



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

Date: Monday, 4 March 2019

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

**Date:** Tuesday, 12 March 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  
Director of Legal and Democratic Services (Monitoring Officer)

**Members of the Committee**

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

**Substitute Members of the Committee**

Gwilym Butler  
Jonny Keeley  
Heather Kidd  
Christian Lea  
Elliott Lynch  
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](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive any apologies for absence.

## 2 Minutes (Pages 1 - 8)

To confirm the minutes of the South Planning Committee meeting held on 12 February 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 Astbury Hall, Astbury, Bridgnorth, Shropshire ,WV16 6AT (18/05052/FUL) (Pages 9 - 60)

Re-development of Astbury Hall Estate to provide; leisure and spa building comprising fitness suite, health spa, two swimming pools, farm shop, function room, restaurant and bar; external facilities comprising lido pool, tennis courts, bowls/croquet/petanque greens; formation of parking areas; terraced areas; amendments to existing golf course; formation of 9-hole golf course and 18-hole putting green; alterations to two dis-used outbuildings to form service buildings; with all associated works.

## 6 Astbury Hall, Astbury, Bridgnorth, Shropshire, WV16 6AT (18/05078/FUL) (Pages 61 - 114)

Re-development of Astbury Hall Estate to include the installation of 135 holiday let lodges with raised decked areas; office reception lodge; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Valley Lodge Phase).

## 7 Astbury Hall, Astbury, Bridgnorth, Shropshire, WV16 6AT (18/05079/FUL) (Pages 115 - 166)

Re-development of Astbury Hall Estate to include the installation of 140 holiday let lodges with raised decked areas; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Plateau Lodge Phase).

## 8 Astbury Hall, Astbury, Bridgnorth, Shropshire, WV16 6AT (18/05159/FUL) (Pages 167 - 208)

Redevelopment of Astbury Hall Estate - Erection of bar/restaurant building with all associated works.

**9 Land To The East Of Woodlands Close, Broseley, Shropshire (15/02877/OUT)**  
(Pages 209 - 222)

Outline application for residential development (all matters reserved).

**10 Proposed Affordable Dwelling North Of Balls Lane, Broseley, Shropshire (18/03001/FUL)** (Pages 223 - 240)

Erection of single plot affordable dwelling; formation of access.

**11 Proposed Camping Site And Amenity Block Adj The Old Vicarage, Knowlesands, Bridgnorth, Shropshire (18/03509/FUL)** (Pages 241 - 268)

Change of use of land and the siting of 10 glamping tents plus one staff tent; formation of car park area; conversion of building to shower/amenity block; use of land for residential activity courses for health and fitness training and outdoor activities (part retrospective).

**12 The Patch, 39A Shrewsbury Road, Church Stretton, Shropshire, SY6 6JD (18/05492/FUL)** (Pages 269 - 282)

The Patch, 39A Shrewsbury Road, Church Stretton, Shropshire, SY6 6JD.

**13 2 North Sutton, Great Sutton, Ludlow, Shropshire, SY8 2AJ (19/00121/FUL)** (Pages 283 - 292)

Erection of first floor extension.

**14 Schedule of Appeals and Appeal Decisions** (Pages 293 - 300)

**15 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, 9 April 2019, in the Shrewsbury Room, Shirehall.

**This page is intentionally left blank**



## Committee and Date

South Planning Committee

12 March 2019

## **SOUTH PLANNING COMMITTEE**

**Minutes of the meeting held on 12 February 2019**

**2.00 - 4.33 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), Simon Harris, Nigel Hartin, Richard Huffer, Cecilia Motley (Substitute) (substitute for Gwilym Butler), Madge Shingleton, Robert Tindall, Michael Wood and Tina Woodward

### **65 Apologies for Absence**

An apology for absence was received from Councillor Gwilym Butler.

### **66 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the South Planning Committees held on 18 December 2018 and 15 January 2019 be approved as a correct record and signed by the Chairman.

### **67 Public Question Time**

There were no public questions or petitions received.

