Evans, local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- These garages were once owned by South Shropshire Housing, who have sold off 90% of garages in Craven Arms;
- This area requires improvement and tidying;
- Both the Parish Council and neighbouring property owners have expressed support for this application;

- The neighbouring property owners have been consulted and in response to their comments two windows to the rear will be obscure glazed;
- The garden runs the full width of the building and will accommodate a bin store, garage and parking for an additional vehicle. There is also a free car park opposite; and
- He supported a dwelling on this derelict site and recommended approval.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members noted that there was a children’s play area nearby that would be available to the occupants of the dwelling to supplement the amenity space within the application site; that the effect of the proposed dwelling on neighbour amenity would not be materially different to that of existing adjacent dwellings; considered that the proposal would maximise the use of the site and would be in-keeping with the area.

RESOLVED:

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

- Appropriate conditions deemed necessary by Officers; and
- The development to be carried out in accordance with the approved drawings and written particulars.

(At this juncture, the Chairman, Councillor David Evans, returned and took the Chair.)

55 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 18 December 2018 be noted.

56 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 15 January 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and date
 South Planning Committee
 12 February 2019

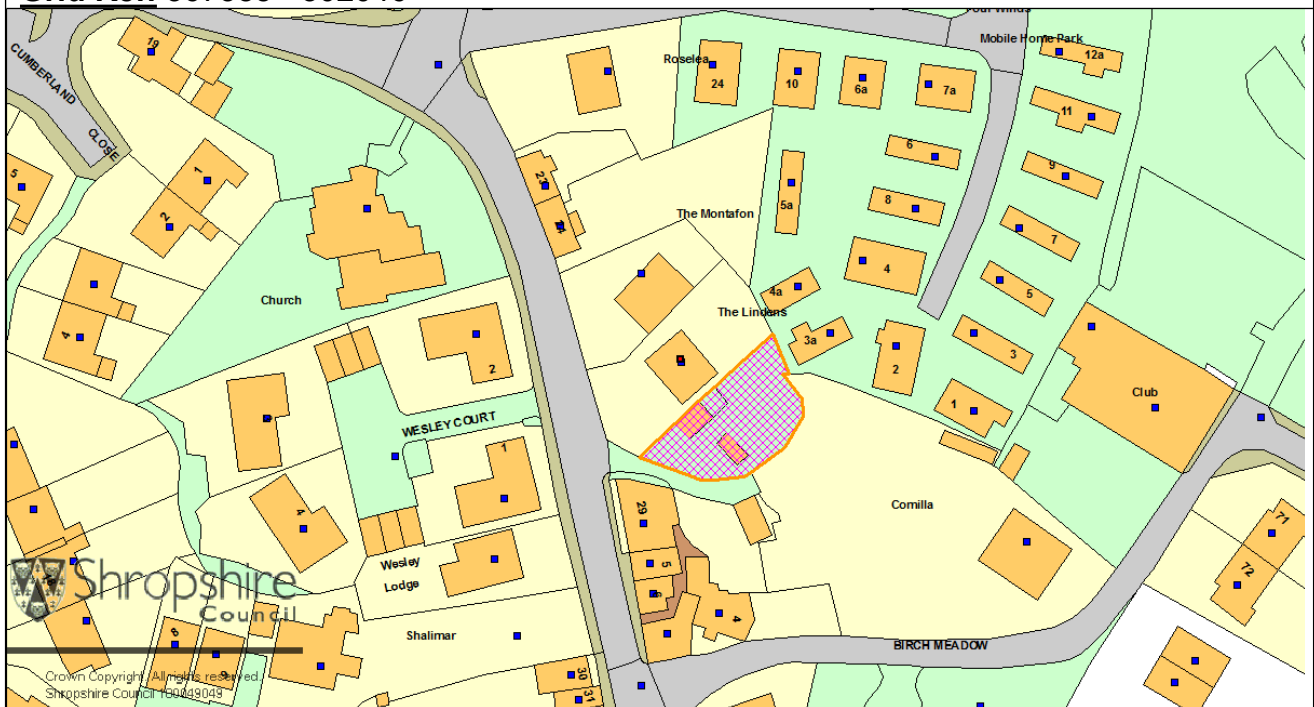
Development Management Report

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

Summary of Application

Application Number: 17/04603/OUT	Parish:	Broseley
Proposal: Outline application (all matters reserved) for the erection of one detached dwelling		
Site Address: Proposed Dwelling Adj. The Lindens Duke Street Broseley Shropshire TF12 5LS		
Applicant: Mr Donald Patter		
Case Officer: Emma Bailey	email: planningdmse@shropshire.gov.uk	

Grid Ref: 367385 - 302046



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Recommendation:- Permit, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning consent for the construction of one dwelling on land adjacent to the dwelling known as The Lindens, with all matters reserved.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located within the settlement boundary of Broseley. It is currently used as residential garden in connection with The Lindens, and is accessed from a private shared unmade track directly off of Duke Street. Residential development predominantly surrounds the site, with a static caravan site beyond the rear boundary behind a tall evergreen hedge.

2.2 The site lies just outside of the Broseley Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council view is contrary to the officer recommendation. The Chair and Vice- Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the material planning considerations raised on this site immediately adjacent to the Conservation Area warrants consideration by Committee.

4.0 COMMUNITY REPRESENTATIONS

Please note that all comments are available to view in full on the Shropshire Council website.

4.1 Consultee Comments

4.1.1 Broseley Town Council

Object: the development would add to housing density on the narrow street and breaches policy H5 of the Town Plan:
H.5 Within the Conservation Area proposals for additional dwelling(s) within the boundary of an existing plot (National Planning Policy Framework para. 53 refers) will not be supported unless the new structure:
1) meets the criteria set out in H.3 and H.4.
2) can be provided without a negative impact on the sight-lines of adjoining properties and/or on overall density of provision.
Any development in the garden of The Lindens would be in view of the road and Councillors consider the site to be within the Conservation Area.

(Officer comment: It is not possible to apply policies specific to developments within the Conservation Area to sites outside of it).

- 4.1.2 Shropshire Council (Trees)
Recommend informative if minded to approve.
- 4.1.3 Shropshire Council (Regulatory Services)
No comments to make.
- 4.1.4 Shropshire Council (Affordable Housing)
No affordable housing contribution required.
- 4.1.5 Shropshire Council (Highways)
No Objection, but have requested some additional information. See paragraph 6.3.9 below.
- 4.1.6 Shropshire Council (SUDs)
Recommend conditions and informatives if minded to approve.
- 4.1.7 Shropshire Council (Archaeology)
No comments to make.
- 4.1.8 Shropshire Council (Conservation)
No objection raised at this stage.
- 4.1.9 The Coal Authority (re-consulted)
Recommend condition if minded to approve.

4.2 **Public Comments**

- 4.2.1 Neighbour letters were sent, a site notice was displayed opposite the application site and a press notice was placed within the Shropshire Star newspaper. Two letters of representation have been received at the time of writing this Report, objecting to the development. The key points raised by objectors that are material planning considerations are listed as follows:

- Land stability/ground works
- Noise
- Right to light/air
- Overshadowing
- Overlooking
- Asbestos/land contamination concerns
- Overdevelopment of the site
- Access and parking provision
- Loss of green space
- Design

The following points raised by objectors that are not material planning considerations and cannot be considered as part of the determination of this planning application are listed as follows:

- Property values
- All matters relating to the construction phase
- Boundary matters

5.0 THE MAIN ISSUES

- Principle of development
- Design, scale and character of the development
- Letters of representation
- Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.
- 6.1.2 Paragraph 11 of the revised National Planning Policy Framework (2018) builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.3 The National Planning Policy Framework ('NPPF') has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.
- 6.1.4 Policy CS1 'Strategic Approach' of the Shropshire Council Core Strategy and Policy MD1 'Scale and Distribution of Development' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan seeks to steer new housing to sustainable locations described as Market Towns, Key Centres, Community Hubs and Clusters. This is repeated throughout Policies CS3 'The Market Towns and Key Centres', CS4 'Community Hubs and Clusters', CS5 'Countryside and Green Belt' and CS11 'Type and Affordability of Housing' of the Core Strategy. Community Hubs and Clusters were designated as part of the adoption of the SAMDev Plan in 2015.
- 6.1.5 Broseley is a designated Market Town/Key Centre, as defined in Core Strategy Policy CS3 and Policy MD1 'Scale and Distribution of Development' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan (2015).
- 6.1.6 Policy CS1 'Strategic Approach' of the Shropshire Council Core Strategy (2011) states that sustainable development is supported in Key Centres.

This is expanded upon within Policy CS3 'Market Towns and Key Centres', where it is specified that development within Brosley should balance environmental constraints with meeting local needs.

- 6.1.7 Policy CS10 'Managed Release of Housing Land' further examines the need for the Council to keep the availability of housing land under review to maintain a continuous supply of suitable sites to deliver the overall housing target over a five year period. Priority is given to the re-use and development of sustainable brownfield sites. This is further examined within Policy MD3 'Delivery of Housing Development'.
- 6.1.8 Policy S4 'Broseley' of the SAMDev Plan identifies that Broseley will have a growth of around 200 new dwellings up to 2026. New housing development shall be small scale to reflect the local character and meet the design principles within the Broseley Town Plan.
- 6.1.9 Given that the site is identified as being a sustainable location within the Broseley development boundary, and is in a predominantly residential area, the principle of a dwelling in this location is acceptable, subject to further material planning considerations.

6.2 **Design, scale and character of the development**

- 6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. Furthermore, development is required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.
- 6.2.2 Paragraph 127 of the revised NPPF reinforces that developments should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.
- 6.2.3 This is an outline planning application where all issues are to be dealt with as Reserved Matters. No details regarding the potential design of the dwellings has therefore been submitted, however it is referred to as a 'coach house'. An indicative layout plan has been provided which demonstrates that one modestly sized detached dwelling with vehicular access and on-site parking can be provided on the application site.
- 6.2.4 Subject to the receipt of an appropriately designed scheme, which would be appraised at the reserved matters stage, Officers are of the opinion that the site is capable of being developed for the purposes of one dwellinghouse, without causing harm of the character and appearance of this part of Broseley, or harm to the setting of the Conservation Area.

6.3 Letters of representation

6.3.1 At the time of writing this Report, two letters of representation have been received, objecting to the development. Please note that all responses are available to view in full on the Council's website. The key points raised are briefly considered in turn below.

6.3.2 Land stability/ground works

The Coal Authority have been consulted for their specialist advice as part of this application, who have acknowledged that the development lies within a High Risk Area. An objection by The Coal Authority was therefore initially lodged.

A Coal Mining Risk Assessment report has been subsequently submitted in support of the application and The Coal Authority has been re-consulted for their comments. Within these comments, the Coal Authority has withdrawn its objection subject to the imposition of a condition on any approval notice.

Matters relating the construction process/ground works would be dealt with at the Building Regulations stage of the development.

6.3.3 Noise

The site is surrounded by residential development. The principle of one additional dwelling in this location is therefore unlikely to result in significant amounts of noise or activity over and above the existing situation. Shropshire Council's Regulatory Services team have been consulted as part of this application, who have no comment to make. It is however considered to be reasonable to limit construction hours on site, in the interests of the amenity of nearby occupiers. A condition limiting construction hours would be applied to any approval notice.

6.3.4 Right to light/air

These comments are noted. As discussed earlier in this Report, this is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval. The Council takes Human Rights legislation into account in arriving at a recommendation for all planning applications.

6.3.5 Overshadowing

As discussed earlier in this Report, this is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval.

The agent has confirmed that the proposed dwelling would not exceed

one-and-a-half storeys, and this would be conditioned on any approval notice to preserve neighbour amenity at this early stage. In any event, dwellings in the immediate locality are predominantly two storeys in height and as such the risk of overshadowing to neighbours would not be significant. This is in addition to Officers considering the path of the sun in relation to the orientation of nearby dwellings and the caravans at Fourwinds Caravan Park to the north-east of the application site.

6.3.6 Overlooking

This is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval.

Shropshire Council does not have any specific separation distance guidelines and as such each application is considered on a case by case basis. While indicative, the proposed site plan drawing submitted by the agent demonstrates that it would be possible to comfortably orientate a modestly sized dwelling so that it sits at an oblique angle to the windows of neighbours. As such, Officers are of the opinion that the proposal would not have an unacceptable impact on the residential amenities of nearby occupiers by reason of overlooking.

6.3.7 Asbestos/land contamination concerns

Shropshire Council's Regulatory Services team have been consulted as part of this application, who have no comments to make on potential land contamination issues. Any risk of asbestos would need to be dealt with outside of the planning process.

6.3.8 Overdevelopment of the site/loss of green space

This is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval.

Officers consider that the indicative layout plan provided demonstrates that a modest one-and-a-half storey dwelling could be achieved on site without constituting overdevelopment of the plot. In addition, the amount of garden space that would be available to The Lindens if the site was split into two would also be acceptable and not out of character with the sizes of gardens of dwellings in the locality.

6.3.9 Access and parking provision

This is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval.

It has been confirmed by the agent that the site would be accessed via an

existing shared driveway. Shropshire Council's Highways team have requested additional information relating to the submitted plan, however as this is indicative only it would be unreasonable to ask for such details at this stage. The creation of such parking areas may be permitted development in any event and not require planning permission.

6.3.10 Design

This is an outline application where no details have been submitted for approval in relation to the design or size of the dwelling or the layout of the site. An indicative plan has been provided to demonstrate how the site could be developed, but this is not for approval. The design of the dwelling would come forward at Reserved Matters stage.

6.4 **Other matters**

6.4.1 Affordable Housing

Paragraph 63 of the revised NPPF (July 2018) advises that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas, where policies may set a lower threshold of 5 units or fewer. This site is not within a designated rural area and is for the construction of a single dwelling. As such an affordable housing contribution is not required.

6.4.2 Trees

It is noted that there are a number of trees and a hedgerow within close proximity to the application site, and that some of these trees are protected by the adjacent Broseley Conservation Area designation. Any subsequent Reserved Matters application will be required to deal with the issue of landscaping, particularly the retention or removal of trees and hedgerow.

7.0 **CONCLUSION**

7.1 Based on the information submitted against the above considerations, the proposal as amended is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies.

7.2 Approval is therefore recommended subject to conditions.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

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

written representations, hearing or inquiry.

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

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
 CS3 - The Market Towns and Other Key Centres
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD13 - Historic Environment
 Settlement: S4 – Broseley

SPD Type and Affordability of Housing
 CS11 - Type and Affordability of housing

Broseley Town Plan (2013 – 2026)

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OWMV63TD07V00>

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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Supporting Statement

Coal Mining Risk Assessment Report

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Simon Harris

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

4. This permission does not purport to grant consent for the access, layout, landscaping, scale, design and external appearance shown on any of the deposited plans and documentation submitted with application.

Reason: To enable the Local Planning Authority to consider these matters when the reserved matters are submitted; as the application is made in outline with all matters relating to access, layout, landscaping, scale, design and external appearance reserved for later approval.

5. Construction works shall not take place outside 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

6. Before development commences a scheme of intrusive site investigation shall be undertaken to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. A report of the findings arising from this intrusive site investigation, including the results of any gas monitoring, and a scheme of proposed remedial works and how these will be implemented shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved report.

Reason: The site lies within a defined Development High Risk Area for unrecorded underground coal mining features and hazards.

7. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

8. Before above ground works commence a full scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include drainage plans and calculations. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to minimise the risk of surface water flooding and flood risk elsewhere as a result of the development.

9. Prior to first occupation/use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority and subsequently installed. The following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

Informatives

1. In arriving at this decision Shropshire 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 38.

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

National Planning Policy Framework
National Planning Practice Guidance

Shropshire Council Core Strategy policies:

CS1 - Strategic Approach
CS3 - The Market Towns and Key Settlements
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of Housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policies:

MD2 - Sustainable Design
MD3 - Delivery of Housing Development
MD13 - Historic Environment

Type and Affordability of Housing SPD

Broseley Town Plan (2013 - 2026)

3. TREES INFORMATIVES

The applicant is advised to seek specialist arboricultural advice (in accordance with BS5837:2012 Trees in relation to design, demolition and construction) to ensure important/offsite trees are not adversely affected.

Further guidance can be found here: Trees and planning policy - guidance notes
<https://www.shropshire.gov.uk/environment/trees-woodlands-and-hedges/trees-and-planningpolicy-guidance-notes/>.

4. HIGHWAYS INFORMATIVES

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or

- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details:

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note: Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

5. DRAINAGE INFORMATIVES

1. The application form state that the surface water drainage from the proposed development is to be disposed of via soakaways. However, no details and sizing of the proposed soakaways have been provided. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

2. 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

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of

land around a building or group of buildings which is for the private use of the occupants of the buildings.

3. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

4. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.

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

6. ECOLOGY INFORMATIVES

Bats informative

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

Nesting birds informative

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August 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 or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and 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.

If during construction birds gain access to the building and begin nesting, work must cease until the young birds have fledged.

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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 close-fitting 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.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

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Committee and date

South Planning Committee

12 February 2019

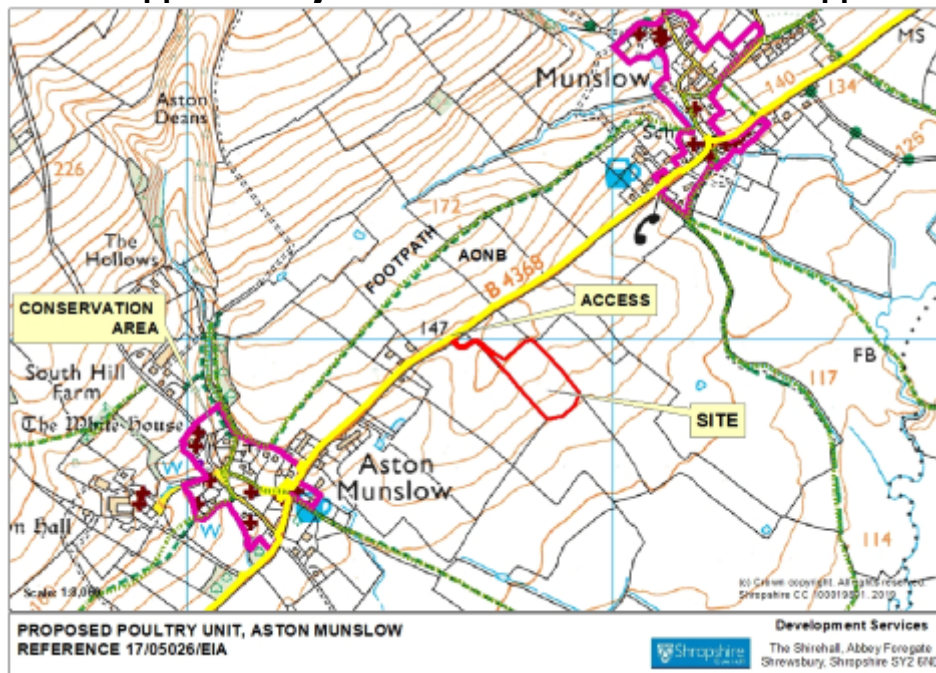
Development Management Report

Responsible Officer: Tim Rogers

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

Application Number: 17/05026/EIA	Parish: Munslow
Proposal: Erection of two poultry sheds with office/wash facilities; 4 feed silos; creation of vehicular access with visibility splays, estate road and yard; formation of screening bunds	
Site Address: Land to the north east of Aston Munslow, Near Craven Arms, Shropshire	
Applicant: G & M Povall and Son	
Case Officer: Grahame French	email: planningdmc@shropshire.gov.uk

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



REPORT

1.0 THE PROPOSAL

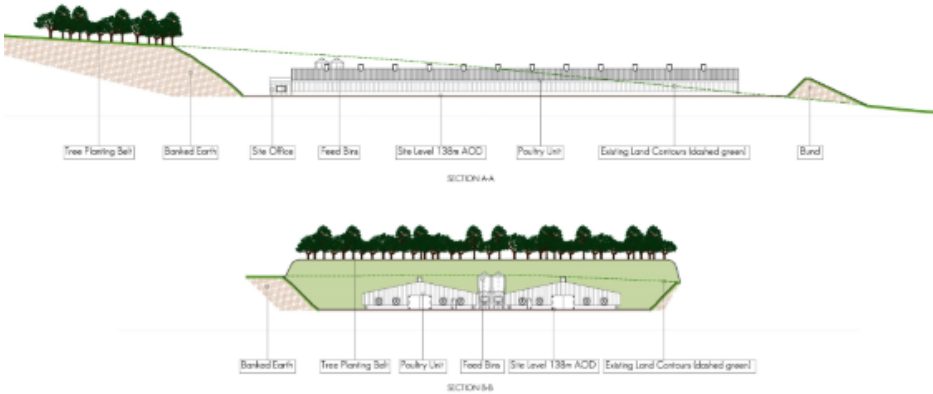
1.1 The applicants, G & M Povall & Son farm are a family business who farm land adjoining the B4368 at Aston Munslow and at Elsie Barn Farm, Siefton. The main enterprise of dairy farming is volatile so the family wishes to diversify and establish a

poultry rearing enterprise ('Valley View Poultry'). The dairy buildings are located at Elsie Barn Farm but it is necessary to keep the poultry and dairy buildings separate for operational and biosecurity reasons. The applicant is in discussion with Country Fresh Pullets (part of the Lloyds Animal Feed Group) who are leading suppliers of pullets to the UK free range egg industry.

- 1.2 It is proposed to construct two poultry buildings housing a maximum of 76,000 rearing birds in total. The buildings will each measure 91.43m x 21.33m and will typically house approximately 36,000 pullets (72,000 in total). More floor area is required in rearing units than broiler units as the birds are taken up to 16 weeks. The buildings would be of timber framed construction with side cladding coloured in juniper green. A staff office and rest room would be provided between the buildings and a personnel corridor would provide covered access between the buildings. There would be 4 feed bins situated between the buildings.



- 1.3 The proposed layout provides access to the rear and between the poultry sheds and a yard area to the front for turning. A track around the building also offers adequate space for the turning, manoeuvring and for maintenance of the buildings.



- 1.4 The poultry buildings are low profile in nature and the applicant states that the site is already well screened with very limited public views. The buildings would be cut into the slope with bunding and tree planting proposed to minimise visual impact. This

includes strengthening existing hedgerows surrounding the site and a new belt of tree planting on the southern boundary of the field to the south of the site.

1.5 A new access (T junction) is proposed just to the south west of an existing agricultural access which serves the field and adjacent land. This will be sufficiently wide (6.8m) to accommodate simultaneous entry and exit of the largest vehicles. The access point provides the maximum junction visibility along the site road frontage. This is 121.8m in a north easterly direction based on a 60mph limit and 67.2m in a south westerly direction based on a 40mph limit.

1.6 The application is supported by an Environmental Statement under Schedule 1 of the EIA Regulations.

2.0 SITE LOCATION / DESCRIPTION

2.1 The proposed site (area 1.97ha) is located within a 7ha arable field on the south side of the B4368 to the north-east of Aston Munslow. There are hedges to all sides of the field and a plantation on the eastern boundary. The site lies between the small villages of Aston Munslow and Munslow. It is located 125m south east of the AONB. The nearest wildlife sites are over 2km away and the nearest SSSI is 3.6km to the west.

2.2 The closest residential properties are The Cottage and Corvedale House to the north-east edge of Aston Munslow approximately 240 metres from the site. The centre of Aston Munslow close to the public house is just under 600 metres to the south-west of the centre of Munslow around The Square around 660 metres to the north-east. There are several large farms and manor houses in the area.

2.1 The main dairy farming enterprise is located at Elsie Barn Farm, Siefton and extends to around 230 acres (93ha). The family also owns a further block of land off the B4368 north of Aston Munslow in which the application site is located. This extends to 84 acres (34ha) and is utilised for arable cropping including maize for silage production. The site has been chosen as it is away from the dairy buildings for biosecurity reasons and is screened by existing topography and landscape features.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

3.1 The application is referred to committee under the Council's Scheme of Delegation as the proposals relate to development under Schedule 1 of the Environmental Impact Assessment Regulations 2011.

4.0 COMMUNITY REPRESENTATIONS

4.1.1. Munslow Parish Council - Further to the Parish Council's initial response, having made a further study of the available material the Council now wishes to object on the following grounds.