### **68 Disclosable Pecuniary Interests**

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

With reference to planning application 17/05026/EIA, Councillor David Evans declared that he was a customer of Country Fresh Pullets. He would leave the room and take no part in the consideration of this item.

With reference to planning application 17/05026/EIA, Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Management Board. As the Local Ward Member she would make a statement and then leave the room and take no part in the consideration of this item.

With reference to planning application 17/05026/EIA, 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 this application.

With reference to planning application 17/05026/EIA, 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.

With reference to planning application 17/04603/OUT, Councillor David Turner declared that he was acquainted with one of the objectors and would leave the room during consideration of this item.

## 69 **Change in Order of Business**

### **RESOLVED:**

That planning application 17/05026/EIA (Land to the north east of Aston Munslow, Near Craven Arms, Shropshire) be taken as the next item of business.

## 70 **Land to the north east of Aston Munslow, Near Craven Arms, Shropshire (17/05026/EIA)**

In accordance with his declarations at Minute No. 68, Councillor David Evans left the room during consideration of this item.

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

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

Mr B Archer, on behalf of residents of Munslow and Aston Munslow, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor A Evans, representing Munslow 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 Cecilia Motley, local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- This was yet another application for poultry sheds in the Corvedale;
- She acknowledged the need for diversification and the benefits this could bring to a community, but this development was large scale, would sit in an isolated position and take up good agricultural land;
- Tourism was becoming increasingly important to the economy in Shropshire. This proposal would not enhance the surrounding landscape and because of the prevailing topography it would mean that not only would there be an impact from the main road but more so from the back roads. If permitted, she urged Members to consider ways to mitigate the impact on the surrounding area;
- The proposal would only create 1f.t.e., would only be of economic benefit to the applicant and would not enhance the local economy;
- The villages of Aston Munslow and Munslow were both conservation areas. This proposal would be contrary to Core Strategy Policies CS5 and CS6 which strove to protect and enhance the local historic environment; and
- With reference to Core Strategy Policy CS17, she urged Members to consider the cumulative impact of ammonia emissions.

Ms M Seedhouse, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. The Planning Ecologist responded to questions from Members relating to ammonia emissions and the viability and use of ammonia scrubber systems for this site. In response to concerns expressed by some Members regarding highway safety, the Principal Planner explained that Highways had raised no objections to the scheme. The existing speed limits and proposed visibility splays were commensurate with the road network and met national standards.

To help mitigate the impact on the surrounding area, Members requested that the surrounding hedges and bunds be further enhanced with the planting of semi-mature trees and locally sourced native planting. Members also requested that all external surfaces be BS18B29.

**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;
- The surrounding hedges and bunds to be further enhanced with the planting of semi-mature trees and the use of locally sourced native planting;
- The external surfaces of the development to be BS18B29; and
- Planning Officers be granted delegated powers to amend any conditions as deemed necessary.

At this juncture, the Chairman returned and took the chair.

**71 Proposed Dwelling Adj. The Lindens, Duke Street, Broseley, Shropshire, TF12 5LS (17/04603/OUT)**

In accordance with his declaration at Minute No. 68, Councillor David Turner left the room during consideration of this item.

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

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

Mrs T Barratt, a local resident, 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 Simon Harris, 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:

- The site was immediately adjacent to the Conservation Area;
- The area attracted many tourists and The Lindens was regularly photographed and painted. Another dwelling would destroy the setting of the area;
- The garden was not big enough to accommodate a dwelling and would result in overcrowding of the site;
- There was a bus stop close by. The amount of traffic in the town and parking on the roads already impacted greatly on the ability for buses to get around;
- Neighbourhood Plan – Broseley would easily meet their quota for housing without the need for any infill. Emphasis should be on preservation and conservation.