Impact on our landscape:

i. The proposed poultry development is large scale and represents significant development at the heart of our Parish and within close proximity to the Shropshire Hills AONB. We have reviewed the revised Landscape and Visual Impact Assessment (LVIA) and it does little to allay our fears regarding the scale and impact of the

proposals. The LVIA concludes that in all cases impact is "not significant". We believe the LVIA is imperfect and we do not agree with its findings for the following reasons:

- a. Landscape Impact
 - This site is currently a Greenfield; should it be permitted the development would be larger than any other buildings in our parish and would undoubtedly represent a significant change to landscape character.
 - Efforts to hide the sheds will require significant transformations to the contours and of the hillside and therefore its landscape impact (and underlying rock strata) will be significant.
- b. Landscape Designation
 - The proposed sheds are immediately adjacent to the protected landscape of the Shropshire Hills AONB (c.100m). This development will be visible from within the AONB, from the slopes below Wenlock Edge and immediately above the B4368 (AONB boundary) and also from opposite side of the Corvedale (also designated AONB) where it will similarly visible. This part of the Corvedale and the AONB is already disproportionality impacted by intensive livestock units which makes this part of the AONB vulnerable to further development. Such cumulative visual impacts represent a threat to the integrity of the AONB designation.
 - We do not accept the LVIA's conclusion of not significant. In this instance we would draw attention to the Planning Committee's recent rejection on detrimental landscape impact grounds for a similar poultry units application at Hopton Heath; a development which is significantly further distant from the AONB boundary than the proposed Aston Munslow development. The curtilage of this development extends to the AONB boundary.
- c. Visual Impact
 - The development will be visible from Corvedale House (Aston Munslow) and from locations along the Parish Rights of Way network.
 - The Development will be visible from the Three Castles Walk a Shropshire Council Promoted walk.
 - The LVIA fails to identify all the visual receptors. E.g. from Little London.
 - The development is reliant on screening to minimise its visual impact. Having examined screening attempts at nearby intensive livestock units we are not convinced that screening will sufficiently mitigate impact. We do not agree with the LVIA's conclusion of "not significant". We believe the development is major and its impact will be significant. Here we reference National Planning Policy Framework (NPPF) 115 "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". This applies not only to developments proposed within an AONB but if proposed in its setting such that the AONB would be affected. And NPPF 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". We would ask, where are "exceptional circumstances and "public interest" demonstrated in the application?
- ii. Impact on Built Heritage and Historic Village Character
 - A distance of only 600m separates properties in Aston Munslow and Munslow. The poultry sheds will be located midway between the two villages. Recognising the special quality of our villages, we have over 20 listed buildings and both Aston Munslow and Munslow are designated Conservation Areas. Only 1.1km from the proposed development is the Registered Parkland of Millichope Park. Our built heritage is a much-cherished part of Munslow Parish whose character will be

damaged by inappropriate development. We cannot agree with the applicant's Heritage Impact Assessment that states: "no impact on the character, setting or significance of any of these designated heritage assets." The Council has a duty to care for the historic character of this Parish.

iii. Creeping Expansion

- The Council has examined the Planning Register and are concerned by the numbers of recently permitted poultry units that have subsequently applied to expand their operations once planning permission has been granted. The Parish Council is concerned that if permission is granted, this provides opportunities for the Aston Munslow site to further expand, significantly increasing the scale of the operation and thus its impact on the Parish. Not counting this development there are already 15 poultry farms within 4km of the Parish boundary. .

iv. Impact on Parish Economy

- Tourism is important to our Parish and visitors come from far and wide to enjoy our historic villages and our "Outstanding Natural Beauty". Visitors help to keep our Parish a vital and flourishing place. Highly valued, by locals and visitors alike our pubs and tourism businesses trade off the AONB's/Corvedale's special qualities - our tourism businesses include:

- The Whitehouse (Landmark Trust);
- The Swan Inn;
- The Crown Country Inn (The Former Hundred House);
- Coseley House B&B;
- Malt House Holiday Cottage;
- The Chains Holiday Cottages;
- Wildgoose Plant Nursery and Tearooms;
- Hundred House Coffee.

The Council believes that this development could have a detrimental effect on our local businesses and the people they employ. We would draw the committees' attention to the ongoing sustainability of these businesses which employ significantly more people than the one individual proposed by the poultry units. This is particularly pertinent when considering the applicants reasons for siting the sheds in our Parish.

4.1.2i. Natural England: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's advice on other natural environment issues is set out below.

- ii. Prince's Rough, Marked Ash Meadows, Woolverton Wood and Alcaston Coppice Sites of Special Scientific Interest (SSSIs): Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. We note the findings of the ammonia and ecological assessments and would recommend that the mitigation measures contained within are secured. Further general advice on the consideration of protected species and other natural environment issues is provided.

4.1.3 Historic England: No objection.

4.1.4 Shropshire Hills AONB Partnership: Initial 'standard' response replaced by the following objection:

- i. We have reviewed the applicant's documentation and have concerns regarding the impact of the proposed development on landscape, the visitor economy and biodiversity.
- ii. Impact on Landscape: The proposed development is large scale and represents significant intensification within close proximity of to the Shropshire Hills AONB (Map 1). The proposed development location immediately adjacent to the AONB, its closest point is approximately 140m from the AONB boundary. This development is situated on rising ground and will be visible from within the AONB at various points along PRow 0546/36/1 (photo 1) and from outside of the AONB but looking towards the AONB and Wenlock Edge from PRow 0546/35/3 (photo 2).
- iii. As defined by Environment Agency this is an industrial operation (it is such a size that it requires a permit to operate). It is to be located on a greenfield site very close to the villages of Aston Munslow and Munslow. We are concerned that this sets a precedent for the development of industrial scale operations on greenfield sites within or near to the Shropshire Hills AONB. Should the development go ahead, any structures would be larger than any existing buildings in the parish, in this context we believe its scale to be major and its visual impact to be significant and represents the greatest change to the landscape in this part of the AONB and the Corvedale. Furthermore, the development is reliant on screening to minimise its visual impact, the applicant refers to a poplar plantation screening on the NE boundary. These trees are a fast growing timber crop and any screening effect will be lost when felled.
- iv. It is important to consider this development in the context of the Historic Landscape Characterisation (HLC) for the area (Map 2) which reveals a rich mosaic of landscape types defining natural beauty and the settlement patterns of the area. The villages of Aston Munslow and Munslow have 23 Listed Buildings (Map 3), not 'several' as stated in the applicants Environmental Statement. Reflecting the ancient character of these settlements they are designated Village Conservation Areas which are located only c560m (Aston Munslow) and c500m (Munslow) from the proposed poultry unit (Map 2). 1.1km to the NE is the Registered Parkland of Millichope Park (Map 2). We therefore disagree with the applicant's Environmental Statement that asserts "no impact on the character, setting or significance of any of these designated heritage assets."
- v. Cumulative Landscape Impact: We are also concerned regarding cumulative impact. The applicant states that "there are no existing poultry units within 400 metres of the site which could give rise to cumulative impacts". The size of these units is such that 400m distance used here appears arbitrary, and arguably there are cumulative impacts for the area in landscape and nutrient terms (see below) with Corfton and other units operating in the Corvedale (14 EA permitted units within approx 10km radius). Recent constructions of a number of large agricultural buildings contribute to a creeping industrialisation of the Corvedale and Wenlock Edge e.g. Corfton, Larden etc., which in fact makes this part of the AONB highly sensitive to change resulting from further large buildings, as highlighted in the AONB Management Plan.
- vi. Future expansion: We are concerned that if permission is granted, this provides opportunities to expand the operation in future and thus the number of buildings, significantly increasing the footprint of the operation. Corfton and Wistanstow are nearby examples of recently expanding poultry sites.

- vii. Response to Landscape Visual Assessment: The Landscape Visual Assessment states: “The proposed development will have no impact on the character, setting or significance of any designated or non-designated heritage assets”. We do not believe that the absence of significant impact on the AONB claimed in the application’s supporting documents has been adequately demonstrated. We disagree with the statement that “the closest areas of the AONB are not significantly sensitive to agricultural development of this type”. The significance of recreation is underplayed in the statement “Users of public rights of way are considered to be susceptible to change, however, those relatively close to the site are not national trails.” Only a tiny proportion of rights of way are national trails, and many other paths are also important. Rejection on landscape grounds on the periphery of the AONB is not without precedent - the South Planning Committee rejected a similar application for poultry units at Hopton Heath on grounds that development would have detrimental landscape impact. This development is significantly closer to the AONB and we would urge this application to be rejected on similar landscape grounds.
- viii. Impact on Tourism and Village Economy: The Shropshire Hills and the villages in the Corvedale are of great importance to tourism, and through our involvement in sustainable tourism in the area, we believe this development could have a detrimental effect to other local businesses. The applicants run a campsite next to their main farm holding at Elsich Barn (adjacent to the large Corfton Farm poultry unit). In explaining why the poultry units are not to be built at the Elsich Barn site, the application documents say “It is feared that the siting of a poultry unit too close to the campsite could discourage people from visiting the site and have a detrimental effect on this enterprise.” They therefore acknowledge that these units can have a detrimental impact on tourism businesses that trade on the area’s natural beauty, but for the same reasons the proposed location would affect the sustainability other tourism and hospitality businesses in the two villages which employ significantly more individuals than the one job created should the proposed development be granted. Existing local tourism and hospitality business include: Swan Inn, Crown Country Inn, Coseley House B&B, Chadstone B&B, The Whitehouse (Landmark Trust), Malt House Holiday Cottage, The Chains Holiday Cottages and Wildgoose Tearooms. As is apparent from the photographs below, these are part of (and drawing on for their business) the rural character and charm of the area, which would be eroded by this development.
- ix. Impact on Natural Systems: The applicant’s Environmental Statement states that poultry waste would be “utilised on the applicants own farmland where possible and if there is any excess this will be exported to local farms in the nearby vicinity”. The Statement further states: “The intensive use of the land also means that no ecologically important habitats will be impacted by the proposed development”. We disagree with this statement on site specific and on cumulative impact grounds, as set out below. Disposing poultry litter/waste to land is recognised as contributing to eutrophication¹, having negative impact on water quality and freshwater biodiversity. This is because a major portion of N and P in poultry litter is water soluble, surface applications can result in elevated nutrient losses due to surface runoff even in fields where soil P concentrations are low.
- x. As the adjoining fields are located in a hydrologically connected landscape we are concerned that this development would contribute to the cumulative amounts of poultry waste already being spread to land in the Corve Catchment leading to nutrient overload. This already has a negative impact through enrichment of the River Corve (and tributaries) and downstream waters including the River Teme Site of Special Scientific Interest (SSSI) of which the River Corve is a key tributary. This application

fails to take into account the capacity of local soils to absorb ongoing manure applications. This is of concern because the River Corve is currently failing to meet statutory Water Framework Directive (WFD) targets (rated 'Moderate'). Evidence: <http://environment.data.gov.uk/catchment-planning/WaterBody/GB109054044050> and similarly the River Teme SSSI which is also failing to meet WFD and SSSI Favourable Condition targets. Evidence:

<https://designatedsites.naturalengland.org.uk/ReportUnitCondition.aspx?SiteCode=S2000102&ReportTitle=RIVER%20TEME>

The conclusions of the Ammonia Report underplay the impact of deposition. We are concerned that this development will add to the cumulative impact of deposited atmospheric ammonia both from the buildings and subsequent spreading of poultry manure to land in the catchment. We are concerned that the increasing number of poultry units in the area is impacting on oligotrophic sites (including the River Corve). While downwind effects of ammonia emissions are to be expected, studies by Centre for Ecology and Hydrology (CEH) have established that ammonia emissions can be a significant source of nitrogen pollution even upwind from the source. This study has shown that ammonia deposition derived from poultry units of this size is damaging to ecosystems adapted for low levels of nitrogen and that critical exceedance loads are observed 2.8km even upwind.

- xi. Traffic and Road Safety: The site entrance is only 125m from the crest of Munslow Bank (B4368), and along this section of highway the speed limit is 60 mph. The Highways Statement 2.2.1 Road Network states: "Traffic speeds of vehicles approaching from the east in the derestricted section of highway are likely travelling at speeds closer to 50mph given the vertical and horizontal alignment of the B4368 and the fairly tortuous nature of the approach road to the site access". This statement is based on an assumption and does not reflect reality. Vehicles, especially motorcycles regularly exceed the 60 mph speed limit. The proximity of the site entrance needs to be considered in relation to stopping distances. Rule 126 of the Highway Code states: at 60 mph on dry road a minimum stopping distance is 73m. Rule 227 of the Highway Code states: In wet weather, stopping distances will be at least double those required for stopping on dry roads (see 'Typical Stopping Distances'). The wet weather stopping distance thus exceeds the safe stopping distance for this section of road in relation to the brow of the hill. It is concerning that the Highways Assessment appears not to have undertaken this simple assessment. We do not agree with the Highways Statement 2.1.2 Baseline Traffic Assessment that there have not been any traffic incidents on this section of highway, sadly there have been a number of major traffic incidents over recent years, and hence the high number of warning signs to this effect.
- xii. Policy Statements: The following policies support the position that this application should be refused:
- a. Shropshire Core Strategy Policy CS17: Environmental Networks states: 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.

b. Shropshire Council SAMDev Policy MD12: The Natural Environment states:

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

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
 - i. the special qualities of the Shropshire Hills AONB;
 - ii. locally designated biodiversity and geological sites;

c. The National Planning Policy Framework is quite clear that general policies within the Framework supporting particular types of development activity do not over-ride the location-specific policies protecting AONBs. Indeed the very first policy paragraph within NPPF, Para 14 on the 'golden thread' of sustainable development, highlights through footnote 9 AONBs as an exception to a presumption in favour of development, as one of a few types of special area where "specific policies in this Framework indicate development should be restricted."

The specific policy in Para 115 of the Framework states:

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. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

This application represent a significant change in land use in a greenfield location. We would argue that this constitutes 'major development' and so para 116 of NPPF also applies:

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 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

If the development is not judged major, we contend that it should still be refused against other relevant policies.

d. Shropshire Council Core Strategy and SAMDev policies also indicate the great weight which should be applied to the AONB designation and indicate that this application should be refused:

Explanation to Policy CS5 Countryside and Green Belt, para 4.72 (extract) "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.”

Policy MD2 Sustainable Design, Explanation (extract)

For development affecting the Shropshire Hills AONB, particular regard should be paid to the Shropshire Hills AONB Management Plan and supplementary guidance.

Policy MD7 – General Management of Development in the Countryside (explanation, para 4.66) The changing needs and effects of agricultural and other related enterprises in the countryside are a particular local issue, in particular the impacts of large scale agricultural buildings.

- e. General sustainable design criteria and development management considerations are as relevant to this type of development as other proposals in the countryside and the Plan seeks to balance the needs of the countryside as a working environment with its role as a place to live and enjoy. The policy defines the primary considerations that will be taken into account in considering agricultural development proposals which require planning consent. Additional criteria set out in other relevant policy such as MD2 Sustainable Design and MD12 Natural Environment which, for example, highlights special requirements in the Shropshire Hills AONB, which would also need to be taken into account in considering applications. It should be noted that where appropriate, planning conditions will be attached to a permission to control the quality of the development and to ensure the scheme incorporates appropriate agreed mitigation measures such as coloured external cladding, landscaping and waste management; This development is of concern and should it go ahead it would put in jeopardy the conservation objectives set for meeting River Corve WFD targets and returning the River Teme SSSI to favourable condition.

- f. The following Natural Environment policies apply:

Policy MD12 Natural Environment (Explanation)

4.113 Policy MD12 sets out in detail the level of protection offered to Shropshire’s natural assets. Natural assets include: biodiversity and geological features; trees, woodlands and hedges in both rural and urban settings; the ways in which the above combine and connect to create locally distinctive and valued landscapes, including the Shropshire Hills Area of Outstanding Natural Beauty and the contribution all of the above make to visual amenity;

4.114 Such assets provide ecosystem services including; flood relief; soil retention; climate change mitigation and adaptation; carbon sequestration; interception of airborne pollutants; water filtration; amenity value; health and well-being benefits and opportunities for tourism and recreational activities. These services are essential to a thriving economy;

4.115 Internationally and nationally important sites of wildlife conservation and geological interest as well as legally protected habitats and species will be afforded the highest level of protection in line with the relevant legislation and policy. Great weight will also be given to conserving and enhancing the natural beauty of the Shropshire Hills AONB, having regard to the AONB Management Plan. Development proposals affecting or involving the following will be assessed in accordance with the relevant legislation and national policy; European and nationally designated wildlife sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar and Sites of Special Scientific Interest (SSSIs) and all candidate designations; Major developments in Areas of Outstanding Natural Beauty; Ancient woodland, other

irreplaceable habitats and aged or veteran trees; Pollution – including noise, water, air and light pollution Further details are given in the Natural Environment SPD;

- g. The following policies of the Shropshire Hills AONB Management Plan 2014-19, approved by Shropshire Council, also indicate that this application be refused:
Valuing the AONB in Planning and Decisions - Protection of the AONB. In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan.

Encouraging a Sustainable Land Management Economy - Agricultural development. Farm enterprises need to be in harmony with the environment and not degrade this resource, which also provides an important economic asset for the future.

Design of new agricultural buildings including location, structure and materials should be of a high standard appropriate to the AONB, taking account of the published AONB agricultural buildings design guidance.

http://www.shropshirehillsaonb.co.uk/wpcontent/uploads/2010/10/Agricultural_Buildings_Design_Guide3.pdf

- 4.1.6i Environment Agency: No objection. Environmental Permitting Regulations: The proposed development will accommodate up to 72,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents.

- ii. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. At this stage the applicant has not made a permit application but are aware that they need a permit to operate such a site. The ammonia screening exercise has shown that the development does not have potential to impact any designated habitats from ammonia emissions. For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

- iii. Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

- iv. Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces.

Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

- v. Shed roofs that have roof ventilation extraction fans present, may result in the build-up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via: <http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>
 - vi. Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields. Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations.
 - vii. Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.
- 4.1.7 SC Highways: No objection. No Objection – Subject to the development being undertaken in accordance with the approved details. It is considered that the Transport Statement supporting this development proposal is adequately robust and demonstrates the potential traffic impact of this poultry development on the adjacent public highway. Conditions and informative notes are recommended.
- 4.1.8i. S.C.Ecology: No objection subject to conditions and informative notes. The main farming enterprise is dairy with the farm buildings being located at Elsie Barn Farm. The farming area extends to around 230 acres around Elsie Barn Farm with a further block of land extending to 84 acres at Aston Munslow. This block of land is utilised for arable cropping including growing maize for silage production. It is proposed to erect two poultry rearing buildings on land to the north-east of Aston Munslow. Each shed will house approximately 36,000 pullets which will arrive as day old chicks and reared for 16 weeks when they will be transferred to laying units. There will then be a 4 week turnaround before the next flock enter the buildings. The pullets will be housed on a whole house system, meaning they have full access to the shed floor. The sheds will be heated for the first 3 – 5 weeks while the chicks are small. Following the clean out the manure will be taken straight off the site.

- ii. The point of access has been located to provide the maximum junction visibility along the site road frontage. In this regard visibility has been provided at 2.4m x 121.8m in a north easterly direction based on a traffic 60mph and in accordance with Manual for Streets which is now compliant with Shropshire Council's Design Guidance. Visibility to the south west is provided as 2.4m x 62.7m based on a design speed of 40mph. SC Ecology would seek confirmation from the planning case officer that if hedge removal is required to create visibility splay, then it will be replanted with a mixed, native species hedgerow with the addition of standard trees.
- iii. Consideration needs to be given to the potential impacts of drainage, pollution during and post construction and surface water run-off into the drain along the northern boundary of the site and the watercourse that passes under the access track. Appropriate methods will need to be employed to ensure the hydrology and ecology of the watercourses are not negatively affected by the proposals.
- iv. Great Crested Newts: Seven ponds were identified during the ecological study conducted by Salopian Ecology. All of which lie in excess of 250m from the site. A precautionary method statement has been prepared by the consultant ecologist detailing Reasonable Avoidance Measures (RAMs) to be adopted during works as a failsafe measure for Great Crested Newts. These measures are considered proportional to the level of ecological interests on site and the negligible likelihood of this species being present.
- v. Bats & Trees: A single mature Oak tree upon the south-eastern boundary supports suitable features for roosting bats by virtue of small cavities associated with branch failure and flush cuts from historic tree surgery operations. It is understood that this tree will be unaffected by the proposal. Recommendations have been given to avoid artificial illumination of the boundaries to maintain dark corridors for commuting bats across the site. The boundary features provide suitable opportunities for nesting birds and will be retained as part of the proposal. In the event that vegetation removal is required this should be undertaken, outside of the nesting season. New hedgerow/Tree planting has the opportunity to diversify and add to existing foraging opportunities for a range of species notable nesting birds.
- vi. Designated Sites: There are two Local Sites/Ancient Woodland within 2km of the proposed poultry unit:
 - Childshill Coppice Ancient Woodland so518889
 - Hazeldine Coppice Ancient Replanted Woodland so497866

There are three National Designated Sites within 5km of the proposed poultry unit:

- Marked Ash Meadows
- Woolverton Wood and Alcaston Coppice
- Prince's Rough – 18.3 kg/h/yr – no incombination

Referring to Table 21 within the Natural England Commissioned Report NECR210 (March 2016), as the background level of nitrogen deposition is currently >15 kg N/ha/y the increase of 1.19kg/N/ha/yr is unlikely to further reduce measured species richness

Isopleth have provided a technical report to support this application. In summary:

Site	N kg/ha/yr deposition Baseline	Site Critical Level	PC Conc (µg/m3)	PC % of CL	Site Critical Load	PC N Kg/ha/yr	PC % of CLo
Princes Rough	18.2	3	0.004	0.1	20	0.2	0.12
Wolveton Wood & Alcaston Coppice	30.4	1	0.014	1.4	15	0.11	0.72
Marked Ash Meadow	21	3	0.003	0.1	20	0.01	0.04
Hazeldine Coppices	19.3	1	0.153	15.3	15	1.19	7.98
Childshill Coppice	19.3	1	0.097	9.7	15	0.76	5.05

Summary for impact on designated Sites:

vii. Although this proposal is adding to the deterioration of the Nationally & Locally Designated sites listed above, the proposal is unlikely to have a significant adverse effect, directly, indirectly or cumulatively, on the sites assessed. There will be no loss in site integrity. Mitigation & enhancement measures have been provided in support of this proposal to demonstrate how the application will reduce impact on designated sites:

- Woodland & hedgerow planting (2962-001 REVA.)
- 0.89ha of permanent grassland will be created
- 6m ecological buffer will be created along 283m of the River Corve (this should be fenced so that the planning condition is easily enforceable).

viii. As concluded this proposal will have an effect on designated site, however the existing background levels mean that the small increment of atmospheric ammonia and nitrogen deposition is unlikely to have an impact on site integrity. Mitigation measures have been proposed, and must be conditioned and enforced. Natural England must comment on this proposal prior to a planning decision being made. SC Ecology is unaware of a 'restore' strategy in place at the designated sites which are within 5km of this planning proposal. Conditions and informatives are recommended.

4.1.9 S.C.Drainage: No objection. The drainage proposals in the Flood Risk and Drainage Assessment Report are acceptable in principle.

4.1.10i S.C. Reguatory Services: No objection. An odour assessment has been carried out by AS Modelling and Data Ltd dated 10/10/2017. The assessment concludes that odour can be controlled so as not to cause complaint or significant impact on the amenity of the area. I am in agreement with this and as a result have no objection to the proposal in relation to odour. Odour controls should be left for the environmental permit to regulate which will be issued and regulated by the Environment Agency.

- ii. In relation to noise a noise assessment has been provided by Dynamic Response, reference DYN220217A/1, dated October 2017. The report concludes that combined impacts of HGV movements on site and fan noise could be considered adverse to significantly adverse. As a result I would recommend that the applicant considers relocating noisy activities and plant as far from receptors as is possible e.g. move feed silos and gable end fans to the south side of the site. Should these aspects be provided I would consider it unlikely that noise would cause significant impact on surrounding dwellings. Without changes the current noise assessment suggests that adverse to significantly adverse impacts could occur.
 - iii. As the noise and odour assessments have been based on 76,000 birds on site at any time with a rearing cycle of 20 weeks including clean out time I would recommend that this number of birds is conditioned as a maximum and that this rearing cycle length is conditioned as a minimum to ensure that additional impacts not currently assessed do not occur over time without proper consideration and that these aspects are necessary at the planning stage rather than forming part of the environmental permit.
- 4.1.11i SC Archaeology: No objection. The proposals comprise two poultry sheds and associated infrastructure on land to the northeast Of Aston Munslow, Shropshire. No archaeological features are recorded on the Shropshire Historic Environment Record (HER) within the proposed development site. However the site lies within an area containing prehistoric, Roman, and medieval period remains including Romano-British settlement enclosures (HER PRN 00631 & 33368), and the projected course of a Roman Road (HER PRN 04076) running between Greensforge (Staffs) and Central Wales along the line of A458 to the northwest of the site. In the wider context issues of setting may affect a number of Designated Heritage Assets.
- ii. In view of the above and in accordance with NPPF Section 128 it was recommended at the pre-application enquiry stage (PREAPP/16/00533) that a Heritage Assessment should form part of the Environmental Statement for any subsequent EIA application, to comprise an archaeological desk based assessment and walkover survey of the site to include all heritage assets that may be directly affected by the development and address any issues of setting and visual impact of designated and non-designated heritage assets that may arise. A heritage assessment of the proposal site has been submitted (Mercian Heritage Series 1107, Sept 2017). In respect of the indirect impact of the development on designated and non-designated heritage assets and their settings, the report concludes that there will be no significant impact due to the secluded nature of the proposed study area, the prevailing topography, and the distances involved.
 - iii. In respect of direct impact on known or unknown archaeological remains the assessment concludes the potential for significant buried archaeology is quite low and makes no recommendation for archaeological mitigation. The report does not appear to have consulted the relevant Historic Environment Record (HER) as recommended in section 12 of the National Planning Policy Framework, and therefore does not fully assess the potential direct or indirect impacts of the development on the wider archaeological resource. Whilst the report specifically identifies four known archaeological sites within c.1km of the development site, it neglects to mention a number of equally significant sites within the same area making a much richer grouping of prehistoric to Roman sites. In this respect the submitted Heritage Impact Assessment is deficient in relation to Paragraph 128 of the NPPF. In addition, neither the Heritage Impact Assessment nor the Landscape Visual Assessment by Berrys

includes a Zone of Theoretical Visibility (ZTV), or viewpoints in relation to the Scheduled Monument, Corfham Castle. We do however note that Photograph 14, located in the vicinity of Corfham Castle, indicates the site can be seen from certain locations in this area, but views are fairly distant.

- iv. Notwithstanding these points, in relation to the indirect impact, we would consider that the proposed development will not have any significant impact upon the setting, and therefore the significance, of the Scheduled Monument Corfham Castle, due to limited inter-visibility as a consequence of the intervening topography and distance. We would therefore concur with the Heritage Impact Assessment's findings in this respect. The Conservation Officer will however provide further comments in relation to the impact of the development on Listed Buildings and Conservation Areas. In respect of potential archaeological remains within the development site, we would maintain there is a low, but untested, potential for prehistoric to Roman remains, based on the known HER records of cropmark enclosures (HER PRN 00631 & 33368) in the vicinity of the development site.
- v. Therefore, in view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise a watching brief during any ground works associated with the proposed development. (An appropriate condition has been included in Appendix 1)

4.1.12i SC Conservation No objection. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD13 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

- ii. The site lies more or less equidistant between the Corvedale villages of Munslow and Aston Munslow. Both settlements possess compact conservation areas and contain numerous listed buildings and non-designated heritage assets that consist of dwellings, public houses and farmsteads, some of which are located in clusters within the valley. Being an open valley, the topography is undulating with ridges, but is generally flat, therefore affording longer range views to and from the site from many different directions, especially from the west and south. The site just lies outside of the Shropshire Hills AONB. In accordance with paragraph 128 of the NPPF and policy MD13 of SAMDev, a Heritage Impact Assessment by Richard K Morriss has been submitted as part of this EIA application which is noted, along with a LVIA by Berrys. The LVIA contains a photographic overview of the site from the various nearby settlements of Munslow and Aston Munslow along with views from an adjacent public right of way. Some aspects of the site are not visible from some locations such as within the villages of Munslow and Aston Munslow, but it is considered that the site shall be visible from longer-range views along the public right of way, especially from the south and west, where the section drawings demonstrate how the site would look from these vantage points.
- iii. Conclusion/Recommendation: Whilst the HIA and LVIA state that the proposal concludes that there will be 'no impact', it is considered that the proposal constitutes

'less than substantial harm' (on the lesser end of the spectrum), as defined under paragraph 134 of the NPPF. Whilst the impact on the relevant designated and non-designated heritage assets is somewhat limited, along with the fact that the topography of the site would result in overall limited harm (if the proposed mitigating measures are in place, including cutting into the site and the provision of bunds as demonstrated in the submitted section drawings), the scale of the proposal shall inevitably result in some impact, especially with regards to the general rural hinterland and setting surrounding the site, where some of the roofscape may be visible from incidental views. The proposal therefore needs to be balanced in terms of the potential harm that may be caused to adjacent heritage assets as well as the general rural character of the area, against any potential public benefits. There is also concern with regards to traffic movements and the potential impact that this may have on existing historic buildings around the site, where many such buildings have a building line that aligns directly onto the highway. Therefore increased traffic movements may have adverse impacts upon the structural integrity on some of these buildings, where this should be bared in mind. Conditions are recommended.

- 4.1.13i. SC Trees: No objections subject to the appropriate protection and enhancement of natural environment features (Trees & Hedgerows) in accordance with National and Local policies and guidance. There is a mature veteran oak at the eastern corner of the site it is clear that the extensive excavations will impact upon this prominent landscape feature. Such trees are identified as irreplaceable in local and national policies & guidance as long standing elements of habitat corridors and stepping stones in agricultural landscapes otherwise denuded of mature tree cover. The applicant needs to provide evidence that this application will not have a detrimental impact upon this veteran tree or that the social and economic benefits of the development justify the impacts upon the tree. In which case appropriate mitigation of those impacts would be necessary through the provision of a tree protection plan. We consider that the most appropriate measure would be to move the proposed layout to the NW leaving a larger buffer between the veteran oak tree and the development activities.
- ii. From the plans submitted it appears likely that sections of hedgerow will be removed to provide visibility splays at the site entrance. We therefore recommend the need for landscape mitigation to include provisions for the replacement planting of native species hedgerows along the boundaries' of the visibility splay and new access road to compensate for any losses. The applicant has indicated areas of tree planting for landscape mitigation, in principle these appear sufficient but a higher level of detail and a clear statement of intent that the planting will succeed should be required through planning conditions.
- iii. In considering the proposal where applicable due regard has been given to the following local and national policies and guidance, including policies CS6 (4.81, 4.83 4.86) 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD2 (1, 2i & 2iv, 5i, 3.8,3.11, 3.12, 3.14) & MD12 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012. Sections 7, 9, 58, 61,64 115 & 118 and: British Standards: BS5837:2012 Trees in relation to demolition design and construction: recommendations, BS 8545:2014 Trees: From nursery to independence in the landscape ' recommendations. BS 4428:1989, Code of practice for general landscape operations' (Excluding hard surfaces). UK Gov. Guidance - Ancient woodland and veteran trees: protecting them from development. Conditions are recommended.

4.2 Public representations:

4.2.1 The application has been advertised in accordance with relevant provisions. 61 representations have been received of which 57 are objecting, 3 are neutral and one is in support. The objections can be viewed online and are summarised as follows:

4.2.4 Objector comments:

- Pollution: Concerns about pollution including ammonia emissions and health consequences. Concerns about noise, odour and light pollution. How will these be controlled? Continuous operation. Section 12.8 para 1 of the EIA states "The noise impact assessment demonstrates that the predicted/calculated daytime and night-time rating noise levels could result in an 'adverse' to 'significant adverse impact' at the nearest existing residential dwelling/noise sensitive receptor to the west if BS 4142:2014 is considered." We are extremely concerned about the potential impact on the village amenity in general and specifically in respect of the impact on air quality and water pollution. Strange that the ventilation was planned for the road end of each building, rather than the valley end. As the ventilation fans would be dispersing the odour and dust away from the building, why not direct this further away from other properties, rather than seemingly closer to them?;
- Concern about the potential for future expansion including possible dwelling;
- Greenfield site detached from existing farm buildings. 'Industrial development' in the countryside;
- Impact on AONB, including landscape and tranquillity. Visibility of the proposed access. Questioning conclusions of applicant's visual appraisal. The buildings of this development will be visible from much of the higher ground in the Corvedale and inevitably spoil its natural beauty. The Corvedale is right on the edge of an AONB;
- Potential adverse effects on tourism and local economy. I fear the poultry unit could discourage people from visiting my business and other similar businesses in the future. The tourist industry brings trade to the area and should be encouraged;
- Concern about road safety from additional HGV movements. B4368 has a history of accidents. The road is fast and narrow;
- Pollution. Concern about manure spreading (odour, pollution, traffic);
- Positive benefits to a single family and to national food security are out-weighed by the negative impact on many others. Inappropriate expansion, in the wrong location, in an area that is internationally famous and valued for its unspoilt beauty. No benefit to the local community.
- Other. Would all or just some of access track be finished in tarmac / concrete? Not clear. No reassurance is provided on measures to secure the effectiveness of landscape planting. There are pheasants in the fields that are part of a flock of 20,000 pheasant chicks on the nearby estate. If Bird Flu got to the farm it would be an uncontrollable ecological disaster. If it is true that the sheds' proposed site is because Mr Povall does not want to lose space on his commercial campsite, then I think this looks rather selfish and irresponsible. He will surely upset hundreds of people in the immediate vicinity, spoil a beautiful landscape and possibly increase

traffic hazard. If the applicant already has an existing farm with dwellings in another local village surely it would make more sense to build this on land there where the farming infrastructure is already in place. If the planned pullet rearing operation turned out to be successful, the project could well be developed much further in the future by the owner, with the resulting increases in noise, odour, traffic and other nuisances. Conversely, if unsuccessful as a pullet rearing site, it is quite likely the owner might wish to switch it over to becoming a 'broiler' site i.e. one which actually farms chickens for meat. In such an instance, the likely levels of both odour / dust and HGV traffic emanating from the site are also likely to increase, potentially significantly. The arrangement to have ventilation on the gable end of the buildings is unusual. In his opinion, it would normally be on the side of the buildings, or in the roof. The plans do not seem to include any provision for accommodation. My contact considered such an operation as likely to need someone on site virtually 24 hours a day.

4.2.5 Neutral comments: Rather than decry changes in agriculture we must encourage farmers and landowners to farm responsibly. Living in a rural community we should not be just critical neighbours but supportive of the people that farm and maintain the countryside that we value. Tourism and leisure pursuits are important to rural life but they are not as essential to our everyday existence, as agriculture and the production of our food. Would consideration be given to having one 30 mph speed limit linking both villages, removing the opportunity to accelerate at a point where vehicles will be turning in/out of the property? Also, that notices warning of turning vehicles, be displayed. What re-assurance can be given that 76,000 will be the maximum number of birds permitted?

4.2.6 CPRE: Objection on the following grounds:

- i. Setting and landscape: Greenfield site close to AONB and visible from elevated land within the AONB. Munslow and Aston Munslow are both conservation areas and are noted for their considerable number of listed buildings. There are two pubs, both listed and a number of B&Bs. All of these tourist destinations are well publicised and are important to the local tourism economy.
- ii. AONB: This application is on a greenfield site and not related to the rest of the applicant's agricultural operation. Poultry Units are intrusive in the landscape, not only in their design but also in the activity associated with their operation. This includes farm and large vehicles accessing the site, storage and subsequent spreading of manure and the associated odour and potential leaching of the water course which feed into the Corve. All of these issues affect the AONB.
- iii. Cumulative Impact: There are a growing number of Large Poultry Farms in the South Shropshire Hills. There have been 21 successful applications for the erection of broiler sheds in Shropshire which have resulted in 3,852,296 poultry places which produce an extra 26.97 million birds a year from these units alone. The extra production is resulting in environmental impacts particularly as a result of manure spreading. Poultry manure has twice as much nitrogen as cattle farmyard manure and three times the level of phosphate. This has potential risks for leaching into the water courses and leading to nutrient overload in the Corve which is already failing to meet statutory Water Framework Directive targets.
- iv. Traffic and tranquillity: The 84368 road has a long history of accidents between the Corvedale villages. After a lot of campaigning and 5 fatal accidents, speed limits have been put within the village boundaries. The access to the site is just outside the speed limit for Aston Munslow and traffic speeds up along this section. The agent's report is

vague about where on the applicant's land the poultry waste would be spread but as he owns only a small parcel of land south of the road it could be inferred that the waste would either cross the road to his land north of the road or travel the three miles through Aston Munslow, Diddlebury and Corfton to his main farm holding. During the summer and at weekends: there is a stream of traffic along this road which includes motor cycles and bicycles.

- v. Employment and Tourism: The Corvedale is a farmed landscape and this landscape has changed over the centuries with changes in agricultural and forestry practices. With the advent of the motor car visitors to the area have increased and the road network has been adapted. Now, South Shropshire has become a major tourist destination, both for days out from the West Midlands Conurbation and for weekend breaks and holidays. The number of B&B, self-catering and hotel beds has increased and employment associated with tourism has in some areas generated more jobs than in farming. The AONB has been successfully promoting sustainable tourism and locally produced food. It is our landscape, our beautiful towns and villages and network of walks and rides which attract people to the area and which promote jobs in tourist accommodation.

4.2.8 Chair of Grow Cook Learn (operators of The Discovery Centre): Objection. We depend on the visitor economy to provide the employment and services we do. Concern about impact of creeping industrialisation on the beautiful farming valley of Corvedale. This is not farming. The proposed siting directly affects the view of and from Wenlock Edge within the AONB from existing rights of way as accepted in the application. The applicant states that chicken manure will be spread on surrounding fields. This manure contains significantly more nitrogen and phosphates than cattle manure and will worsen existing water quality issues in the River Corve. The applicant's LVIA significantly understated the impact of the development on the character of this rural area.

4.2.9 Lloyds Animal Feeds support of the proposals with the following statement:
Shropshire is a county with a strong agricultural heritage, it is important that farmers are given the opportunity to diversify and adapt to meet the ever changing consumer requirements. We have been at the sharp end of the downturn in the sectors of agriculture such as dairy, beef and sheep. Diversification of farming enterprises in Shropshire, in growth sectors, with farmers making long term investments, is good news for our business in securing jobs in our feed mill and employment with the associated transport and farming network in and around the border counties. Planning applications such as this one, which bring employment to rural communities, secure the jobs of people within the supply businesses and contribute to the local community, deserve our support. For this reason we respectfully request Shropshire council support this application.

5.0 THE MAIN ISSUES

- Policy context;
- Justification for the development and choice of site;
- Environmental effects of the development (odour, noise, traffic, drainage, pollution, visual impact, heritage and ecology);

6.0 OFFICER APPRAISAL

6.1 Policy context:

- 6.1.1 Development should be in accordance with the Development Plan unless material factors indicate otherwise. The development plan for the site comprises the Shropshire Core Strategy and the SAMDev Plan as informed by the National Planning Policy Framework (NPPF).
- 6.1.2 National Policy: The NPPF advises that the purpose of the planning system is to contribute to achieving sustainable development and establishes a presumption in favour of sustainable development. This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth. There are three dimensions to sustainable development: an economic role, a social role and an environmental role. Significant weight should be placed on the need to support economic growth and productivity (NPPF para 80) and ‘should enable the sustainable growth and expansion of all types of business in rural areas’ including ‘the development and diversification of agricultural and other land-based rural businesses’ (para 83). Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (para 84)
- 6.1.3 The poultry site is located 125m south of the Shropshire Hills AONB with the proposed access being situated 10m south of the AONB which is defined by the edge of the B4368 in this locality. Great weight should be given to conserving and enhancing landscape and scenic beauty of the AONB, which has the highest status of protection. Within the AONB planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest (NPPF para 172). The NPPF applies 3 tests to determine whether exceptional circumstances apply, summarised as follows:
1. Need for the development and economic implications;
 2. Cost and scope for developing it outside of the AONB, and
 3. The extent to which any detrimental land use effects can be moderated.
- 6.1.4 The application is ‘major development’ as it relates to a Schedule 1 EIA proposal and given the area of the proposed buildings @ 4000m². Whilst the site is not located ‘within’ the AONB and so there is no formal requirement to apply the above tests, great weight must still be given to conserving and enhancing the AONB. It is nonetheless considered appropriate to have regard to the AONB tests given the proximity of the AONB boundary and the potential for the proposals to impact to the setting of the AONB.

Development Plan Policy

- 6.1.8 Core Strategy: Policy CS1 of the Core Strategy sets out in general terms that Shropshire will support investment and new development and that in the rural areas outside of settlements this will primarily be for “economic diversification”. Policy CS5 (Countryside and Green Belt) supports agricultural development, provided the sustainability of rural communities is improved by bringing local economic and community benefits. Proposals should however be “on appropriate sites which maintain and enhance countryside vitality and character” and have “no unacceptable adverse

environmental impact”. The policy recognises that “the countryside is a ‘living-working’ environment which requires support to maintain or enhance sustainability”. Paragraph 4.74 states that: “Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural ...related development, including ... poultry units ... can have significant impacts and will not be appropriate in all rural locations.”

6.1.9 It is considered that the proposed development would be capable of conforming in principle with CS1 and CS5 because:

- Its primary purpose is economic diversification;
- It will provide local employment and associated economic benefits for local communities;
- It assists in achieving the aim of local food production and also food traceability and security, reducing the UK’s reliance on imported food sources including poultry;
- It has the potential to enhance the vitality and character of the living working countryside by sustaining a local farming business and bringing local economic benefits.
- The applicant advises that the environmental reports accompanying the application demonstrate that the proposals have no unacceptable impact on the environment. This is supported by the general lack of objection from technical consultees.

It is necessary however to demonstrate that any benefits would not be outweighed by negative effects. The environmental issues raised by the proposals are considered in succeeding sections.

6.1.10 The proposal incorporates sustainable design measures in accordance with Policy CS6 including considerations including:

- Sustainable drainage, water and energy efficiency systems;
- Sustainable construction methods (modern poultry shed design).
- The site is accessible via an upgrade to an established access point on the B4368.

6.1.11 Policy CS13 states that “Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth ... In so doing, particular emphasis will be placed on ... supporting the development and growth of Shropshire’s key business sectors ... particularly food and drink production ... [and] ... in the rural areas, recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification...., food and drink processing, and promotion of local food and supply chains”. The proposal accords with this Policy as it delivers economic growth within the rural economy and within the food and drink industry, which is one of Shropshire’s key business sectors.

6.1.12 Shropshire Hills AONB Management Plan: The site is located outside the AONB but the access adjoins the AONB boundary. The AONB Management Plan sets out the following priorities which are relevant to the proposed development:

- Valuing the AONB in Planning and Decisions - Protection of the AONB: In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan.
- Encouraging of Sustainable Land Management Economy - Agricultural development: Farm enterprises need to be in harmony with the environment and not degrade this resource, which also provides an important economic asset for the future.
- Design of new agricultural buildings including location, structure and materials should be of a high standard appropriate to the AONB, taking account of the published AONB agricultural buildings design guidance.

6.2 Reasons for site location

6.2.1 Objectors have questioned why the proposed poultry unit could not be located next to the applicant's farm buildings at Elsie Barn Farm. The applicant has put forward the following reasons for choice of the current site:

6.2.2 Biosecurity: There is a need to keep the poultry and buildings separate for biosecurity reasons. Although cattle and poultry are not prone to the same diseases they can be transmitted both by the livestock themselves, people that come into contact with them and by vehicles entering and leaving the farm. In addition milk or fresh meat sales/transport for human consumption can be restricted during outbreaks of certain diseases including foot and mouth and avian influenza. Risks are increased if the poultry buildings are located on the same site as the dairy buildings. An outbreak of avian influenza would temporarily prevent any milk being collected from the farm until a licence has been put in place and full disinfection has taken place inside and outside.

6.2.2 Also there is an existing poultry unit at Corfton Farm which is only around 500 metres to the east of Elsie Barn Farm buildings. This is considered to be too close in terms of biosecurity to locate the rearing units on land at Elsie Barn Farm. Poultry units need to operate on a single cycle basis so there are not different ages of birds on site being collected at different times. Split cycles pose a greater risk in terms of biosecurity and spreading of diseases.

6.2.3 Dairy management: The land around the buildings at Elsie Barn Farm is primarily utilised for grazing the cows and silage making. The lactating cows need to be kept relatively close to the dairy buildings so they can be walked in to the parlour for milking twice daily when turned out during the summer months. This is a further reason why it is not suitable to locate the poultry buildings at Elsie Barn Farm.

6.2.4 Environmental constraints: Elsie Barn Farm is within the Shropshire Hills AONB and Seifton Batch to the west of the holding is designated as a Local Wildlife Site. A bridleway runs from the B4368, past the farm and up to Diddlebury Common. Much of the land surrounding Elsie Barn Farm slopes steeply so would not be suitable for poultry buildings and would be difficult to screen. This site has been chosen as it is away from the dairy buildings and the Corfton Farm poultry unit for biosecurity reasons and is well screened due to the topography of the site and existing landscape features. It is also outside the AONB and further from any designated Local Wildlife sites which are taken into account with regard to ammonia deposition.

- 6.2.5 Tourism: Objectors have suggested that a principal reason for not locating the poultry unit at Elsie Barn Farm was due to the presence of the applicant's nearby campsite. However, the applicant advises that this was not one of the main reasons for locating the poultry buildings away from Elsie Barn Farm. The edge of the campsite is only around 320 metres from the Corfton poultry site and this site has had no impact on the operation or success of the campsite. As such, the applicant does not anticipate any impact at the distance between the proposed site and the closest tourism business.
- 6.2.6 It is considered that the above considerations provide an appropriate justification for the applicant's choice of site and that this would also meet the 'alternatives' test set by NPPF paragraph 172 as any alternatives available to the applicant are not feasible and would be located within the AONB. However, it is still necessary to determine whether the proposals can be accepted in environmental terms.
- 6.3 Environmental implications of the proposals
- 6.3.1 Transport: Policy CS7 requires sustainable patterns of communications and transport. Objectors have expressed concern that the proposals would have an adverse road safety impact and that the B4367 is a fast road with an accident record.
- 6.3.2 A highways assessment indicates that the increase in vehicle movements would not be significant, with crop clearance being only 6 movements per week, 2 traffic movements per week for feed and 28 movements at the end of the crop of two days for the removal of the manure. This assumes a worst case scenario which includes all tractors and trailers manure movements during the day. The manure would be dispersed locally to nearby farms and land owned by the applicant. The proposed access would allow simultaneous entry and exit of all vehicles attracted to the site and the junction visibility accords with the current guidance. The existing field accesses along the site road frontage would be stopped up in favour of the new access. The assessment concludes that the proposals would be suitably accommodated on the existing road network and will not have a significant impact.
- 6.3.3 The NPPF requires that for an application to be refused on highway grounds the residual impacts after mitigation must be severe. SC Highway have not objected subject to recommended conditions and are satisfied with the junction plans, visibility splays and levels of proposed traffic. It is not considered that a refusal on highway grounds would be justified on this basis.
- 6.3.4 Noise: Core Strategy Policy CS8 seeks to maintain and enhance existing facilities, services and amenities and to contribute to the quality of life of residents and visitors. Poultry units have the ability to create a noise impact upon local residences due to fan noise, feed deliveries, vehicle movements on site and during removal of birds.
- 6.3.5 The application is accompanied by a noise assessment. The sound climate around the site consists of road traffic noise from the B4368 and natural sounds such as birdsong. Existing agricultural activities are also a noise source. This finds that the proposed development will generate some noise, however, given the nature of the noise, the separation distances between potential receptors and the mitigation measures that will be implemented it is not anticipated that this will represent a nuisance to local residents or amenity users. There will be no significant impact as a result of noise generated by the proposed development.

- 6.3.6 Regulatory Services have recommended that the gable end fans and feed bins are moved to the southern end of the site in order to further reduce the possibility of noise disturbance at the nearest private residents. The applicant has amended the layout plan to address this and has updated the original noise calculations. This confirms that any noise emissions would fall well within recommended World Health Organisation limits and would not be an issue at the nearest receptor properties. Regulatory Services have no objections on the basis of this amendment. To provide additional reassurance are recommending an amenity complaints condition. This sets out a formal procedure for handling any complaints if these are subsequently received and validated by the planning authority.
- 6.3.7 Odour: There may be smells when the manure is being removed from the building although this would be for short periods of time only. An odour assessment submitted with the application assess odour at the nearest sensitive receptor properties not associated with the farm. This concludes that no significant impacts are likely given the location of the proposals and the range of internal controls and mitigation measures to be applied. Public Protection and the Environment Agency have not objected. Odour emissions within the site would be subject to detailed controls under the Environment Agency's permitting system. It is considered that the proposals can be accepted in principle in relation to odour issues subject to the amenity complaints procedure condition recommended above.
- 6.3.8 Dust: Internally, a dust laden atmosphere must be prevented for health reasons. The contained nature of the operation precludes the emission of significant amounts of dust particles to the atmosphere.
- 6.3.9 Public Health: The operation of the site would be subject to the rigorous controls of the Environment Agency's IPPC permitting regime. Under the Permit the site is required to operate to Best Available Techniques with conditions to ensure operations are pollution free. As such the proposals are specifically designed to minimise ammonia emissions to air and very stringent biosecurity measures also apply. The Environment Agency and Public Protection have not objected.
- 6.3.10 Drainage: Core Strategy Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. A detailed Flood Risk Assessment and Surface Water Management Strategy for the proposed development has been provided. The site is within flood zone 1 and so is outside any flood plain.
- 6.3.11 It is proposed to maintain the existing surface water run-off from the site in accordance with the Technical Guidance to the National Planning Policy Framework (NPPF) and good practices. The surface water from the proposed development buildings will be collected in a mix of open and stone filled trenches and a piped system and will discharge to the existing ditch course at Greenfield rates of surface water run-off. The result of the flood risk assessment/drainage report shows that the site is not within a flood zone, where there is little likelihood of flooding either on the site as a result of development or to any land downstream or elsewhere. A suitable means of dirty water drainage disposal from the proposed development is proposed. The Council's Drainage section has not objected subject to implementation of the proposed drainage measures.
- 6.3.12 Ecology: Policy CS17 states that "development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of

natural and historic resources, and should not adversely affect visual, ecological, heritage or recreational assets. An Ecological Assessment concludes that there will be no impacts of significance on habitats or protected species and no significant loss of habitat as a result of the development during the construction, operational or decommissioning phase. The assessment concludes that there will be no damage to, or loss of habitat for protected species and that there are no ecological constraints to the development as planned. No trees on or outside the development site would be impacted.