Mr T Rowland, 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 and it was:

**RESOLVED:**

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

It is acknowledged that the application site falls within the development boundary for Broseley. However, the proposed development, by reason of the indicated scale and



likely positioning of a dwelling on the site, would result in a cramped appearance eroding a current gap in the street scene and loss of green space, which would detract from the character and appearance of the area and the setting of the Broseley Conservation Area. In addition, the resulting reduction in the size of the curtilage to 'The Lindens' dwelling would adversely impact on the residential amenities of that dwelling. The proposal is therefore contrary to Shropshire Core Strategy policies CS6 and CS17; Site Allocation and Management of Development (SAMDev) Plan policy MD2; Section 12 of the National Planning Policy Framework (NPPF) and would not satisfy the environmental role of sustainable development set out in the NPPF.

**72 The Old Post Office, Chetton, Bridgnorth, Shropshire, 18/03091/FUL (18/03091/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.

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

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

- He expressed concerns regarding the impact on the Grade II\* Anglican Church;
- The design would be inappropriate and unsympathetic to the local area of Chetton;
- He was not against modern architecture but the use of modern materials, ie aluminium, zinc and galvanised materials, large fenestration with no mullions or transoms and no proposed chimney would not be in keeping with the area; and
- The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members acknowledged the need for restoration but raised concerns regarding the proposed use of modern materials. They indicated that they would prefer a more traditional design with the use of traditional materials which would reflect the historic setting and the local area.

**RESOLVED:**

That the application be deferred to a future meeting to enable the applicant to give further consideration to the design, materials and fenestration.

**73 Stottesdon C E Primary School, Stottesdon, Kidderminster, Shropshire, DY14 8UE (18/04323/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.

Mrs A Jarvis, a local resident, 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 Madge Shingleton, local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- This was an extremely popular school (one of the schools that formed the Shropshire Gateway Educational Trust) and one that continuously performed well; and
- The future and essence of the school needed to be taken into account when considering this application.

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

- He had been in attendance at the meeting when this application was considered at length by Stottesdon Parish Council. The decision to support the proposal was not a unanimous one;
- The application had generated mixed feelings within the community;
- This was a public body so in order to be transparent it was important that this application be considered by this Committee; and
- The funding was time limited.

Mrs K Jones and Mr M Norton, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members.

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 subject to Condition No. 9 being amended as follows:

- 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 and external joinery including gates shall be carried out in complete accordance with the agreed details.