6.3.13 Ecology – ammonia: An ammonia emissions impact assessment assesses the effect of ammonia emissions on the nearest Nationally Designated sites and concludes that the proposal is unlikely to have a significant adverse effect, directly, indirectly or cumulatively on the integrity of these sites. Impacts at two ancient woodlands (Hazeldine Coppices and Childshill Coppice) should be mitigated. An appropriate net reduction of 2.265tpa Nitrogen will be achieved through the use of the (currently arable) 2 hectare site for poultry rearing together with manure management techniques to reduce fertilizer application. In detail, the following mitigation and enhancement measures have been provided in support of the proposal and a condition securing delivery of these measures has been recommended:

- Woodland & hedgerow planting (Plan 2962-001 REVA.);
- 0.89ha of permanent grassland will be created;
- A 6m fenced ecological buffer will be created along 283m of the River Corve.

6.3.14 The council's ecology section and Natural England have not objected. SC Ecology conclude that whilst the proposal will have some effect on designated sites the small increment of atmospheric ammonia and nitrogen deposition from this site is unlikely to have an impact on site integrity.

6.3.15 Objectors have challenged the Council's ecology sections conclusions on ammonia emissions. In summary that are concerned that SC Ecology are underplaying the contribution of the site to background ammonia / nitrate levels and that the Council is under a duty to conserve and enhance biodiversity. An objector has analysed the applicants Ammonia Mitigation Strategy and concludes that it has serious shortcomings and the facility would not be Nitrogen neutral, as required by GN2.

6.3.16 The SC ecologist has responded to these concerns including by citing a Natural England publication supporting the Council's approach <http://publications.naturalengland.org.uk/publication/5354697970941952> and by confirming that the Council has adopted a far more conservative approach in assessing air pollution impacts from intensive livestock units than that which is advocated in current Environment Agency guidance. (<https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>),

6.3.17 In summary, the Council's ecologist and Natural England have not objected. Comprehensive ammonia / nitrate mitigation measures are being proposed and would be secured by condition. The proposals would not affect protected species or habitats and landscaping measures would result in significant habitat gains relative to the current situation. It is considered therefore that the proposals comply with Core Strategy Policy CS17 and SAMDev Policy MD12 and relevant national guidance.

- 6.3.18 Landscape and Visual impact: The site is located just south of the AONB where the NPPF requires that 'great weight' shall be placed on protecting landscape character / quality. A landscape and visual appraisal concludes that the potential impacts of the development on the landscape and visual amenity would be minor. The landscape is capable of accommodating the development and the site is well screened by existing landscape features including hedges and woodland plantation, as well as the topography of the surrounding area. Visual impact will be further limited by setting the buildings into the slope, creation of a bund and tree planting. Overall, the landscape and visual assessment concludes that the proposed poultry installation will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity.
- 6.3.19 Objectors including Munslow Parish Council and the AONB Partnership have challenged this conclusion. They consider that the effects of the development have been underplayed and that the proposed site is more widely visible and would have an adverse effect on local landscape and visual amenities, including within the AONB.
- 6.3.20 In view of these concerns the officer has procured advice from the Council's landscape consultant, ESP. ESP identified some concerns in relation to the methodology and conclusions of LVIA prepared by the agent. In response to this the applicant has commissioned an entirely new LVIA by a separate consultant. This concludes that the proposed development will have no significant effects on any of the landscape elements, landscape character or landscape designations (including the Shropshire Hills AONB) assessed and will have no significant effects on any of the visual receptors assessed.
- 6.3.21 ESP has reviewed this and concludes that the methodology and study area are appropriate as is the description of the landscape baseline. A zone of theoretical visibility plan has been produced and the identification of landscape and visual receptors appears comprehensive. A number of specific concerns were raised by ESP in their December 2017 review. ESP is satisfied that the findings of the LVIA submitted are reliable given the inclusion of a robust methodology and consistent and evidence based application of that methodology.
- 6.3.22 ESP recommends that consideration should be given to the effects that the proposed earthworks will have on the existing hedgerow, shelterbelt and mature oak tree on the north eastern boundary of the site, and if adverse effects are identified, include details of a revised design to eliminate the risk of harm, or if that cannot be avoided, protection and/or mitigation measures. They also recommend that in the event of planning permission being granted, conditions be imposed relating to submission of details for and implementation and management of landscape proposals. Account has been taken of these recommendations in the conditions set out in Appendix 1.
- 6.2.23 In conclusion, a comprehensive assessment of landscape and visual impact has now been undertaken by a specialist landscape consultant in accordance with relevant Landscape Institute methodology. This has been assessed by the Council's landscape consultant who is satisfied with the methodology and conclusions. Some recommendations have been made by the Council's consultant relating to the need for greater clarity on the effect of the proposals on some existing vegetation and landscape features surrounding the site. These have been taken into account in the conditions set out in Appendix 1. It is accepted that some local views towards the site would be afforded. However, the site would be set down well below the existing ground

level relative to levels within the AONB to the west and would not be widely visible given the low-profile nature of the development. The proposed landscape planting around the site would provide further effective visual containment as this becomes established. Any views from Wenlock Edge would be at a distance of at least 3-4km and would be screened by the proposed planted screen bund on the site's south-east margin.

- 6.3.24 It is considered that the applicant has now demonstrated that the proposals would not give rise to any significant adverse effects on visual amenities within and adjoining the AONB. The officer concludes that any residual effects are capable of being mitigated by the proposed landscaping measures, as supported by the recommended planning conditions. Any limited residual effects on landscape and visual amenities before landscape planting is fully established would be localised and would need to be viewed in the context of the significant policy support for rural businesses and diversification. (Core Strategy Policy CS17, SAMDev Policy MD12).
- 6.3.25 Heritage: A Heritage Impact Assessment has been carried out. This concludes that the proposed development site is relatively well screened and separated from any known designated or non-designation heritage assets. There are no known buried archaeological remains of any significance within the development site. It has been concluded that the potential for significant buried archaeology is low. The assessment considers that the proposals would have no impact on the character, setting or significance of any designated or non-designated heritage assets within, or adjacent to the proposed development site.
- 6.3.26 The Council's historic environment team has not objected and has generally endorsed these conclusions subject to an archaeological investigation condition. The conservation officer advises that any residual effects (before landscape mitigation) would be at the lower end of 'less than substantial harm'. The officer is satisfied that any such minor effects would be outweighed by the policy support for diversification of rural businesses, having regard also to the comprehensive landscaping proposals. (Core Strategy Policy CS17, SAMDEV policy MD13)
- 6.3.27 Manure management: The farm holding is partly located within a Nitrate Vulnerable Zone (NVZ) where additional restrictions on manure and fertilizer application apply. Poultry manure is however beneficial for soil structure and reduces the need for artificial fertilisers. The spreading of chicken manure on the farmland controlled by the applicant would continue to follow best practice methods to reduce the potential for ammonia impact on any receiving watercourse. An outline manure management plan has been submitted and a detailed plan would form part of the applicant's environmental permit. Sufficient land is available to the applicant to spread the manure which would be generated by the poultry operation and to retain an additional 'offset' area where no manure is spread to compensate for ammonia emissions from the poultry scheme. It is considered that manure spreading operations can be controlled within acceptable limits provided the proposed management measures continue to apply.
- 6.3.28 Conclusion on environmental acceptability: Available information including the advice of technical consultees indicates that the proposals would not result in any unacceptably adverse effects on the AONB environment or local amenities once available mitigation measures and the recommended conditions and legal agreement have been taken into account.

6.4 Precedent for expansion

- 6.4.1 Objectors have expressed concern that the proposals could lead to further expansion and cumulative impact. There is no indication at this stage that the proposed pullet rearing use would be subject to further expansion and were any such proposals to come forward subsequently they would be judged on their merits at that stage. However, it should be noted that the proposed development has been designed to be well contained within an engineered depression with comprehensive planting surrounding it. As such, the geography of the site would not lend itself well to any further expansion.
- 6.4.2 A pre-application inquiry for the site in 2016 also proposed a site manager's dwelling. This does not form part of the current proposal and any such proposal would be considered on its merits. Given the restrictions on residential development in the countryside there can be no guarantee at this stage that any such proposal would succeed. The applicant was made aware of this at the pre-application stage and has proceeded with the current proposals.

7. CONCLUSION

- 7.1 The proposals are put forward to enable diversification of the applicant's agricultural enterprise given the volatility of the main business of dairy farming. The justification for placing the site in this location can be accepted in principle as the only other land available to the applicant is less suitable, being located in potentially more visible location within the AONB and close to the applicant's dairy activities, thereby raising biosecurity and operational issues.
- 7.2 The individual impacts raised by the proposals have been assessed by the applicant's EIA and in a comprehensive planning consultation process. Objections have been received from the parish council, the CPRE and 57 local residents. However, there have been no objections from technical consultees. This includes with respect to ecology, highways, public protection, conservation / heritage, drainage and water resources. Detailed site operations would also be subject to strict controls under the environmental permitting system administered by the Environment Agency.
- 7.3 The Council's ecologist is satisfied that the proposals would not lead to any material deterioration of quality for any nearby designated sites. The nearest SSSI is located over 3.7km to the west. The proposals incorporate mitigation measures to minimise the effects of any ammonia emissions. This includes a reduction in application of fertilizer to local fields (including within the 2ha site area) and significant planting proposals. These measures can be secured by condition.
- 7.4 The applicant has commissioned a new landscape and visual impact assessment (LVIA) following criticism of the original LVIA accompanying the environmental statement. This has been studied in detail by the Council's landscape consultant who is satisfied by the content, methodology and conclusions of the new LVIA which advises that there would be no unacceptably adverse impacts on landscape or local visual amenities.
- 7.5 Whilst the site is not located outside (on the margin of) the AONB it is concluded that the proposals would nonetheless meet the tests for major development within the

AONB set by Paragraph 172 of the NPPF. This is on the basis that 1) the need and justification for location of the site can be accepted and no more acceptable alternatives are available to the applicant; 2) no unacceptably adverse environmental effects have been identified after mitigation and 3) given the policy support for local food production and agricultural diversification.

7.6 In conclusion, the scheme would deliver significant benefits in terms of supporting rural food production - a key Shropshire industry (Core Strategy Policy CS13) and the strong national demand for home-produced eggs. In so doing it would also support the vitality of local agriculture and hence the rural community (Core Strategy Policy CS5). The concerns of objectors are fully acknowledged. However, it is considered that the information submitted by the applicant and the advice of technical consultees indicates that the proposals would not give rise to any unacceptably adverse environmental effects once proposed mitigation and relevant planning and permitting controls are taken into account. Therefore, the officer considers that the benefits of the proposals are sufficient to demonstrably outweigh any negative effects. As such the proposals are considered to be in the public interest on balance and accordingly the tests set by NPPF paragraph 172 are considered to be met. By implication, the scheme is considered to be sustainable and compliant with the development plan overall, subject to the recommended conditions and legal agreement.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

Risk Management

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

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

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

Human Rights

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

Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. BACKGROUND

RELEVANT PLANNING POLICIES

Central Government Guidance:

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

10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

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

- 2. Achieving sustainable development;
- 6. Building a strong, competitive economy;
- 8. Promoting healthy and safe communities;
- 9. Promoting sustainable transport;
- 8. Promoting healthy communities;
- 12. Achieving well-designed places;
- 14. Meeting the challenge of climate change, flooding and coastal change;
- 15. Conserving and enhancing the natural environment;
- 16. Conserving and enhancing the historic environment;

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy sets out strategic objectives including amongst other matters:

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

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

- CS5: Countryside and Green Belt;
- CS6: Sustainable Design and Development Principles;
- CS7: Communications and Transport;
- CS8: Facilities, services and infrastructure provision
- CS13: Economic Development, Enterprise and Employment;
- CS17: Environmental Networks.

10.4.1 Site Management and Allocation of Development Document (SAMDEV)

Relevant policies include:

- MD2 – Sustainable Design;
- MD7b– General Management of Development in the Countryside;
- MD8 – Infrastructure Provision;
- MD12: The Natural Environment;
- MD13: The Historic Environment.

10.4.2 Shropshire Hills AONB Management Plan. Referred to in Section 6 above.

11. RELEVANT PLANNING HISTORY:

- PREAPP/16/00533 Erection of two poultry sheds, with associated infrastructure and site managers dwelling PREAIP 28th February 2017
- 17/05026/EIA Erection of two poultry sheds with office/wash facilities; 4 feed silos; creation of vehicular access with visibility splays, estate road and yard; formation of screening bunds PDE.

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OXXGWLTDH7K00>

List of Background Papers : Planning Application PREAPP/16/00533 and supporting documents and plans.
Cabinet Member (Portfolio Holder): Cllr Robert Macey
Local Member: Cllr. Cecilia Motley

APPENDIX 1

Conditions

DEFINITION OF THE PERMISSION

- 1a. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.
- b. Not less than 7 days advanced notice shall be given in writing to the Local Planning Authority of the intended date for the commencement of operations under the terms of this permission. Such date shall be referred to as 'the Commencement Date'.

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

2. The development shall be carried out strictly in accordance with the application form dated 16th October 2017 and the following approved documents and plans:

Approved Documents:

- Environmental Statement by Berrys;
- Appendix 2: Topographical Survey
- Appendix 3: EA Ammonia Screening
- Appendix 4: LVIA by Lingard Farrow Styles (Feb 2018 - updated)
- Appendix 5: Heritage Impact Assessment and Geophysical Survey
- Appendix 6: Highways Assessment
- Appendix 7: Amenity Risk Assessment Tables
- Appendix 8: Ecological Assessment
- Appendix 9: Noise Assessment
- Appendix 10: Flood Risk and Drainage Assessment
- Appendix 11: Odour Impact Assessment
- Appendix 12: Non-Technical Summary

Approved Plans:

- Drawing No. SA24659/01 – Location plan;
- Drawing No. SA24659_EP_02 – Site Plan (Dec 2017 – amended);
- Drawing No. 01/03, 02/03, 03/03 – Topographical surveys (3 plans);
- Drawing No. SA24659/03 – Site sections;
- Drawing No. SA/24659/LVIA – LVIA plan;
- Drawing No. SA24659/03 Rev B – Unit elevation and plans;
- Drawing No. SA24659/06 – Feed bin dimension and elevations;
- Drawing No. 2962-001 – Mitigation Planting Plan (Lingard Farrow Styles)
- Drawing No. AM/AP/100 – Site access arrangements (Woodsyde Developments).

Further information:

- Ammonia Emissions: Impact Assessment by Isopleth. June 2018;

- Ammonia mitigation strategy by Berrys. November 2018;
- Noise Modelling Assessment by Ion Acoustics. July 2018.

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

CONDITIONS WHICH REQUIRE ACTION PRIOR TO THE COMMENCEMENT OR BRINGING INTO USE OF THE DEVELOPMENT

Access

3. The access and visibility splays shall be implemented in accordance with Drawing No. AM-AP-100 prior to the development being brought into use as a poultry facility.

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

4. Notwithstanding the provisions of the Town and Country General Development Order 2015 (or any order revoking or re-enacting that order with or without modification), Any fence or other means of enclosure at the road junction/access shall be set back to the sight lines shown on the approved plan Drawing No. AM-AP-100 and those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety.

5. Any gates provided to close the proposed access shall be set a minimum distance of 20 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

- 6a. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall amongst other matters detail the following:

- i. Management of vehicle movements;
- ii. Timing of the development;
- iii. The proposed hours of operation;
- iv. Measures for protecting local amenities with respect to noise, dust and light pollution;
- v. The location of any temporary contractor's compound and internal parking provisions;
- vi. Measures for preventing pollution to water resources, including by silt laden surface water run-off.

The Construction Management Plan shall be implemented strictly in accordance with the approved details throughout the construction period.

- b. Construction works shall not take place outside 06:30 to 19:00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: To protect the local environment and amenities during the construction phase.

Number of birds

7. No more than 72,000 birds shall be kept on the site at any one time and the rearing cycle shall not reduce below 20 weeks including clean out time under the terms of this permission.

Reason: To define the permission and ensure that the restriction on the maximum number of birds to be kept at the site at any one time can be satisfactorily enforced. This is in the interests of amenity and in order to prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

Landscaping

- 8a. No development shall take place (including ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. Planting plans, creation of wildlife habitats and features and ecological enhancements;
- ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- iii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- iv. Native species used are to be of local provenance (Shropshire or surrounding counties);
- v. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- vi. All hard and soft landscape works shall be carried out in accordance with the approved plan; the works shall be carried out during the first available planting season and maintained for the lifetime of the development. Any trees or plants that, within a period of five years after planting, are removed, die or become 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.

- b. If any hedge removal is required to create the visibility splays, then any affected hedge shall be replanted with a mixed, native species hedgerow with the addition of standard trees as part of the landscaping plan required under Condition 8a above.

Reason: In order to provide appropriate screening and landscape mitigation for the development and to protect biodiversity.

Ecology

9. Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority) an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the Great Crested Newt RAMs and other ecological mitigation and enhancement measures appropriate to the development, as set out in the Ecological Appraisal report prepared by Salopian Consultancy (October 2017), are adhered to. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place.

Reason: To demonstrate compliance with the Great Crested Newt RAMs to ensure the protection of Great Crested Newts, which are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

10. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

11. The poultry operation hereby approved shall not be brought into use until exact details for delivery of the proposed ammonia mitigation measures proposed in the Ammonia Mitigation Strategy by Berrys accompanying the application have been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following details:
- i. Area for fertiliser reversion on land under the applicant's control with historical records to show what was previously put on the fields including over a 5 year average;
 - ii. Details of woodland planting area on land under the applicant's control;
 - iii. A manure management plan confirming measures for managing poultry manure from the development.

Reason: To secure delivery of the proposed ammonia mitigation strategy in the interests of habitat protection for designated sites.

Tree protection:

12. No development shall take place until a detailed landscaping plan has been submitted to and approved in writing by the local planning authority. The plan shall include the following measures:
- i. Details of proposed planting measures including type and source of material to be used, e.g. list of native species of local provenance;
 - ii. Timetable for implementation;
 - iii. Details of the initial aftercare and long-term maintenance;
 - iv. Details for monitoring and remedial measures;
 - v. Details for disposal of any waste arising from works.

The plan shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter.

- b. All new planting shall be subject to a minimum 5 years of aftercare with replacement of any failures with species of an equivalent type within this timescale.

Reason: To ensure that the provision of landscape mitigation is sufficient and completed in accordance with local planning policies and guidance.

13. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any site clearance or development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works / service runs / SuDS schemes will be carried out, shall be submitted to the Local Planning Authority. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

14. No ground clearance, demolition, or construction work shall commence until a scheme has been approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The submitted scheme shall include the provision of a tree protection plan that reflects the guidance given in BS5837:2012. The approved scheme shall be retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

15. No works will commence until the Local Planning Authority has approved in writing that the Tree Protection Measures have been established in compliance with the final approved tree protection plan (Photographs of it in place might suffice).

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan.

Drainage

16. If non permeable surfacing is used on the new access and hardstanding area or the new access slope towards the highway, the applicant shall submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

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

17. Prior to the commencement date a scheme detailing how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that polluted water does not enter the water table or watercourse.

Archaeology

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

Reason: The site is known to hold archaeological interest.

Appearance of buildings and structures

19. No development shall commence on site in connection with the approval until details of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The external finish of the new buildings shall be in a Jupiter / fern green colour. The development shall be carried out in accordance with the approved details.

Reason: To protect visual amenity within the Area of Outstanding Natural Beauty.

Complaints procedure

20. Prior to the bringing into use of the development the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
- i. Investigation of the complaint;
 - ii. Reporting the results of the investigation to the Local Planning Authority;
 - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

CONDITIONS WHICH APPLY FOR THE LIFETIME OF THE DEVELOPMENT

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification), no development shall be carried out under Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority.

Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.

22. The delivery of poultry feed to, and the removal of poultry manure from, the development shall take place only between the hours of 07:00 to 18:00 on Monday to Friday, and 08:00 to 13:00 on Saturday, and shall not take place at any time on Sunday or Bank Holidays.

Reason: To protect the amenities of the area.

Informative Notes:

Ecology:

- i. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England should be contacted for advice. The Local Planning Authority should also be informed.*
- ii. *The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance should be carried out outside of the bird nesting season which runs from March to August 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 nests then an appropriately qualified and experienced ecologist should be called in to carry out the check.*

Drainage

- iii. *Informative: As part of the SuDS, the applicant should consider employing measures such as the following:*
- *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new access and hardstanding area*
 - *Attenuation*
 - *Greywater recycling system*
 - *Green roofs*

Highways:

- iv. *The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto. Extraordinary maintenance. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Works on, within or abutting the public highway*

- v. *This planning permission does not authorise the applicant to:*
- *construct any means of access over the publicly maintained highway (footway/verge); carry out any works within the publicly maintained highway; or*
 - *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection; or*
 - *undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway.*

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details <https://www.shropshire.gov.uk/street-works/street-works-application-forms/> . Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Fire fighting

- vi. *It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. 'The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5.' provides details of typical fire service appliance specifications.*
- vii. *It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.*



<u>Committee and date</u>
South Planning Committee
12 February 2019

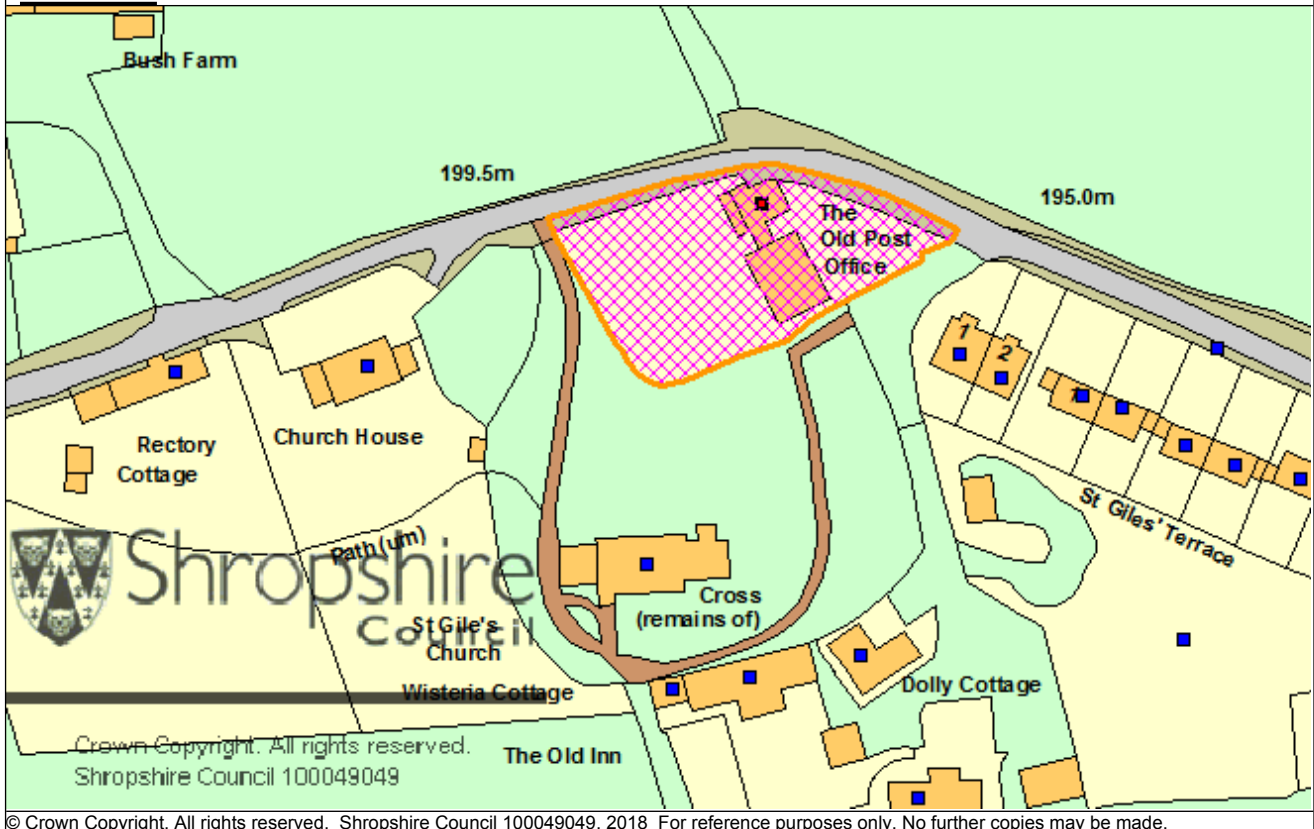
Development Management Report

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

Summary of Application

Application Number: 18/03091/FUL	Parish:	Chetton
Proposal: Replacement of existing bungalow with 1 / 1.5 storey four bedroom dwelling and associated landscaping (amended description and plans)		
Site Address: The Old Post Office Chetton Bridgnorth Shropshire WV16 6UF		
Applicant: Moore		
Case Officer: Emma Bailey		email: planningdmse@shropshire.gov.uk

Grid Ref: 366411 - 290427



Recommendation:- Permit, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning consent for the construction of a dwelling to replace The Old Post Office, Chetton, which is a bungalow with a dual pitched roof linked by a utility corridor to a garage and annexe area which has a shallow pitched roof.
- 1.2 The replacement dwelling would principally comprise of brick external walls with elements of timber and zinc cladding, a slate roof and dark grey aluminium windows and roof lights. On ground floor level, the dwelling would feature four bedrooms (two en-suite) a bathroom, lobby, large kitchen-dining area, utility room and lounge. A study room would feature above in part of the roof space.
- 1.3 This application is a resubmission of application ref: 17/06156/FUL for a replacement dwelling on this site which was withdrawn before a decision was issued.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located within an area defined by planning policy to be open countryside. It is situated within the settlement of Chetton approximately four miles south-west of the market town of Bridgnorth. Chetton does not have its own development boundary.
- 2.2 The Old Post Office is a detached bungalow accessed down Chetton Lane, which serves Chetton from the B4364 road linking Bridgnorth and Ludlow. This lane is mostly single width, is not lit, and does not have a pavement. The site lies within the main core of Chetton, with the adjacent roadside sweeping around it. St Giles Church, a Grade II* listed building, and its respective churchyard abuts the site to the south.
- 2.3 The existing bungalow is clustered to the east of the application site and is set behind a dense hedgerow. It is set upon a plinth to accommodate the change in land levels, which rise upward away from the roadside.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council view is contrary to the officer recommendation and the Ward Member has requested Committee determination. The Chair and Vice-Chair of the South Planning Committee, in consultation with the Principal Officer, consider that the material planning considerations raised warrant this application being determined by Committee.