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

**74 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 12 February 2019 be noted.

**75 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 March 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

**This page is intentionally left blank**



Committee and date

South Planning Committee

12 March 2019

## Development Management Report

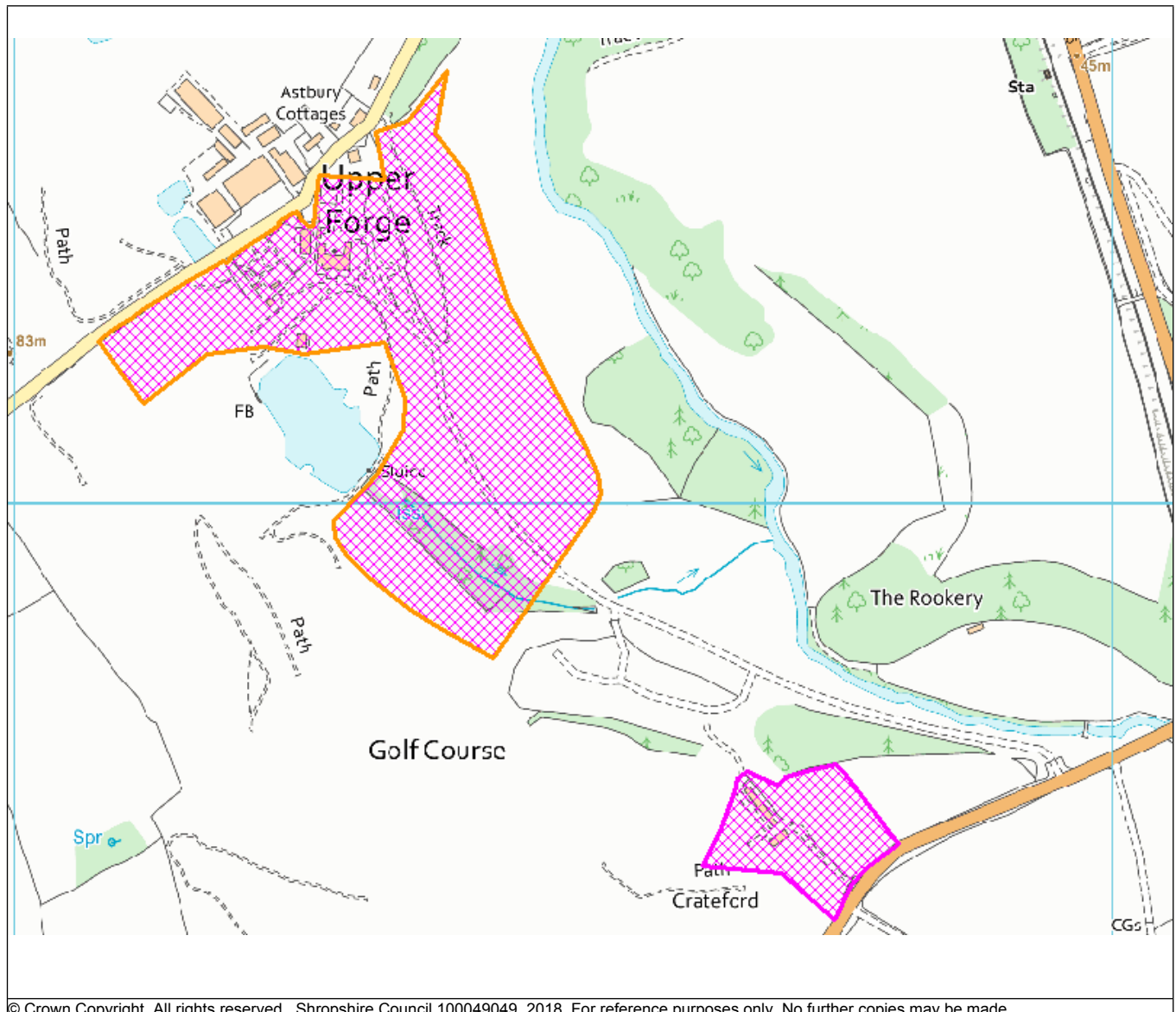
Responsible Officer: Tim Rogers

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

### Summary of Application

<b><u>Application Number:</u></b> 18/05052/FUL	<b><u>Parish:</u></b>	Chelmarsh
<b><u>Proposal:</u></b> Re-development of Astbury Hall Estate to provide; leisure and spa building comprising fitness suite, health spa, two swimming pools, farm shop, function room, restaurant and bar; external facilities comprising lido pool, tennis courts, bowls/croquet/petanque greens; formation of parking areas; terraced areas; amendments to existing golf course; formation of 9-hole golf course and 18-hole putting green; alterations to two dis-used outbuildings to form service buildings; with all associated works		
<b><u>Site Address:</u></b> Astbury Hall Astbury Bridgnorth Shropshire WV16 6AT		
<b><u>Applicant:</u></b> Mr John Steven (FCFM Group Investments III Ltd)		
<b><u>Case Officer:</u></b> Richard Fortune	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 372291 - 289217



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

**Recommendation:- Grant Permission subject to receipt of a satisfactory Unilateral Undertaking relating to not implementing the unbuilt elements of planning permission BR/98/0829 should planning permission be granted for this development; retention of the facilities and holiday lodges in a single ownership and delivery of the proposed apprenticeship schemes and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 BACKGROUND: This application is one of four related applications relating to Astbury Hall and surrounding land. Reports on the other three applications (18/05078/FUL; 18/05079/FUL and 18/05159/FUL) may be found elsewhere on

this agenda. The proposals relate to the development of holiday accommodation and leisure facilities. There is an extant planning permission for Astbury Hall (Ref. BR/98/0829) which relates to the use of land as 18 hole and 9 hole golf courses; use of and extensions to Hall to provide hotel and ancillary facilities and golf temporary club house; use of and extension of pool house to golf club house; use of and extension of barn to provide holiday lets; erection of 12 holiday lodges; installation of sewage treatment plant. This planning permission, issued on 7<sup>th</sup> March 2000, has been implemented through the construction of the golf course, keeping the planning permission live for all the other elements covered by that single planning permission. Other planning permissions granted, and implemented by some works being carried out have included BR/APP/FUL/06/0435 for the use of land for the stationing of holiday lodges; 14/00794/FUL for the erection of 11 holiday retreats and 14/03609/FUL for an additional holiday retreat in the approved scheme 14/00794/FUL. A later planning permission 14/04010/FUL for the erection of 28 residential units with a restriction to holiday use only permitted 05-02-2015 would appear to have lapsed. The current proposals would replace the elements of the above planning permissions which have not yet been built/completed.

- 1.2 The agent has explained that the proposals are to create a world class leisure destination on the Astbury Hall Estate. The proposals would build upon the existing and established leisure use and the historic and extant planning permissions. A Masterplan has been prepared which is divided into several sections, with the current tranche of four applications being for the central leisure facilities; the plateau lodge development; the valley lodge development; and an on-site Inn for use by the occupiers of the holiday lodges. Three other applications are proposed later this year, following barn surveys, relating to Astbury Hall itself, a folly and lodges on the site of existing farm buildings to the north west of the Hall. The applicants have advised that the construction period of the development would be an investment of around £50m, with the effect of the economic multiplier meaning the economic benefit to local job creation, local businesses and service providers likely to be in excess of £100m. There would be some 120 full-time equivalent jobs when the development is complete. It is anticipated that the customers and guests staying at the resort would have a minimum local spend, off site, of £3.5m per annum within the local economy, benefitting a variety of local businesses and tourist attractions, boosting the immediate and local economy.

(The applicants have subsequently commissioned an Economic Assessment from Bidwells – December 2018, which has assessed the benefits specific to Shropshire and refined these figures. Their conclusions, taking account of baseline conditions, direct employment and commuting (net benefit to Shropshire), visitor expenditure, expenditure on supplies and services, and construction expenditure. This concludes that:

1. During construction the proposed development is anticipated to result in investment worth approximately £8.5m to the County, supporting 185 full time equivalent jobs (FTEs).
2. During operation the proposed development is anticipated to support jobs in the County comprising 56 FTEs through direct employment, which equates to £2.4m in annual investment; £9.8m through visitor expenditure,

which could support approximately 210 FTEs.

3. Overall the proposed development will generate the equivalent of £15.2m of net additional annual investment, supporting approximately 331 net additional FTEs.)

There are proposed to be two apprenticeship programmes, with one providing training at the construction phase and the second a permanent apprenticeship programme providing jobs, high quality training and long term career opportunities in the growth orientated hospitality and tourism sector, with both schemes being offered to local apprentices. The occupation of all lodges would be restricted to holiday use and they would all remain in the ownership of the landlord. The applicants are to submit a unilateral undertaking which will confirm that, in the event of the current set of planning applications being approved and implemented, the unbuilt elements of the extant planning permissions, which include the hotel, would not be constructed. The undertaking is also to include the commitment to deliver the apprenticeship training schemes and to retain the holiday lodges and associated facilities in a single ownership. It is hoped to receive this undertaking in time for the Committee meeting. The applicants have advised also that, in the event of planning permission being given for the works contained in the four planning applications, it is intended to carry out all the work as a single building operation, with the leisure resort completed by the summer of 2020.