4.0 **COMMUNITY REPRESENTATIONS**

Please note that all comments are available to view in full on the Shropshire Council website.

Consultee Comments

4.1 Chetton Parish Council

Objection (11.09.18)

Councillors discussed the above application at the recent Parish Council meeting. The Architect had been invited to attend with full size drawing of the site, a depiction of the building from the churchyard and an explanation of where the proposed ground source heating equipment would be placed. Unfortunately the invitation had been declined but more information had been provided to the Case Officer. The proposals were discussed at length, however it was considered that there was little significant change from the previous application, the building would be completely out of place and not at all in keeping with the existing settlement. Councillors strongly objected and requested that the application be 'called in' to the Planning Committee if the Case Officer was minded to approve it.

4.1.1 Chetton Parish Council – Re-consulted following resubmitted plans

Objection (29.01.19)

Chetton Parish Council has considered the revised plans for The Old Post Office, Chetton and wish to make the following comments.

The new drawings show a modern designed bungalow situated in a traditional Shropshire village next to an ancient Grade 11* Listed church. The original bungalow now known as The Old Post Office was built prior to 1820 when it opened as a National School on land donated by the Church and used by local children until The Down School was built in 1884 when all pupils were transferred. The building then became the local post office and has been used as a private residence until it was recently placed on the market.

Whilst it is agreed that the Old Post Office is in urgent need of restoration Councillors consider that it should be carried out using traditional methods and materials which reflect its historic setting. They think that the amended design shows little or no improvement on the previous plans in that the roof height, materials used i.e. zinc cladding, aluminium guttering and large window panes are completely out of character with the adjacent properties and the village as a whole.

Councillors strongly object to the proposals and again request that if the Case Officer is minded to give consent, the application be called in to a meeting of Shropshire Planning Committee.

4.2 Shropshire Council (Drainage)

Recommend informatives if minded to approve.

- 4.3 Shropshire Council (Trees)
Recommend conditions if minded to approve.
- 4.4 Shropshire Council (PROW)
No comments to make.
- 4.5 Shropshire Council (Affordable Housing)
No affordable housing contribution required.
- 4.6 Shropshire Council (Highways)
Recommend informatives if minded to approve.
- 4.7 Shropshire Council (Conservation)
Recommend conditions if minded to approve amended drawings.
- 4.8 Shropshire Council (Archaeology)
Recommend condition if minded to approve.
- 4.9 Shropshire Council (Ecology)
Recommend conditions and informatives if minded to approve.
- 4.10 Historic England (re-consulted)
No comments to make on amended drawings.

Public Comments

- 4.11 A site notice was displayed on the 2 August 2018 and 21 December 2018 following the submission of amended plans on the site boundary. Neighbours and consultees were notified on both occasions.
- 4.12 A total of seven contributors have made written representations to the Council at the time of writing this Report, objecting to the development. The points below that are highlighted in **bold** are matters that were repeated in representations following the submission of amended plans. The key points raised by objectors that are material planning considerations are listed as follows:
 - Discrepancies with the application form
 - Visual impact (**Scale, Materials, Design**)
 - Overlooking
 - **Proximity to trees/existing hedgerows and trees should be protected**
 - **Impact on St Giles Church**
 - Lack of plans
 - Application should be withdrawn
 - Archaeology concerns

The following points raised by contributors that are not material planning considerations and cannot be considered as part of the determination of

this planning application are listed as follows:

- Matters relating to the construction process

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and visual impact of replacement dwelling and on setting of listed building
- Residential amenity (Included under letters of representation)
- Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.
- 6.1.2 Paragraph 11 of the revised National Planning Policy Framework (2018) builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.3 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given significant weight in the determination of planning applications.
- 6.1.4 Policy CS1 'Strategic Approach' of the Shropshire Council Core Strategy and Policy MD1 'Scale and Distribution of Development' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan seeks to steer new housing to sustainable locations described as Market Towns, Key Centres, Community Hubs and Clusters. This is repeated throughout Policies CS3 'The Market Towns and Key Centres', CS4 'Community Hubs and Clusters', CS5 'Countryside and Green Belt' and CS11 'Type and Affordability of Housing' of the Core Strategy. Community Hubs and Clusters were designated as part of the adoption of the SAMDev Plan in 2015.
- 6.1.5 SAMDev Plan policy MD7a(3) states that replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with established continuing residential use; that 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. It continues by stating that where the original dwelling had been previously

extended or a larger replacement is approved, permitted development rights will normally be removed.

6.1.6 Shropshire Council's Type and Affordability of Housing Supplementary Planning Document (SPD) states that the following considerations should be taken into account regarding replacement dwellings:

- The visual impact of the replacement dwelling on the surroundings and the need to respect the local character of the area, taking account of bulk, scale, height and external appearance of the resultant dwelling.
- A requirement to be sympathetic to the size, mass, character and appearance of the original building. A replacement dwelling should ordinarily be sited in the same position as the original dwelling.
- The existing balance of housing types and tenures in the local area, and the need to maintain a supply of smaller and less expensive properties in the local area that are suitable for the needs of many newly-forming households.

6.1.7 The existing dwelling in this case is a permanent structure with an established continuing residential use and the proposed replacement would be in the same position on the land. The principle of replacement dwellings is therefore accepted, subject to further planning considerations relating to details of the proposed replacement dwelling.

6.2 Siting, scale and visual impact of the replacement dwelling on setting of listed building

6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. Furthermore, development is required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity and the setting of heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving listed buildings or their settings, or any features of special architectural or historic interest that they possess in the exercise of planning functions.

6.2.2 Paragraph 127 of the revised NPPF reinforces that developments should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'.

6.2.3 The proposed replacement dwelling would be situated on a similar footprint to the existing dwelling to be demolished. The existing dwellinghouse has a footprint of around 195 square metres when measuring from the submitted plans. It is split into two principle sections,

linked by a galley utility room in a 'H' shape. The first section comprises of two bedrooms, a lounge, bathroom, hallway, and a small unnamed 'snug' type room; with the other section comprising of a large garage and annex.

6.2.4 The proposed replacement dwelling would have a footprint of around 175 square metres when measuring from the submitted plans. The 'H' shape would be loosely followed, but with the main bulk of the dwelling being in the central area. The arm of the 'H' nearest to St Giles church is proposed to be pulled back into the main bulk of the dwelling and would instead encroach forward towards the roadside.

6.2.5 The proposed dwelling would loosely follow the character of the existing dwellinghouse by virtue of its predominantly brick external walls and the main focus of accommodation being to the ground floor. It is however noted that a study area is proposed in the roof space above. At present, the existing dwellinghouse is a single storey, low slung building, which has been subject to alterations and additions over time. This property is of limited architectural merit, and while no case has been put forward to suggest that the dwelling is structurally unstable, a site visit has ascertained that it is in need of renovation.

6.2.6 It is pertinent to note that Paragraph 127 of the revised NPPF reinforces that developments should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. In this case, the agent has proactively worked with Council Officers and Historic England for a significant length of time in order to address design/impact concerns of the proposed a replacement dwelling. The revised design has resulted in Historic England withdrawing their original objections to the proposal. The Council's Conservation Officer for the area considers that the amended plans submitted show a clear reduction in scale of the proposed replacement and have taken on board the comments and issues raised previously. Officers consider the revised represents careful consideration of its historic setting adjacent to the listed St Giles Church, responds to the comments received by Historic England and Shropshire Council's Conservation team; and more widely preserves the visual amenity of the village by its predominantly brick exterior and simpler design. The roofline has also been reduced to more closely match that of the existing dwellinghouse to reduce its visual impact. It is therefore considered to satisfy Development Policies CS6, CS17 and MD2 with respect to being appropriate in scale and design and not detracting from the setting of the listed Church.

6.3 Letters of representation

6.3.1 At the time of writing this Report, seven letters of representation have been received, objecting to the development. Please note that all responses are available to view in full on the Council's website. The key points raised are briefly considered in turn below.

6.3.2 Discrepancies with the application form

All valid documents that are submitted with a planning application are taken in good faith by the Council as being factually correct unless significant information comes forward which proves otherwise. In this case the inaccuracies alleged relate to the answer of 'no' to the question "Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?" Despite being incorrect, this discrepancy is not considered to hold significant weight as to affect the overall determination of the planning application, and Shropshire Council's Trees team were consulted as part of this application in any event.

6.3.3 Overlooking

Core Strategy policy CS6 seeks to safeguard residential and local amenity. One window is proposed at first floor level that would overlook the roadside only, with all remaining windows being limited to the ground floor. The Old Post Office is a single detached dwelling on its own plot, and is separated from the dwellings at St Giles Terrace by a vehicular track. The submitted site plan shows that the proposed dwelling would be set back further away from the boundary nearest to the neighbouring dwelling 1 Church View than that which currently exists. In any event, the orientation of these dwellings ensures that any views between occupiers would be oblique, with a separation distance from each side elevation measuring around 20 metres, which is acceptable.

6.3.4 Visual impact (Scale, Materials, Design)

As discussed earlier in the report, the visual impact of the development is considered to be acceptable in its setting as a dwelling that provides a level of interest within the plot through the use of building materials and an appropriate degree of contemporary design. Samples of external materials would be required by planning condition to ensure that they would be appropriate in this location.

6.3.5 Proximity to trees/existing hedgerows and trees should be protected

Shropshire Council's Trees team have been consulted as part of this application, who have requested the inclusion of conditions on any approval notice.

6.3.6 Impact on St Giles Church

Historic England, and Shropshire Council's Archaeology and Conservation team have been consulted as part of this application, who have made comments in relation to the development. These are discussed within this Report.

6.3.7 Lack of plans

The Council considers there to be sufficient detail included as part of the

submitted application to make a sound and reasoned judgement on its acceptability. In any event, it is noted that this concern was not raised following the submission of amended plans. It is pertinent to note that all plans should be publicly available to view online using the Planning webpages of Shropshire Council's website.

6.3.8 Application should be withdrawn

This application is noted, however it would be the choice of the agent/applicant to withdraw an application.

6.3.9 Archaeological concerns

Shropshire Council's Archaeology team have been consulted as part of this application, who have requested that a condition is applied to any approval notice.

6.4 **Other Matters**

6.4.1 Affordable Housing

Paragraph 63 of the revised NPPF (July 2018) advises that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas, where policies may set a lower threshold of 5 units or fewer. This site is not within a designated rural area and is for a replacement dwelling. There are no specific circumstances that would justify giving greater weight to Development Plan policies with respect to affordable housing which are older than the NPPF in this particular case. As such an affordable housing contribution is not required.

7.0 **CONCLUSION**

7.1 Based on the information submitted against the above considerations, the proposal as amended is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies.

7.2 Approval is therefore recommended subject to conditions.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

- CS1 - Strategic Approach
- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS11 - Type and Affordability of housing
- CS17 - Environmental Networks
- MD1 - Scale and Distribution of Development
- MD2 - Sustainable Design
- MD7A - Managing Housing Development in the Countryside
- MD7A - Managing Housing Development in the Countryside
- MD12 - Natural Environment
- MD13 - Historic Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

- 12/00934/FUL Erection of extension to dwelling GRANT 27th April 2012
- 17/06156/FUL Replacement of existing bungalow with 1.5 / 2 storey three-bedroom dwelling with integrated garage and associated landscaping WDN 7th March 2018

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PBAY2ZTDMJK00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access and Heritage Statement Bat Roost Assessment
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Robert Tindall
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank or public holidays.

Reason: To protect the health and wellbeing of residents in the area.

4. 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 and subsequently installed. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. Prior to commencement of development a scheme to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), prepared in accordance with and meeting the minimum tree protection requirements recommended in, British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations, or its current version. All pre-commencement tree protection measures detailed in the approved AMS and TPP shall be fully implemented before any development-related equipment, materials or machinery are brought onto the site.

The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus

materials have been removed from the site. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

6. No works associated with the development shall commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme has been submitted to and approved in writing by the Local Planning Authority . The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the completed dwelling. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or is otherwise lost, seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

7. Before development commences details of the proposed finished ground floor levels of the dwelling relative to those of the existing dwelling and existing site levels, referenced to an ordnance datum, 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.

Reason: To ensure that the relationship of the built dwelling with the listed St Giles Church is in accordance with the street scene drawings, for the avoidance of doubt and to safeguard the setting of the listed church.

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

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

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

9. Prior to being incorporated into the building, details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

10. Prior to first occupation / use of the building[s], the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and subsequently installed. A minimum of 2 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken to the replacement dwelling hereby approved without express planning permission first being obtained from the Local Planning Authority:-

- Any extension or alteration to the dwellinghouse, including the insertion of any additional windows or dormer windows
- Any addition or alteration to its roof
- The erection of a porch
- The formation of additional hard surfacing
- The erection of any fences, gates or walls
- The construction of any free standing building within the curtilage of the dwelling

Reason: To enable the Local Planning Authority to monitor the amount of development occurring on site and to safeguard the character and visual amenities of the area.

Informatives

1. ECOLOGY INFORMATIVES

Nesting bird informative

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August 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 or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

Bats informative

All bat species found in the UK are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

2. DRAINAGE INFORMATIVES

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: <http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

3. HIGHWAYS INFORMATIVES

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link

provides further details: <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note: Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required by the National Planning Policy Framework, paragraph 38.

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

Central Government Guidance:
National Planning Policy Framework

Shropshire Council Core Strategy:
CS01 - Strategic Approach

CS05 - Countryside and Green Belt
CS06 - Sustainable Design and Development Principles
CS11 - Type and Affordability of Housing
CS17 - Environmental Networks

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan:

MD01 - Scale and Distribution of Development
MD02 - Sustainable Design
MD03 - Delivery of Housing Development
MD07A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment

Type and Affordability of Housing Supplementary Planning Document (SPD)

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Committee and date

South Planning Committee

12 February 2019

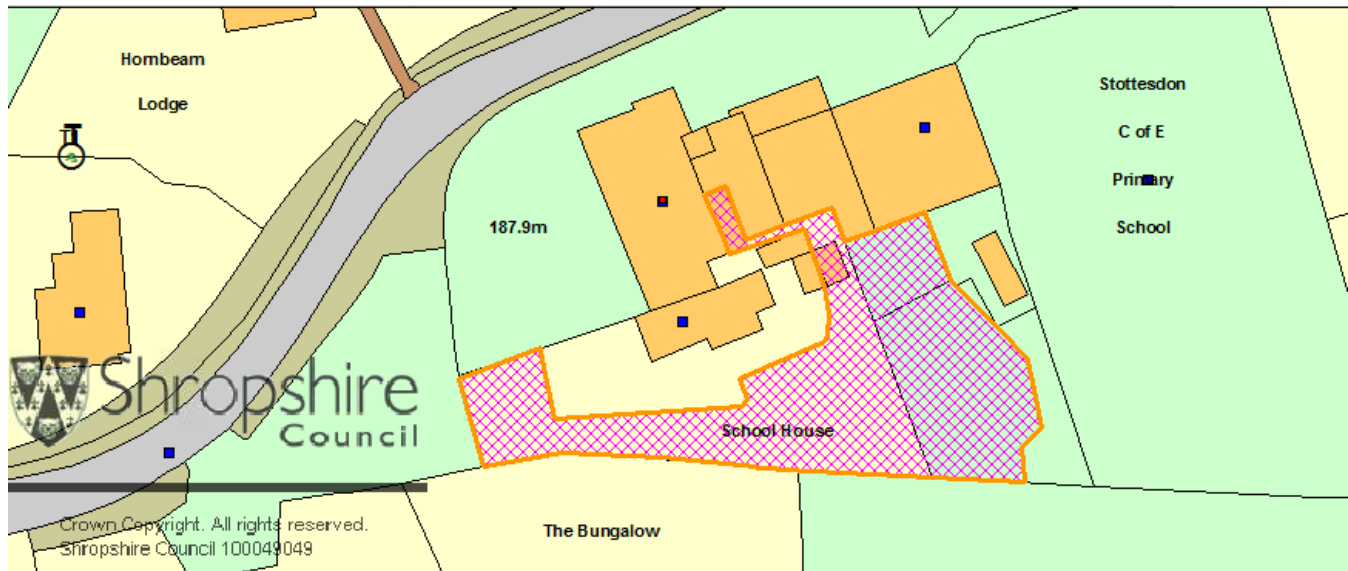
Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 18/04323/FUL	Parish:	Stottesdon
Proposal: Erection of a new school hall building		
Site Address: Stottesdon C E Primary School Stottesdon Kidderminster Shropshire DY14 8UE		
Applicant: Mrs K Jones		
Case Officer: Mandy Starr	email: planningdmsw@shropshire.gov.uk	



Recommendation:- that permission be GRANTED subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL –

1.1 The proposal is for the erection of a new school hall building to be used for assemblies, as a dining hall with attached kitchen facilities, for P E, after-school clubs, music, drama, art, space for special educational needs children to be managed and space for parent/staff and pupils to meet.

1.2 This application is a revised scheme to 16/00604/FUL which was granted on 11 July 2016 for the erection of a new school hall building and demolition of stone wall near adjacent car park. This scheme cannot be implemented due to lack of capital and because of the presence of a Severn Trent main sewer running across the School Garden.

2.0 SITE LOCATION/DESCRIPTION

2.1 Stottesdon C of E Primary School is situated on the south side of the village opposite the Rectory and Old Police House. It is not a listed building, but is a prominent building in the Conservation Area. The Victorian stone and brick building c 1892 is sited on western side of the school site and has a dual frontage. There have also been a succession of more recent temporary timber clad buildings being added to the east of the main school. Behind the school is small formalised garden area with planted trees, planted beds, a pond and benches and it is this area where much of this Hall building is proposed. Beyond this is a mature hedge some 2.5m high which forms the southern boundary of the school. On the other side of part of this hedge is the curtilage of a detached dwelling known as the Bungalow.

2.2 Almost immediately to the west of this garden area beyond an existing close boarded fence and somewhat higher than this garden is the curtilage of Old School House. This two bedroom dwelling is built of the same materials as the school and has the same character and appearance too. However unlike the School its primary elevation faces south and much of its former garden has now been fenced off so as to provide the access to what would have been the permitted school building. This previously agreed reduction in curtilage was part of the sale particular when the building was sold.

2.3 Since the original application was submitted this property is now occupied. The land beyond the fence line has been partially cleared, but some existing shrubs and trees have not yet been removed that are sited beyond the fence line at the eastern end of the Old School House garden.

2.4 In addition and of great significance is the fact that when the last scheme was considered is that there is a Severn Trent mains sewer pipe (150mm diameter at

5m deep) running across the School garden at an angle with an inspection chamber which it has now been established cannot be built over. The original building would have built over this Inspection Chamber and this was not acceptable to Severn Trent.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council and the Shropshire Council Ward Members have requested that this application be considered at Committee due to the mixed feelings that this application has generated. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that material planning considerations are raised which warrant determination by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

4.1 **Stottesdon Parish Council:** Concern expressed regarding the width of the access drive to the new hall. Vehicles will have to either reverse up or down this lane when delivering school meals etc as there is insufficient turning space and this was considered dangerous as the car park is normally very full.

The drive has not been measured/marked as per neighbour's request.

Cllrs also request that the 'KEEP CLEAR box' is re-painted at the entrance to The Bungalow as disabled access is required. There was always a white line from this box down the car park adjacent to the hedge to prevent parking and therefore allowing free access along here to the School house and The Bungalow. It is important that these are re-painted as due to the amount of vehicles parking here during the school day access for delivery/emergency vehicles is often obstructed.

Cllrs assume that Bridgnorth Highways will be consulted regarding the use of the access drive. Emergency vehicles needing to access this new hall was also questioned due to the narrow width of the drive.

Cllrs request that due to there being mixed feelings in the Community that this application is determined by committee.

4.2 SC Archaeology

We have no comments to make

4.3 SuDS

Recommend Informatives

4.4 SC Trees

Recommend conditions and informatives

4.5 SC ECOLOGY

Recommend conditions and informatives

4.6 SC Highways

It is considered unlikely that the addition of a new school hall here will significantly affect highway safety or local conditions.

4.7 SC Conservation

The proposed design of the new hall building is fairly simple and functional but due to its scaled back nature it is considered to be acceptable in this instance.

4.8 - Public Comments

6 letters have been received objecting on the following grounds:

- ☐ This is not the best compromise position and a better location should be found, so whilst it would suit the School, it does impinge on the neighbours and disregards the impact on these neighbours.
- ☐ Occupiers of Old School House purchased the property in 2015 and were aware of the Schools Plans for the new hall and the position that it was to be built
- ☐ The original plans for a two storey building were not of any concern as the building would have been sited at the end of the garden with only one obscured window facing the house.
- ☐ New building although fairly sympathetically designed would be somewhat visually imposing, in a position directly to the front of the house
- ☐ Appreciate the need for further accommodation for the school, however the proposed change of position of the hall right in front of our house is unacceptable. The new building should be relocated as far from the school house as possible to lessen the visual impact, noise disturbance and loss of amenity and privacy of any occupants of The School House.
- ☐ This cannot be addressed in any other way than by repositioning the building. This objection to this plan is made in the strongest of terms and cannot be ignored. The plans are detrimental to our quality of life.
- ☐ Request that is determined by the Planning Committee.

Amenity issues

- ☐ Adjoining neighbours have tried to assist with the process and in consultation with their own architect have presented the School with other positions that the hall could be sited. These plans would have avoided the sewer and would have enabled the car turning space to be retained.
- ☐ We suggested a design that turned the hall round 90 degrees into the original position where the previous planning permission had been granted.

- ☐ In this orientation, the building would then have been closer to the classrooms, provided more playground and green space because it would have retained more of the garden area than the previous scheme and lessen the amount of canopies required thereby lowering the costs than the current proposed siting.
- ☐ It is understood that the previous turn around space was mentioned as being 'dead space' as a blind spot – but it would not be dead space if it were to be used for what it was designed for as a car turn around space and access road. This loss of space would have been no concern of the School if their previous plan would have proceeded.
- ☐ The applicant has indicated that they now wish to site the building in the turn- around area because they own this land, but in doing so have forgotten and completely disregarded their neighbours as they are only concerned about the School.
- ☐ Adjoining neighbours have been living for three years behind a 'stockade fence' and have been waiting for this building to be completed.
- ☐ The Head teacher has stated that the present arrangements for bringing in the School lunches through the school works satisfactorily and this would continue in which case there would be no need to utilise the dangerous access for deliveries.

Privacy Issues

- ☐ Head teacher says that the neighbours have been considered because the building would be moved 1.5m away and a door and window have been removed. In addition a canopy will be added above new windows. However these requests were at the request of the Planning Officer not the School.
- ☐ Neighbours have not been considered sufficiently in these plans and the planning application has been submitted without adequate consultation.
- ☐ New building would be only 1m from our fence and less than 5m from the house which is considerably nearer than previous hall position and within the good practice distance of c21m. The proposed hall would be far too close for comfort and would impose directly onto the front of the house making our house an unpleasant and unwelcoming place to live.
- ☐ Proposal would result in loss of privacy as anyone visiting the site will be able to look into our bedroom windows and children will be able to see directly into bedrooms from the school grounds as one window would be head-on, whereas in the original plans this would not have been possible
- ☐ If the privacy issues had been seriously considered, the canopy should be extended over the entire area to the front and side of the hall – not just over the windows and the side door used as an emergency access only

Noise Issue

- ☐ There is no noise from within the School grounds, but this planned timber building will change that with daily assemblies, lunches, music lessons, singing, sports facilities and PE plus after school classes and clubs which will mean that we will be subjected to noise and disturbance which will be highly intrusive throughout the day, early evening and possibly weekends. This will result in a 100% rise in noise intrusion and the School would need to fully sound proof the hall to eradicate this.