- 1.3 THIS PROPOSAL: The proposals contained in this particular application would be an alternative to the use of and extensions to Astbury Hall to provide a hotel and ancillary facilities. The leisure and spa building would be positioned partly on the foot print of the permitted hotel extension, and would be immediately to the north and east of the Hall. It would have an 'L' shaped plan, and in combination with the Hall building would create a 'U' shaped building foot print enclosing a formal garden area with a southerly aspect. The leisure facilities building would be predominantly single storey, but at the eastern end would sit on an existing ridge with a lower floor area incorporated to create a two storey form that would benefit from the easterly views across the River Severn valley. Small basement and first floor areas would accommodate plant required for the operation of the facilities. The main ground floor area would contain a circulation concourse, fitness suite, a fun/leisure pool with changing area and toilets, farm shop, function room, kitchen, restaurant, toilets, visitors lounge with bar/servery and terrace area, with a lift and steps to the lower level which would contain a pool, terraces, treatment rooms, changing rooms and a relaxation/garden room.
- 1.4 The elevational treatment would of a contemporary design and would have a single storey, mostly flat roofed form with eaves overhangs subservient architecturally to the existing Astbury Hall building. A glazed, barrel roofed north-south atrium would be the focal point and entrance to the building dividing the function suite from the farm shop area. Wall panels either side of this entrance would display 'The Astbury' name. The long linear form with extensively glazed sections to the brick walls and the glazed roof areas seek to reflect the walled gardens and glasshouses typical of country houses. The west elevation facing the Hall and the north elevation facing Astbury Lane and a car park area (There would be no vehicular from the car park onto Astbury Lane) would be



predominantly brick, with the east elevation, which would have the two storey appearance due to the lower floor area incorporated with the change in levels would feature extensive, full height glazing. The stairway and lift positioned centrally to the two storey section would form short gable projection.

- 1.5 The car park area referred to in 1.4 above would be primarily an electric buggy park and would be accessed from the south and via an extension to an existing road which would pass below the existing terrace at the front of Astbury Hall and then have a spur off it passing along the western side of the Hall. The land immediately to the west of The Hall and bordered by Astbury Lane to the north is currently partly enclosed by garden walls and slopes down in a westerly direction. In this area a lido, lawn bowls, three tennis courts with a raised seating terrace on their north-eastern side, croquet lawn and petanque. The new access road loop round the western side of these facilities and would serve a new car park area and an underpass which would be constructed under Astbury Lane, to access the existing golf course on the northern side of the lane and the site of existing farm buildings currently used for estate maintenance.
- 1.6 This application site area also includes land to the south of Astbury Hall, on the western and eastern sides of the existing access roads. The amendments to the golf course in these areas would allow for the addition of a 9-hole golf course and an 18-hole putting green. It also includes the area of Crateford Barns which, under planning permission BR/98/0829 were to be converted and extended to form holiday lets. The proposals in this application are to convert the barrel roofed dutch barn and lean to into a service building by enclosing it in vertical cladding incorporating doors and windows. The long single storey dual pitched roof barn building would also be refurbished and used as a service building for the proposed development and the Astbury Estate.
- 1.7 The leisure facilities would be for use by the occupants of the holiday lodges only, but the applicants have indicated that there would be a restricted membership scheme for local people which would enable them to use the facilities.
- 1.8 A Screening Opinion has been issued to the effect that an Environmental Impact Assessment was not required for the proposed works spread across the four associated planning applications. The application is accompanied by a Design and Access Statement; a Desk Study Report into ground conditions/geology; Ecological Assessments; Landscape and Visual Impact Assessment; Heritage Impact Assessment; Landscape Design Report; Transport Assessment; Arboricultural Report; Flood Risk Assessment and Drainage Strategy; and an Economic Impact Assessment.
- 1.9 The applicants have engaged in pre-application meetings with local communities, as encouraged by the National Planning Policy Framework.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is situated in open countryside and comprises of land adjacent to the main private approach road to Astbury Hall, and land immediately to the north east, east, south and west of the Hall. There are views across the

park land setting south and across the Severn Valley to the east/southeast from the land immediately to the east of the Astbury Hall building, with a back drop of trees to the north. The area to the west of the Hall is more contained visually, due to the surrounding topography. The barns which would be converted to service buildings are on the eastern edge of the existing golf course and in an elevated position on the western side of the main private access road to Astbury Hall.

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

3.1 The Parish Councils' have expressed views contrary to the Officer recommendation and Shropshire Council Ward Member has requested that the application be determined by Committee. The Chair and Vice-Chair of the South Planning Committee, in consultation with the Principal Officer and Area Planning Manager, consider that the material planning considerations raised by this group of planning applications warrant their determination by the South Planning Committee.