Impact on boundary hedge

- ☐ Concerns regarding the narrow width of the access drive between boundary hedge and School House boundary fence. Without the turning circle that was in the original plans, vehicles will have to reverse in or out which will increase the potential risk of an accident.
- ☐ On the original permitted plans, the distance between the middle of the boundary hedge and School House fence was in excess of 4m at the narrowest point. For whatever reason, this key dimension has been left off the revised plan
- ☐ We have made a request to School to arrange for proposed access drive to be physically marked out so that any concerns regarding potential damage to the roots and any excessive cutting back could be discussed and clarified as this could impact on the integrity of the hedge and affect our privacy.
- ☐ Important to note that there is a difference between the ground level of our property and that of the access drive in that The Bungalow is higher and the centre of the hedge is planted on the higher ground hence the concerns regarding potential root damage
- ☐ Although the Head Teacher and agent have considered the width of the access and are happy with a distance of 3m without a hard cut of the hedge, we as the neighbours would prefer to see the area physically marked out to satisfy our concerns

A neighbour has also raised additional concerns regarding the following issues:

- With regard to free flow space, all but two trees are to be removed which will mean there will be more light not less
- If it is necessary for the teachers to be under a canopy to supervise the children then it should be extended or sited on the east side of the hall and include a double door access to provide cover for them. Do not consider that it is logical to suggest that children could not be supervised in that area
- Under the previous application, an area marked in yellow was designated as Early Years Play space. It appeared to be acceptable for that area to be used then with no supervisory problems, so the same play/gardem area can be fully used for both schemes.
- Consider the difference in the play areas (as shown on Dwg No GA06 RD) has been greatly exaggerated

- If greenhouse is to be retained, then for health and safety there should be an exclusion zone around it which will reduce the play area significantly
- Note that no further changes have been made to address the issue of overlooking; and it is noted that a ramp is now proposed at the SW corner of the building which will result in further loss of amenity.
- The use of Hoggin is designed for paths and bridleways for the access drive will result in a wet, muddy and slippery surface that is not desirable for an access. Water will run off this surface into adjacent properties; hence the need for constraining kerbs and the top is constructed from gravel which will be noisy when driven over and is liable to weed infestation
- On Plan GA03 Rev E, the submitted plans omit the retaining wall and fence which is to replace the temporary fencing that separates the school property from the Old School House. This drawing fails to show the width of the retaining wall and therefore the width of the space on the access road.
- Regarding the current boundary fence which represents the legal boundary, it was understood that this was a temporary fence and would be there for a short period of time until a new fence and retaining wall was constructed.
- Any gates would need to be 3.2m plus posts and the concrete kerb which would impede the hedge, so that it would need to be cut back drastically and this would similarly affect the 1.2m wide gate at the north west of the building.
- Although the School are entitled to create a sloped bank on their side of the boundary as shown by the pink 'splodge' a retaining wall will also have to be built on this part of the boundary as well
- The use of Rockwool is not appropriate as it is designed for thermal insulation not acoustic insulation. There will be limited attenuation to frequencies in the low audible range and this sound travels the furthest and will be the most disturbing to neighbours. So full sound proofing will need to be installed to counteract this.
- The sectional drawing GA07 does not state the height of the hall and no measurements are shown for the floor levels. Even though it would be a lower hall, it will still be imposing being immediately next to our property and much higher than the boundary

The application was advertised by way of a Site Notice that was displayed on 6 November and expired on 27 November 2018.

The proposal was also advertised in the Shropshire Star on 2 November which also expired on 27 November 2018.

5.0 THE MAIN ISSUES

- 5.1 Principle of development
 - Siting, scale, design of structure and visual impact
 - Assessment of the need for new School Hall
 - Landscaping
 - Residential Amenity
 - Consideration of the proposal on the Stottesdon Conservation Area
 - Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6.2 Siting, scale and design of structure

- 6.2.1 CS6 of the Adopted Core Strategy deals with sustainable design and development principles and states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.
- 6.2.2 CS7 deals with Communications and Transport. Sustainable development requires the maintenance and improvement of integrated, accessible, attractive, safe and reliable communication and transport infrastructure and services
- 6.2.3 CS8 Facilities, Services and Infrastructure Provision seeks to ensure that development of sustainable places in Shropshire have safe and healthy communities including the encouragement of infrastructure such as school and other infrastructure
- 6.2.4 CS13 Economic Development, Enterprise and Employment. This policy seeks to support enterprise and deliver sustainable economic growth and prosperous communities
- 6.2.5 CS17 which deals with Environmental Networks is also concerned with design in

relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.

MD2 of the SAMDev deals with Sustainable Design and builds on the requirement of CS6. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site such as natural and semi-natural features such as trees, hedges, woodlands and ponds.

6.2.6 There is also Supplementary Planning Guidance in the form of the Cleobury Mortimer Place Plan which supports Stottesdon Primary School in delivering its development plan under the table of Community Priorities in the Place Plan in the Council and Community section and also the Trees and Development Guidance Notes which were published in 2016.

6.2.7 With regard to the updated National Planning Policy Framework Section 12 deals with 'Achieving well-designed places' also reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness. There is also a requirement that developments should be "*visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*"

6.2.8 The existing accommodation

6.2.8.1 The original Victorian school building of 1892 comprises of a classroom in its southern part that backs onto a lobby providing a rear access to the back of the school, whilst the northern half is in use continually through the day either for some PE or as a dining room during lunch time. Attached to the old building are the School changing rooms, a general purpose store room and a small and currently unused kitchen area (School lunches are provided by an external supplier). There is a central corridor that leads from the old building to Reception and the rest of the school including and the main school entrance that faces north. This corridor then provides the link between the two other main classrooms, the Head's office, staffroom, PPA room, WCs and stores and then leads finally to the Chorley Family Playgroup room at the end of the complex.

6.2.8.2 Outside there is a formal enclosed playground on the north west side of the school with small canopied area, as well as a further area of hard surfaced

playground to the north of buildings that fronts onto the road. To the south of the original school building is the attached former School House positioned at right angles to the school itself and comprising of a two bedroomed house with its main windows facing south. Beyond the house and its attached garage and its original enclosed garden, the land drops away slightly to a communal school garden area comprising of various sheds, a greenhouse, hard standings and raised beds and in the south east corner of the garden a semi-mature beech tree with seats beneath. To the east of this and at a further even lower level beyond a hedge is the school playing field. In addition there is now evidence of a Severn Trent mains sewer that runs beneath the south east corner of the school garden and has one inspection chamber that was to have been sited in the former hall building which is one of the reasons why this permission granted in 2016 cannot be implemented.

6.2.9. The permitted scheme

6.2.9.1 The permitted building was granted permission on 11 July 2016 and is still a live application which does not expire until 10 July 2019. This was for a building of 235m² and would have been sited in a different alignment and position and had a square footprint compared to the current proposal.

6.2.9.2 Ground Floor: The new School Hall would have a floor area of 140m² and would have had an attached external entrance lobby off the car parking area with windows to the west and east and a fire door leads off the east; a School kitchen in the northwest corner of the of the building with a pedestrian door off the car parking. Beyond this would be a lobby with a door facing north towards the School buildings leading to several store rooms, toilets and the lift to the first floor. A plant room for the ground source heat pump was also proposed but this would have its only door facing east. On the north elevation between the kitchen and main lobby would be an enclosed secure external staircase leading up to the first floor.

6.2.9.3 First Floor: The first floor would have been divided between a Pre School Room 36.5m² in the north west corner of the building above the kitchen and Baby Room (Nursery) over the plant room and toilets of 20m². Between the two would be the support accommodation for both rooms with WC's including baby changing room, a drinks station and storage above. The lift would have been used to allow access to the first floor for prams and wheelchairs. No accommodation was proposed above the hall itself; as this would have been retained at its full height with 4No large conservation rooflights inserted into the south roof slope for additional lighting.

6.2.9.4 The third part of the scheme involved the installation of a glazed canopies 2.6m high that would have been erected in front of the southern elevation of the existing temporary classrooms to link up with the edge of the site by way of a bow topped fence that would be erected to form the boundary between the new hall site and the rest of the school grounds. The permitted plans showed that canopy would have covered most of the remaining former hardstanding of the former school garden. It would also provide cover from the rear entrance off the main

corridor and wrap around the staff room and a second classroom to form an elongated dog leg shape. It was at one stage also to have been attached to the side wall of the School House garage, but following negotiations the canopies would now be positioned 500mm off to allow for the occupiers of School House to maintain their property. In addition, a revised landscaping plan showed the dedicated area of Early Years Outdoor Play Space that had to be maintained if the School was to be able continue to allow the Early Years to use the school facilities in the first place.

- 6.2.9.5 The permitted scheme also included external changes to the site in the form of a new access and parking/ turning area for the hall for deliveries/ emergency vehicles as well as space for parents to safety drop off and pick up children. The new designated area would have been sited between the existing boundary hedge to the south and the former garden area of Old School House. The footprint of this area would be an elongated 'C' shape as it would also have included a further area for the parking of 3No cars in front of the existing access onto the Shropshire Council parking area beyond.
- 6.2.9.6 The then revised submitted drawings show that a road width of between 4m and 4.2m would be achieved between the proposed boundary of School House and the centre of the boundary hedge. Concrete kerb edging was shown as being positioned 1m from the centre line of the hedge to define the width of the new access and to ensure that the existing party boundary hedge is retained with porous tarmac being used for the new surface treatment. Space would also have been provided for both delivery vehicles and cars to turn in front of the hall building.
- 6.2.9.7 Externally it was also proposed to demolish part of the original stone boundary wall of the former School House garden, where it adjoins the Parish parking area so as to provide space for the parking of 3No cars. These would be sited adjacent to the boundary of the playground and be adjacent to the existing access to Old School House as well as the proposed vehicular access to the new hall building. However a new close boarded fence would be erected to form the party boundary between the allocated parking spaces and School House's garden.
- 6.2.9.8 It would appear that when the last scheme was considered, no consideration had been made of the existing Severn Trent sewer pipe and Inspection Chamber which were not factored in and as a result, that School Hall cannot now be constructed in the position as permitted, because of the need to move the building away from the Inspection chamber.
- 6.2.10 The proposed scheme
- 6.2.10.1 The agent has now confirmed that the stone wall that was to be removed under the last scheme 16/00604/FUL has been demolished and will not be re-instated. This is to allow the parking of three staff cars at the end of the drive as previously approved.

- 6.2.10.2 The proposal is now for a much more modest single storey timber framed building with internal dimensions 8.35m wide x 13.4m in length and a footprint of 154m² in a rectangle when the previous scheme was square. It would be sited to the west of the permitted building and extend further towards the 1.8m high boundary fencing with Old School House. This would then leave a much greater area of the former school garden being retained as well as ensuring the ST Inspection chamber was not built over.
- 6.2.10.3 The building would clearly be smaller and far less dominant than the previous scheme with the eaves being only 4m high and have a shallow pitched roof ridge of 4.7m high. It would be constructed of profile metal sheeting to the south elevation facing the hedge and larch timber cladding on the other three sides on a blue engineering brick base. The roof would be a single ply membrane and on the north side facing the School would be a glazed polycarbonate canopy stretching across all the windows and doors that would face this way. The doors and windows would be powder coated aluminium but no colour has been indicated and this would be dealt with by condition.
- 6.2.10.4 This new building would provide a School Hall, a School kitchen with a servery, storage space, toilets and disabled toilets. Access to this new hall would be along the already fenced off private access drive from the Shropshire Council Car Park to the west of the school itself and this would be only used by the Catering company dropping off the School Dinners. Access to the hall for all staff and pupils will only be through the School premises. The side gate shown on the submitted drawings would be locked and only openable by staff.
- 6.2.10.5 An extensive canopy arrangement including free-standing canopies is now proposed that would stretch out from the rear door of the main school, extend all along this passageway and be joined with two further expanses of covered play area that would be attached to the nursery area. As a result the play house would need to be removed from this playground along with a timber shed, but the greenhouse and other shed would be retained in situ. No trees would be removed along with the shallow pond with ornamental bridge. However the significant beech tree in the corner of the garden area would be retained.
- 6.2.10.6 Under the last scheme it was proposed to erect a new boundary fence between the Old School house and its grounds and the land that the school would be retaining plus the new access. Part of this boundary treatment was to include a low retaining wall due to the changes in levels towards across the site. A substantial close boarded fence has now been erected between the two properties and the agent has confirmed that this will not be altered, but will remain in place. As for any retaining wall, if this was required it would only be on the south east corner of the new garden area for Old School House, it would be very low and would face onto the school's property, but the School would prefer to bank up the earth here instead of providing a retaining wall if at all possible.

- 6.2.10.7 The agent has also confirmed that the canopies which are proposed to be erected between the new hall and the rear elevations of the School will be slightly above the fence height as would be the canopy that is proposed to be attached to the north elevation of the new School Hall. Additional drawings have been submitted that show that the arrangement of the slopes for the canopies and all canopies will be lower than the roof heights of the existing school buildings and that of the proposed School Hall.
- 6.2.10.8 The proposed canopies would also be free-standing structures that will not be affixed to any buildings and adequate space would be provided between existing buildings and structures to mitigate any damp penetration and in addition the direction of slope has been reversed so that the slope of the canopies would fall into the free flow play area where the gutters and downpipes will now be located.
- 6.2.10.9 Externally, the new vehicle hardstanding which is only to be used for the parking of a vehicle to drop off the School lunches. Details submitted with the scheme indicate that this new driveway would have a permeable surface. The permitted scheme indicated that permeable tarmac was originally proposed but gravel is also indicated on the current scheme.
- 6.2.10.10 Two other elements from the previous permission have not been carried through to this scheme; that of the removal of part of the original stone wall of what was the original School House garden wall and the provision of 3No staff parking spaces between the gap left by the removal of the wall and the new fenced off School House garden area. This is because these works have been implemented already.
- 6.2.10.11 This current proposal also includes the provision of a pair of 1.6m wide double gates which would be installed near the entrance to the new access way. The Cross section drawing submitted shows a width of 3m for the access way that would not involve cutting into the higher ground where the hedge grows so as to retain the hedge intact, but it is understood that the hedge on the school side will be trimmed back as it has become overgrown in places.
- 6.2.10.12 Following negotiations with the applicant further details and drawings have now been submitted regarding the access way. With regard to the boundary hedge that divides the School grounds with part of the front garden of The Bungalow, this would be trimmed back to allow for a 3m wide access way to be installed and concrete edge kerbing will be constructed to ensure that the hoggin surface would be retained. Details of this and the other changes have been submitted with the revised block plan. The use of hoggin as a hard surface here to is to reduce any potential disturbance caused by noise from the School Lunch vehicle travelling to and from the Hall.
- 6.2.10.13 Along the southern side of the proposed building would be a walkway with a 0.95m wide gate near the kitchen entrance. This gate would ensure that the hedge boundary remains secure and would also be for maintenance purposes.

- 6.2.10.14 In terms of the visual impact, this proposed building would have a significantly less prominent appearance compared to the permitted scheme both in terms of ridge height and floor area and also by being sited in this position away from the Inspection chamber, in that it would allow more of the Garden area to be retained along with the beech tree which is an important feature of this garden.
- 6.2.10.15 In addition the use of canopies over much of the existing playground will allow enhanced outdoor play and learning which is also requirement of this scheme. It would also be clearly subservient to the original school building and would not detract from its dual frontage appearance, but have a similar appearance to the later extensions that sit to the east of the main range and Old School House.
- 6.2.10.16 While of a functional appearance, it is considered that the design and siting of the proposed building would not be out of keeping with the locality, and be in accordance with siting, scale and design elements of the adopted Development Plan policies CS6, CS17 and MD2.

6.3 Assessment of the need for a new School Hall

- 6.3.1 It was established in 2016, that the principle of a new School Hall was necessary at Stottesdon Primary School because of the lack of space for certain crucial activities within the School day. In support of the current application the agent has provided the additional information:
- 6.3.2 The school is owned by the Hereford Diocesan Board of Finance and this ownership reflects the strong Christian values that the School provides as its ethos and aims. The School had had outstanding School reports in 2008 and 2012 from Ofsted.
- 6.3.3 A new hall is required for a number of different reasons which are described in detail below. The main reason is because of rising school numbers. Stottesdon is an oversubscribed high achieving Academy School and the school register is currently at 103 pupils with 20 children using the Nursery facility. The school just about accommodates this number but with no school hall. There is a year on year increase in numbers due to the School's rural catchment area and predicted future numbers as in 1973 there were 73 pupils, but that had risen to 101 in 2016 and 103 this year. This increase indicates that there is a need to provide sufficient and appropriate additional school facilities.
- 6.3.4 With regard to the rising school numbers, when school began there was sufficient space, but since then the original school building has been extended with both new classrooms and office accommodation using demountable buildings having to be attached to the main building provided by Shropshire County Council and latterly Shropshire Council. As the numbers have risen, it was necessary to convert the original school hall into new teaching space.

- 6.3.5 As a result of lacking a school hall, the school currently has no indoor PE facilities that can be used in bad weather or during the winter months. As there is a statutory requirement to provide 2 hours of physical education a week, the school has to spend some £5000 per year to ferry pupils to other facilities off site and this takes a lot of effort and the time out has a detrimental impact on other parts of the timetable and does reduce staff/pupil morale.
- 6.3.6 The School is also not able to provide any extra creative subjects such as art, music, drama, cooking because of the lack of hall space.
- 6.3.7 In addition any After-School Clubs have to be cancelled during bad weather as the school has no facilities to provide space for them. These clubs also find it difficult to provide any physical activity due to the lack of appropriate space.
- 6.3.8 Due to the lack of dining hall, all the children are served their lunches in their classrooms and with the existing kitchen being very small, this results in a noisy and rushed lunch time period which further impacts on teaching staff who cannot use their rooms for preparation. There is a further issue here in that on a wet day, many children will spend their whole day in the classrooms which can be from 07:30 to 17:30 if they attend the wraparound facility as well with no other space to go.
- 6.3.9 There is also no current safe space for SEN children to be managed. In addition, there is no one area in the whole building where all the children can assemble for daily worship and assemblies. There is also no dedicated space that parents/staff and pupils can use for meetings.
- 6.3.10 The second main reason is that the current facilities are overcrowded and unsuitable for educational use. As indicated above there is no dining hall and the current space that is used as a kitchen to serve lunches to the pupils is only 9.5m²
- 6.3.11 Therefore the new building would provide an additional 154m² gross internal floor area and that will include a 13m² kitchen facility. This will then allow the current kitchen area in the old building to be converted back into a store/support room with the original library being converted back to its original use. In addition, there are significant health and safety concerns associated with the current arrangement as there is a fire safety egress issue around the existing room that is used as dining hall and the classrooms at busy times. This space will also be useful for the Nursery Class so that they can extend their wrap-around cover as it is currently oversubscribed.
- 6.3.12 The new hall would be a multi-use space providing additional classroom space, library, SEN intervention space and meeting space. In addition, by not having to take pupils out of the School for PE, this would remove the concerns regarding health and safety and safeguarding issues that currently exist at other sites.

- 6.3.13 The applicant is aware of the concerns that were raised last time and considers that the new proposal which has been significantly scaled back due to budget constraints would have less impact on the adjoining land and neighbouring properties. In addition no glazing is proposed on the south elevation and the retention of the boundary hedge would prevent overlooking into the adjoining dwelling.
- 6.3.14 The agent also confirms that the proposal seeks to provide a sustainable development that would “offer the school a minimal impact on its current resources and running costs.” The building would be constructed with a ‘U’ value performance that would be in excess of current building regulations, containing high levels of insulation and the building would be heated with a dedicated heating system. In addition, the lighting would be motion and light level sensitive allowing for intelligent lighting for the new hall.
- 6.3.15 Notwithstanding this current proposal, because of the objections from the neighbours, the School was asked to re-consider whether it would be possible to realign the position of the proposed building so that it would be sited along the same axis as the permitted scheme.
- 6.3.16 This revised scheme was taken to the School Governor’s meeting but was not found to satisfy the School’s requirements. In support of retaining the current scheme in favour of the second proposed scheme, the applicant has now provided the following further additional information.
- 6.3.17 Firstly, the Shropshire Gateway Educational Trust, the Governors and the Staff have a duty to ensure that they make the most of the accommodation opportunities and land use in order to support the best provision for the pupils.
- 6.3.18 The School’s Development Plan has the following objective:
- To tackle the increasing pattern of pupil’s low baseline at Nursery and Reception. In 2015, the school had 36.4% reaching age-related expectations against the national average of 66%. In 2017, our Reception pupils started school with only 13% working at age related expectations. The current Reception cohort started School with 0% working at age-related expectations and the Nursery had a similar level.*
- 6.3.19 As a result, the School consider that it is critical that any strategic decisions need to consider these requirements so as to optimise the best provision and opportunities for these children at the early stages of their education.
- 6.3.20 The Statutory Framework for the Early Years Foundation Stage (April 2017) states that “*providers must provide access to outdoor play area.*” It goes onto say that other related publications state that outdoor play is central to young children’s learning and that the quality of the outside area and its ‘*free flow*’ can

also have a significant effect on learning ability. Indeed Ofsted's Review – 'Bold Beginnings : Reception curriculum in a sample of good and outstanding Schools' November 2017 included the following findings:

- That "*Head teachers recognised that a successful Reception Year was fundamental to their School's success... children's achievements up to the age of five can determine their life chances*";
- '*Play was an important part of the curriculum in all of the schools visited*';
- '*Play....was used for developing children's personal, social and emotional skills. They learned to investigate the world around them, both physically and imaginatively.*'

6.3.21 The applicant's preferred option as submitted would allow pupils to use a range of facilities to provide accessible, quality outdoor space for exercise and outdoor play which would be supervised in a free-flow situation. The School has 20 Nursery children and 30 pupils in the Reception/Y1 class who require to have access throughout the day to this space. Furthermore the School also provides Wrap-around Care 52 weeks of the year from 07:30 until 17:30 hours. By using the free-flow option, this would provide benefits to the children in school for 10 hours a day.

6.3.22 With regard to the alternative orientation of the building as has been suggested the following points have been made:

- A building in this other location would reduce the immediate safe free-flow space from 393m² as currently proposed to only 134m² as can be seen on Dwg No GA06 Rev 0.
- The other side of the hall would not be in line of sight from the Garden Room/Reception and would therefore have to be fenced off in order that the children are kept safe.
- The space to the side of the hall would be darker due to beech tree canopy, so it would be difficult to recreate a garden area with raised beds here

The area to the right of the hall would also be outside the line of sight and so would not be used by children either.

6.3.24 Finally the applicant states that the school has had inadequate accommodation for too long. This is an outstanding school and it works hard to serve the community in that it also provides a Wrap-around service staying open between 07:30 to 17:30 hours all year round as well as providing Nursery provision. These services need appropriate accommodation.

The School has also now secured a Grant with the Big Lottery Fund and from 'Bags of Help' that need to be spent in the spring, so we would welcome a decision as soon as possible.

6.3.25 An objection has been raised by a neighbour regarding the need for the free flow space in front of and to the side of the proposed building and suggests that the

canopies be extended and considers that the amount of play space required has been exaggerated.

- 6.3.26 In response the applicant and agent have stated that the available free flow space as shown on Drawing GA06 is when viewed as from the existing internal nursery roof as when a staff member could be supervising a child in this room at the same time as keeping watch over the pre-school children that are use the external free flow space. It should be noted that the school does not have enough resources to employ other staff for this purpose. Had the permitted hall being constructed, this would have allowed the School to be able to apply for additional funding as they would have had more nursery children and would have had more resources to apply for supervisory staff.
- 6.3.27 The issue raised by the neighbour regarding the greenhouse is a matter for the School to deal with and is not a planning matter, but the agent has confirmed that in terms of protection a simple fence could be installed around it at a later date if required. Any fence will not have a significant impact on the external space but it will enhance the teaching provision of the school.
- 6.3.28 It should also be noted that there are currently 50 pre-school children at the School who have to use this free-flow space. They cannot use any other playground on the premises as the others are open to the public. The School has a legal requirement to provide this space for these children to play in. It is also important to note that this current proposal has been submitted only for what is in the best interests of the children attending the School and that whilst the previous scheme was thought to be satisfactory in 2016, funding did not allow the hall to be built. Since then the situation regarding funding and pupil numbers has changed which is why this proposal is different to the previous scheme. It is also important to note that this School provides primary education for a large number of rural children in the area and has to do this with a limited size of campus, so this scheme is to provide the now necessary requirements to allow the School to function properly.
- 6.4 **Residential Amenity**
- 6.4.1 Policy CS6 of the Core Strategy and Policy MD2 of SAMDev indicates that development should safeguard the residential and local amenity.
- 6.4.2 The principle concerns from the adjoining property Old School House is that they consider that when looking out from their bedroom window they would have to overlook the new building and that this would result in loss of their amenity because it would be much closer than the permitted building and so would cause unacceptable noise and overlooking issues.
- 6.4.3 Firstly with regard to the use of Rockwool as being an inappropriate insulation material. The agent has confirmed that the sound calculation testing by Rockwool (which can be viewed on the website) will be followed with regard to all recognised standards. The agent also acknowledges that a rigid board like

Kingspan or Celotex would have given the building better thermal values, but these types of insulation were not considered to be as sound absorbent.