### **4.0 Community Representations**

- Consultee Comments

The full comments received may be viewed on the Council's web site. Some of the comments below are a summary of those submitted.

4.1 Chelmarsh Parish Council – Comment: Unwilling to support proposals unless the points raised on highway conditions are addressed prior to construction commencing. The proposed main access should be reconsidered as the proposal is considered unsafe and insufficient for the users of this facility. The Parish Council suggest the access from the North should use the Quarry site entrance and from the South to use the main drive to The Astbury.

Comments/concerns raised are as follows:

#### 1. Site Access during Construction

a. B4555 road condition is poor (potholes and breakdown of the road surface) and will be made much worse by construction traffic

i. Knowle Sands

ii. By bridge over SVR at Eardington

iii. Ingram Lane (Sutton Arms Corner)

iv. Ingram Lane (approach to Highley)

b. Ingram Lane has tight narrow corners by Damson Cottage, unsuitable for low-loaders with caravans on, also heavy road traffic is causing damage to property due to close proximity to the road

c. Road crossing SVR near Eardington Halt very tight and turn over bridge for articulated vehicles

d. Low Bridge under SVR hazard to high sided vehicles/Diggers/Earth movers

e. Junction of B4555 with B4363 at Oldbury is difficult for long vehicles and would cause issues at peak traffic flows

f. Large vehicle traffic over Bridgnorth low town bridge and Underhill Street

2. Site Access Operational

- a. Current condition of B4555 and further damage by construction traffic will require significant investment
- b. Visitors are presumed to all access site via cars currently, but future could be coaches and the site may employ coaches to take residents to offsite facilities/attractions. B4555 is not wide enough in many places for significant coach traffic, eg issues with school buses and 125 Bus service
- c. Queuing traffic on B4555 awaiting site access □ only 70 yards drive
- d. Site access in winter B4555 is susceptible to closure in periods of snow with vehicles stranded on the hill up to Chelmarsh
- e. Site access from south
  - i. Sat Nav will send traffic via Borle Mill, Highley single track road unsuitable for traffic proposed
  - ii. Traffic speed and overtaking by Bakehouse Lane is already a major issue for Chelmarsh residents, 22% traffic increase by this development will make things considerably worse if traffic speed is not addressed
  - iii. Proposed site access is from B4555 on a steep bank, with high average vehicle speed and minimum splay view angle only
- f. Site access from north
  - i. Blind access via bridge under SVR into potential queuing traffic waiting to make right turn into site
  - ii. Nature of bridge over SVR at Eardington means large vehicle including regular buses need to cross to opposing carriageway to make the turn (however also comment that this is a local historic feature which residents would not like to see demolished)
  - iii. Junction of B4555 with B4363 at Oldbury

3. Pollution

- a. Noise pollution concern for local residents at Astbury and properties around the site
  - i. outdoor activities bars/patio areas, leisure facilities and hot tubs at lodges.
  - ii. noise in evenings and at night is concern eg from events
- b. Light pollution from main buildings, lodges and access roads
- c. Can sewage systems cope with emptying of swimming pools and hot tubs?
- d. Rainwater drainage is proposed to soak a ways □ this will eventually drain to Hay Brook which is already susceptible to flooding in wet winters without this additional volume
- e. Spillage during construction phase
- f. Mud onto the road from construction traffic

4. Local Facilities

- a. Impact on medical and dental services in Bridgnorth and Highley
- b. Can emergency services cope with additional transient population?
- c. Chelmarsh pub is already very popular at weekends resulting in traffic parking along side B4555 considerations for overspill parking
- d. Parking in Bridgnorth is already difficult especially Saturdays, increase in day trippers from the proposed development will make parking more difficult for residents
- e. Chelmarsh/Astbury have a very poor broadband connection currently, can service for local community be improved when broadband is improved for proposed development