- 6.4.4 With regard to the overlooking concerns, it should be noted that from the permitted plans for 16/00604/FUL, the side elevation of original building would have been some 13m away from the projecting front gable where the neighbour's bedroom window is sited and 1.4m away from the closest part of the boundary fence. However under this current scheme, because the corner of the building has been moved further south-west towards Old School House, it would be now be 7.3m from this projecting gable and 1.2m from the boundary fence.
- 6.4.5 In addition unlike the current scheme, the 2016 permitted plans also showed a large area that would be used for vehicle turning, so the main view from this bedroom window would have mostly looked over this hardstanding, the side gable and the divided roofscape of the multipurpose building. Whereas what is now proposed would give an entirely different view, in that the extent of the hardstanding would be considerably reduced to a maximum width of between 5.4m and 3.7m compared to the permitted scheme of 12.7m and the building would now be single storey only instead.
- 6.4.6 However unlike last time no rooflights are proposed, so there would be no concerns regarding the potential for any new overlooking into the roof space of building from the neighbour's bedroom and furthermore, the nearest north facing window would face towards the party fence boundary. This window would also be 'canopied over' like the rest of this north elevation and any views from the bedroom window towards this side of the building would be at an oblique angle only.
- 6.4.7 In addition officers also take the view that it is unlikely that there would be clear views available to the children (either using of the hall or playground) into Old School House first floor bedroom window. In fact it could be argued that the current location of this rear playground and existing garden which has no canopies at present already presents a situation that could be considered unneighbourly where it not for the existing shrubbery and new fencing, so by enclosing much of this playground with canopies, retaining the existing boundary fencing and by the position of the new building, this would actually help to mitigate any loss of amenity to Old School House that currently exists.
- 6.4.8 The proposed plans confirm that any direct views out from this window would remain as existing facing towards the front garden of The Bungalow on the other side of the existing boundary hedge. The position of the new building would be at angle to this bedroom window and appear as a modest shallow roofed structure when viewed from this room.
- 6.4.9 Another feature of the application site is that there is a change in levels between the Old School House land and the application site which is lower. Drawing No GA03 F Rev F shows spot heights indicating that the land to the west of the

entrance to the School is 188.09m AOD, whilst just inside where the proposed double entrance gates would be sited it is 187.91m AOD. Further to the east it drops away to 187.65m AOD and it finally levels out to 187.29m AOD to the east, so this is a drop in levels of some 800mm across this part of the School property including what was formerly part of School House garden.

- 6.4.10 The issue of the difference in levels is also shown on Dwg No GA07 F Rev A that was submitted on 16 January 2019. This shows a view of the proposed school hall as would be viewed from Old School House's garden and because of the change in levels, the building would be sited below the garden level thereby reducing its impact. The drawing shows that the eaves of the proposed 4.7m high building would project above the height of 1.8m high fence line by 1.3m with the proposed ridge as being 1.8m higher above this fenceline. In addition, the projecting 3.2m high canopy would extend 1.7m out over the play area to the north of this building. This drawing also appears to show a 600mm drop between the rear garden of Old School House and the School grounds and that the finished floor level would be 500mm below the fence line. The lower ground levels would assist in mitigating the impacts on the neighbouring property.
- 6.4.11 Objections were also raised regarding the party boundary which is an existing timber fence. The neighbours were under the impression that this was a temporary feature and it would be removed and replaced with a new fence and retaining wall along the new driveway. Concerns were also raised that this fence would need to be removed and then replaced with a new fence and retaining wall as was proposed under the last scheme.
- 6.4.12 The submitted plans show that instead of building a retaining wall all the way round the bottom of the party fence where the ground drops away, it is now intended to grade the soil down at a suitable angle of repose at the rear of the site. Only where this wall would not be feasible would a concrete retaining wall be built which is suggested along the western boundary fence of the playground. The submitted plan indicates that for the rest of the fence line around Old School House towards the entrance to the site, no significant changes are proposed in ground level for the access or where the proposed inward facing double gates will be positioned. Furthermore a concrete kerb is now proposed to be positioned next to the fence.
- 6.4.13 Following further concerns raised by the objector, the agent has stated that the *"current application does not involve changes in the finished levels immediately adjacent to the boundary"*. He also points out that the original conveyancing plan did not state the type of fencing that was to have been erected and therefore the existing fence is the one that will be retained.
- 6.4.14 There is one further point regarding this fence and its current appearance in that its design is necessary in order to provide for the security and child safeguarding that is required for the School as well as ensuring the privacy of all parties.

- 6.4.15 It is also noted that there would be a reduction in the size of the previously permitted car parking area which would then reduce the number of vehicle movements that would occur beyond the fence on a daily basis. If the previous scheme had been implemented; the permitted plans show that there would have been a substantial area of car parking provided beyond the boundary fence in order to provide sufficient manoeuvring space for parents to park their cars for picking up and dropping off children that were to attend the Play group on the first floor of the previously permitted building.
- 6.4.16 However as this facility will no longer be provided, Officers consider that with the reduction in parking space and omission of the Playgroup parking from here that there would be far less noise and disturbance to Old School House, because there would only be two vehicle movements per day instead. Thus the noise and disturbance that would have occurred would therefore be significantly reduced in this area.
- 6.4.17 The neighbour has also raised concerns about the proposed external surface to be used for the access way. Originally gravel was proposed to be used for a temporary period until the School could find the money to lay a permeable surface instead. However in the short term it is now proposed that hoggin will be used. Objections have been raised regarding the potential for surface water to drain into the neighbour's property. In response the agent has indicated that the hoggin will be retained by way of a concrete kerb and that it is not intended to drain the driveway into the neighbour's property.
- 6.4.18 The comments of the neighbour regarding concerns of new access way and the hedgerow have also been considered. The original permitted plans show that a 4m wide access was to have been achieved between the fence line and the centre part of the hedge. However, it would appear that this drawing did not take into consideration the change in levels beneath this hedge in that the land rises up to the south as the front garden of The Bungalow is higher than the School's property. The submitted cross section drawing now clearly shows this change in levels and that the centre line of the hedge would not be affected by the development and also that a gap of 3m would be provided for the new access instead of 4m, but this would still be sufficient width to allow a vehicle to pass along this access. The requirement for this hedge to be pegged out so that the neighbours can view the position of the cut back hedge is a private matter.
- 6.4.19 In support of the scheme, the School have also made the following points:
- The overlooking issues have been resolved with the removal of the windows and doors and by adding the canopy over the remaining window so as to remove any oblique line of sight
 - The proposed building has been positioned as close to the ST Inspection Chamber as possible. If this was not on site, then there would have been no objection to moving the building further to the east of the Garden area.
 - The access drive will only be used for Emergency Evacuation and for

1No vehicle that will deliver lunches around 11:20am each day during lesson time. However, it is likely that the current arrangement will continue with the delivery taking place via the main door, but in poor weather and for health and safety reason, this option is requested.

- Concerns have been raised about insulation, but this building will be insulated for noise transmission as the Acoustic Calculation figures from Rockwool document that has been submitted have stated, this shows a Sound reduction figure of 53 decibels.
- Furthermore residents who live near or next to School are aware that children will be making noise at playtimes, lunch times and after Sports lessons etc as this is part of living next to a School
- The proposed hall will be used during the school day from 07:30 to 17:30 hours, but there is no planned weekend use.
- With regard to the previous planning approval this was for a much larger two storey building and if that had been implemented, the School would have had a large sport's hall, a working school kitchen and 2No rooms for early year's provision. However because the School can no longer benefit from this development, there is still a requirement to provide additional space for the children.
- The School has acknowledged the neighbour's concerns but it has a requirement to consider the issues against the planning process in an objective way.
- A section drawing has now been drawn up (GA07 REV 0 submitted on 17 December 2018) that shows the relationship to the neighbouring properties.

6.4.20 The measures that have been proposed by the School are now considered sufficient to prevent any new overlooking or loss of amenity from the new building which would be sited at a lower level than the neighbour's property and taken with the reduction in the numbers of vehicle movements that were proposed under the last scheme and would have been just beyond the rear garden of Old School House; compared with the proposed use of the new drive being restricted to vehicles delivering School lunches only, this proposal is not considered to result in any material harm to the surrounding neighbours.

6.5. Landscaping

6.5.1 CS17 deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets.

- 6.5.2 It is also important to consider the requirements of Policy MD12 which deals with Natural Environment. This policy in connection with other associated policies seeks to apply guidance of the conservation, enhancement and the restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on natural features like the existing trees and the hedgerow that forms the southern boundary of the site.
- 6.5.3 The Council's Tree Officer notes that the proposal is similar to the existing permission dating from 2 years ago (ref: 16/00604/FUL) but differs in that the current design has a smaller footprint for the building.
- 6.5.4 With regard to arboricultural issues, however the same trees will require removal to facilitate construction, but beneficially the development will be further away from the beech tree (T2 in the tree report) which is the most significant tree in the immediate area.
- 6.5.5 Whilst the same arboricultural information has been submitted as before and so the tree report remains sufficiently accurate in terms of its assessment of tree sizes and root protection areas and the Tree Officer still agrees with the findings and recommendations, the plans within the report are based on the previous scheme.
- 6.5.6 For clarification and enforcement purposes the submitted Tree Protection Method Statement dated 31 March 2016 was requested to be updated so that would be based upon the current submitted layout and that most importantly Sections 5 and 6 and the Tree Retention and Protection Plan were also updated. Revised details were submitted and have been assessed by the Council's Tree Officer.
- 6.5.7 The updated report has been reviewed with the amended plans and arboricultural information and satisfactorily addresses the comments made in the previous consultation response (15th November 2018). The Council can agree with the findings and recommendations of the amended BS5837 Tree Protection Method Statement (Unwin Forestry Consultancy, 31 March 2016, Rev 2.1.19)
- 6.5.8 It is considered that the tree and hedgerow loss required to implement this development is of relatively minor impact and can readily be compensated by suitable new tree and hedge planting at suitable locations within the site. Therefore there is no objection to this application on arboricultural grounds, given appropriate tree protection measures as identified in the arboricultural report and subject to conditions.
- 6.6 Consideration of the proposal on the Stottesdon Conservation Area**
- 6.6.1 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, policy MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2018, Planning Practice Guidance 2018 and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.6.2 Under Paragraph 189 of Section 16 of the NPPF, there is a requirement an applicant should describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the asset's importance.

Paragraph 192 requires that local planning authorities should take account of:

- a) *The desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation;*
- b) *The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and*
- c) *The desirability of new development making a positive contribution to local character and distinctiveness.*

6.6.3 Paragraph 193 requires that when *“considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.

6.6.4 Paragraph 194 goes onto say *“Any harm to or loss of significance of a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification”*.

6.6.5 In this case as the School is in the Stottesdon Conservation Area, paragraph 196 is also relevant here; *“where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.”*

6.6.6 The application proposes the erection of a new school hall building at Stottesdon C E Primary School and the site lies within the Stottesdon conservation area.

6.6.7 The previous scheme was for a much larger building and this was approved under application ref: 16/00604/FUL. However the new scheme as now put forward as part of the current application is for a smaller building that has a simple functional design.

6.6.8 As the principle of a large hall extension has already been approved as part of the previous permission and was not considered to result in material harm to the

significance of the Conservation Area, this more modest single storey building would also result in less than substantial harm because it would have less impact on the significance of this part of the Conservation Area.

- 6.6.9 The proposed school building will also provide a measured public benefit to the local community by providing much needed outdoor covered play space and by increasing the curriculum activities that this high performing village school can provide as well as providing the necessary health and safety improvements that the increased number of pupils now require.
- 6.6.10 It is acknowledged that the use of metal cladding for one elevation of the building, which would be mostly hidden behind the boundary hedge. The remaining elevations would be clad in horizontal larch weather boarding which is not too dissimilar to the existing elevations of the modular extensions of the rest of the school building. Furthermore, these extensions also have membrane roofs. Officers consider that the materials to be used on this modest school hall building would therefore neither detract from the appearance of existing Victorian School building as the hall would be behind the dual frontage of the School and neither would it affect the character or appearance of this part of the Conservation Area either.

6.7 Other Matters

6.7.1 Highways

- 6.7.2 The Highway Authority have no objections to the scheme and they consider that is unlikely that the addition of this new school hall would significantly adversely affect highway safety or local conditions.

- 6.7.3 The comments of the Parish Council and neighbours are noted regarding the Shropshire Council owned car park and the views of the County Highway Officer have been sought: It is hoped to receive any comments in time for the Committee meeting.

6.8. Sustainable Drainage - SUDS

- 6.8.1 CS18 deals with Sustainable water Management, so that development will need to integrate measures for sustainable water management to reduce flood risk, avoid adverse impacts on ground water quality and quantity and provide opportunities to enhance biodiversity.

- 6.8.2 The site is not defined as being in a Flood Zone that would require a Flood Risk Assessment and no flood mitigation measures are required.

6.9 Ecology

- 6.9.1 MD12 is also relevant here as it deals with the Natural Environment. Again there is a need to consider whether the social or economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets such as the hedgerows and trees where the proposal would result in loss of these assets.

. Development proposals must assess whether they are likely to affect a natural asset using current accepted guidance and best practice.

6.9.2 The applicant has submitted an Ecological Report and Survey dated September 2017. No evidence of protected species listed in Section 2 were found on the site with the exception of the potential for disturbance for nesting birds.

6.9.3 This Appraisal found that the main habitat was an amenity garden with a small pond, vegetable plots, planted ornamental garden borders, young trees and shrubs as well as areas of hard standing between the garden area and the back of the school buildings. Essentially it is recommended that where possible new native species of grasses and wildlife are used for any landscaping.

6.9.4 In terms of the protected species, with regard to Bats, there are no buildings that would be directly affected and the existing school buildings were not considered suitable for roosting bats. There is also a lack of suitable trees and shrubs that would be unsuitable for roosting bats as they are insufficient age and lack suitable ingress points. Nevertheless the site is likely to form part of a commuting and foraging area for local bats and therefore bat boxes should be erected on the new building to provide potential roosting opportunities for bats and that any external lighting should be sensitive to bats and other wildlife and follow the Bat Conservation Trust's guidance.

6.9.5 As for Great Crested Newts, there is one pond on the site located in the amenity garden, but it is small and plastic lined with a site area of 0.5m² and minimal planting. There are no fish. There is also a safety guard over the pond which would restrict wildfowl access and the guard along with footbridge casts about 80% shading over the waterbody. Furthermore the surrounding vegetation is species poor, however the immediate terrestrial habitat around the pond would provide cover for amphibians, but the general habitat around the school with its extensive tarmacked areas as well as the surrounding residential properties is unlikely to be provide the necessary connectivity.

6.9.6 Indeed a Habitat Suitability Index Assessment calculated that the pond only having a poor suitability to be able to support great crested newts and the water body has not changed since the original survey in 2015.

6.9.7 Conditions are recommended relating to the provision of bird boxes to enhance biodiversity, together with informatives relating to nesting birds and management practices during the construction phase to safeguard amphibians, reptiles and small mammals.

7.0 CONCLUSION

7.1 It is considered that the siting, scale and design of this second proposed new School Hall building, new access road and single parking area, retaining wall and fencing, the siting of demountable canopies and associated works are acceptable

in planning terms as the overall scheme would provide more sustainable accommodation and improved facilities to enable the School to operate in accordance with its regulations.

- 7.2 The siting of the building at a lower ground level than Old School House and the introduction of canopies to be attached to the building and free-standing ones in the playground along with the retention of existing boundary hedgerow would not result in material harm to the amenities of either Old School House or The Bungalow. With regard to the scheme in relation to the impact on the Stottesdon Conservation Area, it is considered that the new building would result in less than substantial harm to the setting of the designated heritage asset and would also preserve the character and appearance of the Victorian school and Old School House and its setting.
- 7.3 The proposal is considered to be compliant with the Core Strategy Policies, those of the Shropshire Sites Allocations and Management of Development (SAMDev) and the National Planning Policy Framework and subject to conditions on time limits, development in accordance with the deposited plans; full details and samples of external materials including colour and texture of the cladding and metal profile sheeting; large scale drawings of proposed joinery, window detailing and double gates, details of the permeable driveway surface, the hours of use of school hall, details of external lighting, bat box location, tree protection conditions and landscaping plan, the scheme is now considered to be acceptable and the recommendation is one of approval.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Council Adopted Core Strategy
CS6 Sustainable Design and Development Principles
CS7 Communications and Transport

CS8 Facilities, Services and Infrastructure Provision
CS13 Economic Development, Enterprise and Employment
CS17 Environmental Networks
CS18 Sustainable Water Management

Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD2 Sustainable Development
MD12 Natural Environment
MD13 Historic Environment

RELEVANT PLANNING HISTORY:

10/00883/FUL Erection of a canopy enclosure to replace existing GRANT 5th May 2010
12/01783/FUL Proposed extension to provide new Reception office general purpose room and playground extension GRANT 18th June 2012
14/05315/TCA To remove all major deadwood more than 80mm in diameter and stubbs from throughout the crown of 1No Poplar Lombardy (21) within Stottesdon Conservation Area NOOBJC 23rd December 2014
15/00298/TCA Fell 1No Poplar Lombardy Tree lying within Stottesdon Conservation Area NOOBJC 31st March 2015
15/04712/VAR Variation of condition no.1 attached to CC2005/0036 To allow for retention of the demountable accommodation for a further temporary period of ten years GRANT 17th December 2015
15/04713/VAR Variation of Condition no. 2 attached to CC2007/0027 To allow for the retention of the demountable accommodation for a further temporary period of ten years GRANT 17th December 2015
16/00604/FUL Erection of a new school hall building and demolition of stone wall near adjacent car park GRANT 11th July 2016
18/04323/FUL Erection of a new school hall building PCO
BR/APP/CRG3/07/0708 EXTENSION TO EXISTING DEMOUNTABLE CLASSROOM UNIT NOOBJC 6th September 2007
BR/APP/CRG3/01/0799 Erection of two extensions to existing three-bay demountable classroom unit and extension to hard play area OBS 16th November 2001
BR/APP/CRG3/05/0804 Renewal of temporary planning permissions for 8-BAY demountable classroom and staff accommodation with corridor and canopy OBS 17th October 2005
SC/CC2007/0027 Installation of extension to existing demountable classroom unit to provide 'early years' and childcare facility PERMIT 28th September 2007
SC/CC2005/0036 Renewal of temporary planning permissions (granted in 1995 and 2001) for 8-bay demountable classroom and staff accommodation, with corridor link and canopy PERMIT 16th November 2005
SC/CC1997/0004 Formation of new pedestrian access and closure of existing pedestrian access PERMIT 14th March 1997
SC/CC1995/0031CONS Demolition of existing demountable classroom unit and timber shed CAC 6th July 1995
SC/CC1995/0030 Installation of 3-bay demountable classroom unit to replace existing classroom unit PERMIT 4th August 1995
SC/CC2001/0042 Installation of two extensions (total 5 bays) to existing 3-bay demountable classroom unit, and extension of hard play area PERMIT 19th December 2001

BR/95/0278 INSTALLATION OF 3-BAY DEMOUNTABLE CLASSROOM UNIT TO REPLACE EXISTING UNIT OBS 31st May 1995

BR/97/0094 FORMATION OF NEW PEDESTRIAN ACCESS AND CLOSURE OF EXISTING PEDESTRIAN ACCESS OBS 3rd March 1997

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PF93AZTD08V00>

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

Design and Access Statement

Heritage Assessment

Ecological Assessment

Tree Protection Method Statement

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Gwilym Butler

Cllr Madge Shineton

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall include:

- a) details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

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

4. The tree works shall be carried out and tree protection measures installed as specified within the amended BS5837 Tree Protection Method Statement (Unwin Forestry Consultancy, 31 March 2016, Rev 2.1.19) and on the amended Tree Retention and Protection Plan (STOTTRP - Jan 19), prior to commencement of development on site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

5. The development shall be implemented in strict accordance with the approved Tree Protection Method Statement (Unwin Forestry Consultancy, 31 March 2016, Rev 2.1.19), notably section 6 and Appendices III - VII thereof, and the amended Tree Retention and Protection Plan (STOTTRP - Jan 19). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

6. The approved tree planting scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following completion of the development. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

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

- 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
- a Traffic Management Plan

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

8. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls including the metal profile sheeting and treatment of the external cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

9. Prior to the commencement of the relevant work, details of all external windows and doors and any other external joinery including the new double gates to be erected near the entrance to the driveway shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

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

10. Prior to first occupation / use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 3 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

11. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

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

12. The School Hall building hereby permitted shall not be open outside of the hours of 0730 to 1800 Monday to Fridays and, at no times on Saturday, Sundays or Public Holidays

Reason: To protect the amenities of the occupiers of the adjacent properties from potential nuisance

13. No deliveries shall arrive or be dispatched from the building outside of the following times:

- a) 0730 to 1800 Monday to Friday
- b) not at any time on Saturdays, Sundays or Public Holidays

Reason: To minimise the noise disturbance to neighbouring residents.

14. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, no windows, rooflights or other window opening other than those shown on the approved plans shall be inserted in either the south or west elevations of the development hereby permitted.

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

Informatives

1. In arriving at this decision Shropshire 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 38.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at:
www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

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 nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to the building and begin nesting, work must cease until the young birds have fledged.

4. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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 close-fitting 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.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

5. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

6. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

7. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

8. This planning permission does not authorise the applicant to:
construct any means of access over the publicly maintained highway (footway or verge) or
carry out any works within the publicly maintained highway, or
authorise the laying of private apparatus within the confines of the public highway including any
new utility connection, or
undertaking the disturbance of ground or structures supporting or abutting the publicly
maintained highway.

The applicant should in the first instance contact Shropshire Councils Street works team. This
link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to
commence any such works affecting the public highway so that the applicant can be provided
with an appropriate licence, permit and/or approved specification for the works together and a
list of approved contractors, as required.

9. Where there are pre commencement conditions that require the submission of
information for approval prior to development commencing at least 21 days' notice is required
to enable proper consideration to be given.

10. Your attention is specifically drawn to the conditions above that require the Local
Planning Authority's approval of materials, details, information, drawings etc. In accordance
with Article 21 of the Town & Country Planning (Development Management Procedure) Order
2010 a fee is required to be paid to the Local Planning Authority for requests to discharge
conditions. Requests are to be made on forms available from www.planningportal.gov.uk or
from the Local Planning Authority. The fee required is £116 per request, and £34 for existing
residential properties.

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

11. National Planning Policy Framework 2018
National Planning Practice Guidance 2018

Shropshire Council Adopted Core Strategy
CS6 Sustainable Design and Development Principles
CS7 Communications and Transport
CS8 Facilities, Services and Infrastructure Provision
CS13 Economic Development, Enterprise and Employment
CS17 Environmental Networks
CS18 Sustainable Water Management

Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD2 Sustainable Development
MD12 Natural Environment
MD13 Historic Environment

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Committee and date

South Planning Committee

12 February 2019

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT COMMITTEE 12 FEBRUARY 2019

LPA reference	17/05250/PMBPA
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mark Harding
Proposal	Application for prior approval under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) Order 2015 for the change of use from agricultural to residential use
Location	Agricultural Building North Of New Road Oreton Cleobury Mortimer Shropshire
Date of appeal	10.10.2018
Appeal method	Written Representations
Date site visit	11.12.2018
Date of appeal decision	16.01.2019
Costs awarded	
Appeal decision	Dismissed

LPA reference	17/01357/COU
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Nicholas Corns
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of redundant agricultural building to B2 (General Industry)
Location	Buildings At Small Heath Farm Ashford Bank Claverley Shropshire
Date of appeal	16.10.2018
Appeal method	Written Representations
Date site visit	11.12.2018
Date of appeal decision	22.1.2018
Costs awarded	
Appeal decision	Allowed

LPA reference	17/03840/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr Mario Nicholas
Proposal	Erection of extension to existing building to create two additional residential flats (revised scheme)
Location	Holmwood Clive Avenue Church Stretton Shropshire
Date of appeal	16.10.18
Appeal method	Written Representations
Date site visit	
Date of appeal decision	28.01.19
Costs awarded	
Appeal decision	Allowed



Appeal Decision

Site visit made on 11 December 2018

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2019

Appeal Ref: APP/L3245/W/18/3199998

**Land to the North of New Road, Oreton, Cleobury Mortimer, Shropshire
DY14 0TW**

- 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, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mark Harding against the decision of Shropshire Council.
 - The application Ref 17/05250/PMBPA, dated 27 October 2017, was refused by notice dated 20 December 2017.
 - The development proposed is described as existing fodder store, set in north east corner, convert to one single storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015(GPDO), having particular regard to the following:
 - whether the site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.

Reasons

3. The appellant submitted prior notification to the Council in 2012 under Part 6 of the GPDO for the erection of an agricultural building for the storage of farm machinery and feed (Ref 12/01147/AGR). On 3 April 2012 the Council determined that prior approval was not required for the proposed building. Dimensions of the proposed building were provided as part of the application together with a site location plan showing its position within the field.
4. It appears from the evidence that a building was subsequently constructed on site, though whilst the existing building has a similar sized footprint to the prior notification building, it is taller. This fact is not disputed by the appellant but he considers that the prior notification process does not restrict the size of the building to that detailed within the application, but rather to the overall limitations of Part 6. I do not agree with the appellant that there is scope to

deviate from the details of a building provided as part of the notification process and consequently I consider that the existing building has not been the subject of a prior notification application. Whilst there may not have been a requirement to provide dimensions and siting of the building as part of the notification process, such details were provided in this case and in any event would have been likely to have formed part of the required description of development. Therefore from the evidence before me it appears that at the point that it was constructed the existing building was not permitted development and was unauthorised.

5. There is disagreement between the main parties as to whether the existing building had been substantially completed and was in agricultural use on 20 March 2013. My attention has been drawn to evidence submitted by both parties with reference to the building in various documents and regarding the use of the building. In reaching my decision I have had regard to this evidence.
6. I note that the appellant submitted a planning application for the formation of an access at the site in 2013 (Ref 13/00377/FUL) and that the application was approved by the Council on 15 March 2013. The Council's Officer Report refers to the building being "currently under construction" and the Council's statement states that the officer visited the site on 13 February 2013. However various parts of the Officer Report also make reference to "the building" and "the building erected". The appellant states that the steels for the building were erected in Summer 2012 and has submitted an invoice to support this assertion dated 22 August 2012. He states that farm machinery was moved into it in September 2012 and that it was completed before the application for the formation of an access was submitted. Reference has been made to the planning application form for the access, though I do not appear to have been provided with a copy of it.
7. The evidence submitted is far from compelling with regard to whether or not an agricultural building was present and in use at the site on 20 March 2013. Though it seems that a steel frame was constructed sometime around August 2012, the evidence suggests that the building was not complete by February 2013 when the Council's planning officer visited the site in connection with application reference 13/00377/FUL. Whilst I note reference within the Officer Report to "the building" and to the appellant's interpretation of this, I do not consider that the officer necessarily meant completed building, particularly given the reference to it not being complete elsewhere within the report. Similarly I do not consider that the building as it exists today with an open frontage and partial overhang would necessarily be considered to be incomplete as suggested by the appellant.
8. There is no evidence to suggest that any works took place to the building between February 2013 and 20 March 2013 which would have resulted in it being completed and in use by that date. In any event, even if it was complete by that date, I do not consider that the existing building was lawful then.
9. Taking the above matters into consideration, I conclude that the existing building is not the building that was the subject of application 12/01147/AGR, that the appellant has not adequately demonstrated that an agricultural building was present and in use on the site on 20 March 2013 and that in any event the existing building was not lawful then. Consequently the proposal

fails to meet the requirements of Class Q of the GPDO and is not permitted development.

Other Matters

10. I note that in reaching its decision the Council was also concerned with regard to the dimensions of the proposed dwelling and the size of the proposed curtilage as well as with the accuracy of the plans in relation to the position of the building.
11. It appears from the evidence that the originally submitted survey drawings did not show dimensions on the floor plans and that when measured the dimensions differed from those shown on the proposed plans. However the appellant has subsequently provided a survey drawing showing dimensions for the existing building which are almost identical to the proposed building. Having regard to this and to the appellant's stated intention to re-use and not re-build the existing building, I am satisfied that the size of the proposed dwelling is not materially larger than the existing building and that the proposal would be for a change of use and would not include the enlargement of the building. Whilst the existing building is larger than that approved in 2012 (Ref 12/01147/AGR), this does not necessarily mean that the proposal could not be permitted development provided that the existing building is lawful and was in use on 20 March 2013. However for the reasons previously stated, I do not consider that this is the case.
12. With regard to curtilage, the originally submitted block plan showed the appeal site to comprise the existing building and an area of land around it including the existing access from New Road. The Council expressed concerns about the accuracy of the plan and an amended block plan and location plan have subsequently been submitted in order to clarify the position of the building in relation to other land in the appellant's ownership. Though the originally submitted block plan stated that the site area, excluding access, is 430 square metres, no such details are shown on the amended block plan and the area of any proposed curtilage is not defined on any of the submitted plans. Though a figure of 207.1m appears on the amended site location plan, it is not clear whether this is referring to the size of the curtilage and if so, where the curtilage would be.
13. Paragraph X of Schedule 2, Part 3, Class Q of the GPDO limits the curtilage to an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building. As stated, it is not clear in this case exactly where the curtilage would be and whether its size would exceed the floor area of the existing agricultural building. Consequently were I allowing the appeal, I would consider that no curtilage is proposed. However this would not prevent the change of use of the building without a curtilage if I was satisfied with the remainder of the proposal.
14. I note the appellant's reference to the fact that there is allegedly deemed consent for two dwellings on the site. However this does not affect whether or not the proposal before me would constitute permitted development. As I am dismissing the appeal, any concerns about the accuracy of the plans in relation to the position of the building need not be considered further.

Conclusion

15. For the above reasons and having regard to all matters raised, I conclude that the proposal is not permitted development and that the appeal should be dismissed.

Beverley Wilders

INSPECTOR



Appeal Decision

Site visit made on 11 December 2018

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2019

Appeal Ref: APP/L3245/W/18/3204332

Unit 1, Buildings north of Small Heath Farm, Claverley WV5 7DY

- 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 Nicholas Corns against the decision of Shropshire Council.
 - The application Ref 17/01357/COU, dated 21 March 2017, was refused by notice dated 3 May 2018.
 - The development is change of use of redundant agricultural building to B2 (General Industry).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of redundant agricultural building to B2 (General Industry) at Unit 1, Buildings north of Small Heath Farm, Claverley WV5 7DY in accordance with the terms of the application, Ref 17/01357/COU, dated 21 March 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The planning application form states that the change of use started on 1 January 2015 and at the time of my visit the building and surrounding land was in use in connection with a car repair business. I have determined the appeal accordingly.
3. The description of development used in the heading above and in my decision reflects the description stated on the planning application form. This differs from the description stated on the Councils decision notice and the appeal form. However as it does not appear that the amendment to the description was formally agreed by the appellant and as the original description appears to adequately describe the development before me, in granting permission I have used the original description.
4. On 24 July 2018 the Government published its revised National Planning Policy Framework (the Framework). The revised Framework is applicable to planning decisions from the date of publication and sets out the Government's planning policies for England. It is therefore a material consideration in the determination of this appeal. The main parties have been consulted on the revised Framework and in reaching my decision I have had regard to it where relevant and to any responses received from the main parties.

Main Issues

5. The main issues are:

- whether the development is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect of the development on the character and appearance of the area;
- the effect of the development on the living conditions of the occupiers of neighbouring dwellings having regard to noise and disturbance.

Reasons

Whether the development is inappropriate development

6. The appeal site comprises part of a former agricultural building and adjacent land located in the Green Belt, on the edge of the village of Claverley. Access to the site is via a track accessed off Danford Lane.
7. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (CS) relates to countryside and Green Belt and states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Paragraph 146 of the Framework states that the re-use of buildings of permanent and substantial construction and material changes in the use of land are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. Policy MD6 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 (SAMDev) relates to the Green Belt and also refers to Green Belt purposes.
8. Whilst the Council considers the re-use of the building to not be inappropriate development, it has concerns regarding the use of the land adjacent to the building for the storage of cars and the impact that this has on the Green Belt. Land within the appeal site and adjacent to the building comprises areas of hardstanding, forming part of a larger area of hardstanding surrounding the appeal building and the adjacent building.
9. The southern boundary of the appeal site is formed by a timber fence with land to the east of the appeal site and wider hardstanding area having a much more open character and appearance. Land levels fall away to the east. At the time of my visit twelve vehicles were parked outside the building, though the appellant acknowledges that a larger number of vehicles have been parked at the site at times. The appellant has stated a willingness to accept a condition limiting the total number of vehicles parked at the site to ten and I consider that such a condition would meet the tests for planning conditions as set out in paragraph 55 of the Framework. Bearing in mind that the previous use of the site for potato storage is likely to have resulted in some external parking and storage albeit seasonal, I consider that subject to the imposition of such a condition, the use would preserve the openness of the Green Belt and would not result in an urbanising effect or conflict with the purposes of including land within the Green Belt.
10. Taking the above matters into consideration, I conclude that the development as proposed would not be inappropriate development in the Green Belt having regard to relevant paragraphs of the Framework and Policy CS5 of the CS and Policy MD6 of the SAMDev. It accords with these policies which seek, amongst other things, to ensure that the Green Belt is protected from inappropriate

development, that openness is preserved and that there is no conflict with Green Belt purposes.

Character and appearance

11. As stated, the appeal site forms part of a former agricultural site. No external changes are proposed to the building and any external parking would be limited to a maximum of ten vehicles parked on land close to the appeal building. Whilst the site is relatively isolated and elevated from surrounding open land, subject to the imposition of a control over the number and location of parked vehicles, I consider that the use would not have a detrimental impact on the character and appearance of the area, particularly given that some external parking and storage would have been likely to have been associated with the previous agricultural use of the site.
12. I therefore conclude that the development as proposed would not have a significant adverse effect on the character and appearance of the area. It consequently accords with policies CS5, CS6 and CS17 of the CS, policies MD2, MD6, MD7b and MD12 of the SAMDev and relevant paragraphs of the Framework insofar as they relate to character and appearance. These policies seek, amongst other things, to ensure that development is well designed and protects landscape character.

Living conditions

13. A small number of residential properties are located close to the appeal site to the south and west with a number of other residential properties located further away including on Danford Heath and Danford Lane. I note that concerns have been raised in relation to the impact of the development on living conditions by a large number of local residents and by the Parish Council. I have had regard to these concerns.
14. A Noise Assessment Report Reference 3709-R1 (NAR) was submitted to the Council prior to its determination of the application. The NAR was assessed by the Council's Regulatory Services department who raised a number of issues with it but nevertheless concluded that based on its findings and assuming that the use takes place inside the building during the times proposed by the application, that no significant amenity impact is likely.
15. The hours proposed by the application are 0830 to 1800 Monday to Friday, 0900 to 1300 on Saturday with no work on Sundays and Bank Holidays. Whilst the appellant acknowledges that he has been operating beyond these hours previously, he has expressed a willingness to comply with the hours proposed in order to enable him to continue to operate from the site. He has also stated willingness for all works to take place within the building with the roller doors closed and confirmed that the washing of vehicles now takes place off site.
16. I note from the evidence that the previous use of the site has been a cause of concern for local residents and that the Council has expressed concerns about the practicalities of works taking place inside the building with the roller shutter doors closed. However having regard to the submitted NAR and subject to the imposition of suitably worded conditions controlling the timing and operation of the use on site, I consider that the use of the site by the appellant is capable of taking place without materially affecting the living conditions of the occupiers of neighbouring dwellings. I consider that the potential impact of the

requirement for all openings of the building to remain closed whilst works are taking place on working conditions could be overcome by the installation of ventilation within the building and this would be a matter for the appellant should it be required.

17. Other concerns raised relate to the type, amount, route and timing of vehicles accessing the appeal site, with routes to the site including residential roads. The appellant has provided a typical log of vehicles accessing the site and uses within the adjacent buildings. This suggests that vehicle numbers are low, particularly in relation to large, commercial vehicles and this evidence has not been disputed by the Council or by interested parties. I acknowledge that the route to the appeal site includes residential roads and rural lanes. However having regard to the submitted evidence about the likely number and type of vehicles accessing the site, the type of vehicles likely to have been used in connection with the previous use of the site and subject to the imposition of suitably worded conditions controlling the timing of the use and deliveries to and from the site, I do not consider that traffic associated with the proposed development would be materially harmful to the living conditions of the occupiers of neighbouring dwellings.
18. Although I note that activities have been carried out at the site without planning permission and whilst these appear to have been taking place at hours outside of those proposed, I do not consider that this demonstrates that the appellant would be highly likely to not comply with any conditions imposed, particularly as he has stated a willingness to accept all of the conditions suggested by the Council. Any future failure to comply with any conditions imposed which results in a significant adverse impact on living conditions would soon become apparent to the Council which has the discretion to pursue enforcement action if it is expedient to do so. Much of the objection to the development appears to relate to what has been taking place on site rather than what is proposed by the application before me.
19. Taking the above matters into consideration, I conclude that subject to the imposition of suitably worded conditions the development would not have a significant adverse effect on the living conditions of the occupiers of neighbouring dwellings having regard to noise and disturbance. It therefore accords with Policy CS6 of the CS and to relevant paragraphs of the Framework insofar as they relate to living conditions. These policies seek, amongst other things, to safeguard living conditions.

Other Matters

20. In reaching my decision I have had regard to a number of other matters raised in relation to the development.
21. Concerns have been raised with regard to environmental pollution. However whilst the use relates to car repairs, there is no substantive evidence to indicate that environmental pollution has occurred on site or is likely to occur should permission be granted. I have been provided with a copy of an advice and guidance letter from the Environment Agency to the appellant dated 4 April 2016 who were satisfied with site practices and procedures at that time.
22. Concerns have also been raised in relation to highway damage and highway and pedestrian safety associated with heavy traffic associated with the use, particularly given the presence of a primary school and nursery nearby.

However, as stated, from the evidence it appears that traffic levels associated with the existing use and as proposed to be controlled by conditions is/would be relatively low and not significantly greater than that associated with the previous agricultural use. No objections were raised to the application by the Highway Authority. The high speed testing of cars does not form part of the use the subject of the application.

23. There is no substantive evidence to suggest that the use would be likely to result in any danger to nearby residents resulting from fires or explosions. Similarly there is no evidence that the use has/would affect property values and in any event this is not a material consideration in determining planning applications and proposals.
24. Though the appellant has sought planning permission retrospectively and has used the site in the absence of planning permission, this is not a reason to withhold planning permission now.
25. Whilst I have sympathy with local residents who appear from the evidence to have experienced a number of problems associated with the use that has been taking place on site, for the reasons stated, I consider that the use as proposed and subject to appropriate restrictions is acceptable in this location without detriment to either residents or the local area.

Conditions

26. I have had regard to the conditions suggested by the Council and note the appellant's willingness to accept them should the appeal be allowed.
27. Although development is already taking place at the site I have imposed a condition specifying the approved plans as this provides certainty, particularly with regard to the permitted area for the parking of vehicles. I have also imposed conditions restricting where the use can take place, the hours of use and setting out the location and maximum number of vehicles permitted to be stored/parked on site.
28. In addition I have removed permitted development rights for any change to the approved use including to any other use within the B2 use class. All of these conditions are in order to protect the living conditions of nearby residential occupiers and some are also in order to protect the character and amenity of the area and the openness and character of the Green Belt. In some cases I have amended the wording suggested by the Council slightly in the interests of clarity.
29. Though not suggested by the Council I have imposed a condition restricting the use of air compressors, air powered tools or other similar noise generating tools and equipment on site without prior approval by the Council. The appellant has stated that no such tools are currently used, though they have been previously and appear from the evidence to have adversely impacted on living conditions. The Council's Regulatory Services department suggested such a condition in its consultation response. The main parties have been consulted on this and raise no objections to such a condition being imposed.
30. I have not imposed the suggested condition relating to the route to be taken by delivery vehicles as this condition seeks to control the use of land outside of the application site and would therefore be unlawful.

Conclusion

31. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following submitted plans: drawing numbers 010A and 011A.
- 2) All works associated with the use hereby approved shall take place inside the building with all openings within the building being kept closed at all times when works are being carried out. No external works associated with the use hereby approved shall take place.
- 3) No more than ten vehicles associated with the use hereby approved and awaiting repair or recovery shall be stored/parked within the site on land outside the building.
- 4) The use hereby permitted, with the exception of the outside storage/parking of vehicles referred to in condition 3, shall only be carried out on Monday – Friday between 0800 and 1830 and on Saturday between 0900 and 1300 and at no time on Sunday or Public Holidays. In addition no deliveries to or despatch of vehicles from the site shall take place outside of these permitted hours.
- 5) There shall be no use of air compressors, air powered tools/equipment or other similar noise generating powered tools/equipment on site without the prior written approval of the use of such tools/equipment by the Local Planning Authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any Order revoking and re-enacting that Order with or without modification, the Class B2 Use hereby approved shall be restricted to Unit 1 as shown on the approved plans and shall be used for the repair of motor vehicles only and for no other use falling within the B2 Use Class.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Schedule 2 Part 3 Class I shall be carried out without planning permission.

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Appeal Decision

Site visit made on 18 December 2018

by Beverley Wilders BA (Hons) PgDurb MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2019

Appeal Ref: APP/L3245/W/18/3208599

Holmwood, Clive Avenue, Church Stretton, Shropshire SY6 7BL

- 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 Mario Nicholas against the decision of Shropshire Council.
 - The application Ref 17/03840/FUL, dated 2 August 2017, was refused by notice dated 13 March 2018.
 - The development proposed is erection of an extension to the existing building to create two residential flats.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of an extension to the existing building to create two residential flats at Holmwood, Clive Avenue, Church Stretton, Shropshire SY6 7BL in accordance with the terms of the application, Ref 17/03840/FUL, dated 2 August 2017, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located in the Church Stretton Conservation Area (CA). The CA is large in size and Clive Avenue is characterised by and derives its significance from large individual houses set in spacious gardens with the presence of mature street trees. Clive Avenue becomes more verdant and spacious in character further away from the site. The appeal site is located in a prominent position at the junction of Clive Avenue and Ragleth Road, with the latter being less verdant and more suburban in character and appearance than Clive Avenue. A modern property constructed in a traditional style is located in an elevated position adjacent to and set back from the host building on Clive Avenue. Another modern property and mature trees are located in an elevated position to the rear of the site, providing a backdrop to it.
4. The appeal site comprises a substantial three storey building set back from the road behind a tarmac forecourt and red brick low level boundary walls. The host building has previously been extended at the side towards Ragleth Road. The other side of the host building is the site of the proposed extension and comprises an area of land bounded by retaining walls to the side and rear. There is a lack of mature landscaping within the site though at my site visit I

did note a number of immature trees planted in various positions as shown on the submitted site plan.

5. The proposed side extension would be set back within the site towards the rear of the side elevation of the host building. It would also be set away from the side boundary with the adjacent property and its height relative to the host building and adjacent buildings means that it would have a subservient appearance. Though it would partly infill and reduce the width of the gap between the host building and adjacent buildings, its limited height, setback position and relative position of adjacent buildings to the common site boundaries means that it would not result in a cramped form of development or unduly erode the character of this particular part of Clive Avenue which is less spacious and verdant than other parts of the avenue and the CA.
6. Though I note the concerns raised in respect of the impact that previous development at the site has had on the character and appearance of the area, these matters are not before me and I note that the Council appears satisfied that any planting required in connection with a previous permission has now been carried out. A raised lawned area is proposed to the rear of the proposed extension together with additional planting including trees within the appeal site, some of which would be adjacent to Clive Avenue. Such planting together with existing planting elsewhere on the site and mature trees to the rear of the site would help to soften the impact of the proposal and over time would result in a more verdant appearance to the site. The area of additional hard surfacing associated with the proposal would be relatively limited and its visual impact would be reduced by the proposed soft landscaping which would be secured by the imposition of a suitably worded condition. Whilst the proposed landscaping cannot be described as substantial, I consider it to be sufficient and in reaching my decision note the comments of the Council's tree officer and conservation officer, neither of whom objected to the proposal.
7. Taking the above matters into consideration, I conclude that the proposal would preserve the character and appearance of the CA in accordance with the expectations of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the same reasons it would also accord with the development plan and in particular policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011, policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan December 2015 and with relevant paragraphs of the National Planning Policy Framework. These policies seek, amongst other things, development to be of a high quality design, to be sympathetic to the character of the area including historic environments and where relevant to preserve or enhance the character or appearance of conservation areas.

Other Matters

8. In reaching my decision I have had regard to a number of other issues raised by interested parties including the Town Council.
9. Firstly I am satisfied that the proposed extension would not be harmful to the character and appearance of the host building. As stated, it would be set back and subservient in scale and I consider that its design would be reflective of that of the host building.

10. Some concerns have been raised regarding the status, structural integrity and appearance of the retaining walls on the site. These walls are existing and do not appear to form part of the proposal. I have seen no substantive evidence regarding their structural condition and therefore have no reason to believe that their construction is not sound. Whether or not they require planning permission is a matter for the Council. The construction of the extension would serve to screen the rear retaining wall and partially screen the side wall.
11. The extension would adjoin the host building and would be close to existing side windows and a rear patio serving an existing flat. Having regard to the scale, position and internal layout of the extension relative to these windows and rear patio, I am satisfied that the proposal would not result in any significant and material loss of outlook, privacy or light noting that the rear patio is already overlooked by existing flats. Similarly there would be no material impact on the living conditions of the occupiers of the adjacent dwelling, noting the relative height and position of the extension and raised lawn and this property.
12. I am satisfied that the two parking spaces proposed are sufficient to meet the needs of the proposal having regard to the scale of the flats and their location and that the proposal would not result in any harmful increase in traffic generation. I note that the Highway Authority did not object to the proposal. Concerns raised in relation to the proposed pedestrian access from the site into the parking area of the host building are noted but do not affect the consideration of the proposal.
13. Some concerns have been expressed regarding drainage and water run-off. However I note that the Council's flood and water management team were consulted on the application and raised no objections to the proposal. In light of this and the relatively small scale of the proposal, I do not consider that significant drainage issues resulting from it are likely.
14. The site is located in the Shropshire Hills Area of Outstanding Natural Beauty (AONB), close to a number of Sites of Special Scientific Interest (SSSIs) and some concerns have been raised regarding a loss of ecological value of the site. However the proposal is small in scale and having regard to the nature of the site and its location, I am satisfied that there would not be any adverse impact on either the AONB, nearby SSSIs or on the ecological value of the site.
15. My attention has been drawn to the findings of another Inspector when dealing with an appeal on Clive Avenue (Ref APP/L3245/A/13/2206454) who dismissed the appeal due to concerns regarding the impact on the same CA. However it appears that the site in this case was in a semi-rural location, unlike the appeal site which is more suburban in character. I do not therefore consider that the two proposals are directly comparable and give limited weight to this decision. In any event I must determine the proposal before me on its own merits.

Conditions

16. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition regarding tree protection and landscaping, this is necessary to ensure the protection of existing trees and the implementation of a suitable landscaping scheme in the interests of the character and appearance of the area. In addition details of materials, roof materials and fenestration are

required by condition having regard to the nature of the proposal and the site's location in a conservation area. I have imposed a condition requiring details of surface water drainage in order to prevent excessive run-off and flooding. Finally I have imposed a condition requiring the proposed shower room windows to be obscurely glazed. This is having regard to the position of the windows and the need to protect the privacy of existing and future occupiers.

17. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. The drainage and landscaping conditions require details to be agreed by the Council prior to works starting given the nature of the requirements. This has been formally agreed by the appellant.
18. I have not imposed the construction management plan condition suggested by the Council. This is having regard to the relatively small scale of the proposal, the nature of surrounding roads and the fact that no such condition was suggested by the Highway Authority.

Conclusion

19. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: amended location plan, drawings 273.07, 273.09 and 273.10B.
- 3) No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include:
 - a. Identification of existing trees, shrubs and hedgerows which are to be retained
 - b. A tree protection plan in accordance with BS 5837:2012, and which includes identification of appropriate construction exclusion zones and tree protection fencing
 - c. Details of existing and proposed ground levels, and of the grade of topsoil to be used in connection with any level changes
 - d. Details of proposed planting schedules, methods and aftercare provision
 - e. Details of the type/construction, alignment and height of all walls, fences, trellises, retaining structures and other boundary treatments/means of enclosure
 - f. Details/samples of hard surfacing materials
 - g. Timetables for implementation

The landscaping works shall be completed in accordance with the approved details. Any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) No development shall commence until details of surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. The approved scheme(s) shall be implemented in full prior to the first use/occupation of the development, and shall thereafter be retained.
- 5) No above-ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained thereafter.
- 6) Before construction of the roof begins, samples/details of its materials and finishes, to include ridge treatments and detailing of eaves, valleys, verges and verge undercloaks as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained thereafter.
- 7) Prior to their installation, full details of all external doors, windows, roof lights and other fenestration/joinery, to include details of window styles, glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be completed in accordance with approved details and thereafter retained.

- 8) The two left-hand (shower room) windows on the front (northwest) elevation of the development hereby permitted shall be fitted with obscured/frosted glazing and thereafter maintained in that condition, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order).