5. General Issues

- a. What happens to current planning permissions (hotel and permanent dwellings) for the site if this scheme is adopted, could these also be progressed?
- b. Can lodges be converted to permanent dwellings in the future?
- c. Could lodges be sold off as individual lots or small packages in future?
- d. What guarantees can local residents have that the roads will be improved, traffic flows to the site will be managed and that noise and light pollution will be controlled by the site operators?
- e. How can agreements made by current developers be enforced if the site is sold on?
- f. How many lodges are proposed in the scheme? John Steven said it was 302 reduced from 315, however the planning applications are for 135 (Valley Lodge) and 140 (Plateau Lodge) = 275
- g. Traffic report has only used data from accidents reported to police, there have been numerous accidents on the road coming down from Chelmarsh village with cars on roof and around the bridge under the SVR which have not been reported, but are known to local residents
6. Suggestions made at the meeting
  - a. Park and ride be established at the development for visitors travelling to Bridgnorth
  - b. Operational site access should be via the quarry entrance for traffic coming from north, this alleviates issues at both SVR bridges and right turn into site
  - c. Traffic calming measures on B4555 coming downhill from village
  - d. Speed control measures in Chelmarsh village and right turn island for Bakehouse Lane entrance
  - e. Curfew for noise and light on site, especially outdoor activities
  - f. Right turn reservation on the B4555 for traffic turning right into entrance
  - g. Access to site
  - h. Damage to properties close to road  any compensation for owners of properties?
  - i. Provision to control traffic speed through Chelmarsh Village especially turning to Bakehouse Lane
  - j. Work on the road needs to be carried out before the construction work starts and then repaired prior to the opening of the site

#### 4.2

Eardington Parish Council – Object:

The Council is unable to support either the scheme as a whole or any of the individual planning applications for the following reasons:

- a) The proposed development is out of character and scale for the local area;
- b) It is contrary to the SAMDEV designation of 'Countryside';
- c) The proposal is contrary to Local Plan policies CS5, C16 and C17, MD2, MD11, MD12 & MD13 and national guidance contained within the NPPF which aims to improve the character and quality of an area and the way it functions and conserve and enhance the natural and historic environment by protecting and enhancing valued landscapes and the historic environment;
- d) It does not bring any significant economic and social benefits to the

area or local residents to justify its development;

- e) It will create significant long and short-term disruption in the form of traffic generation during the construction phase and when operational;
- f) The increase in traffic will cause further deterioration to the already poor local road infrastructure;
- g) The potential increase in traffic accidents along the B4555 and adjacent roads;
- h) The generation of significant environmental, noise and light pollution which will affect the residents of Astbury Falls, Lower Forge, Eardington and Knowle Sands, which is incompatible with Article 8 of Human Rights Act 1998 which gives the right to respect for private and family life and Article 1 allowing for the peaceful enjoyment of possessions;
- i) The generation of significant environmental, noise and light pollution which will have an adverse effect on local wildlife, particularly Eardington Nature Reserve which lies close to the edge of the development site;
- j) The adverse environmental impact on the Severn Valley's diverse, fragile and attractive eco system which lies on the edge of the South Shropshire Hills AONB;
- k) The suitability of the land for a development of this size without significant earthworks including piling, the formation of bunds and retaining structures;
- l) The lack of economic viability assessment to demonstrate there is sufficient demand for a development of this size and scope to support the proposed level of capital investment; and
- m) The additional pressure on already hard-pressed public services e.g. Bridgnorth Hospital, Northgate Medical Centre, West Mercia Police, Fire and Ambulance services and petrol filling station.
- n) Landowner - human rights

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

o) SAMDev Policy MD11, 6 Proposals for new and extended touring caravan and camping sites should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site.

MD11, 7: Static caravans, chalets and log cabins are recognised as having a greater impact on the countryside and in addition (to 6), schemes should be landscaped and designed to a high quality.

MD11, 10: New sites for visitor accommodation and extensions to existing chalet and park home sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites.

4.3 SC Highways – No Objection: Conditions recommended relating to details of

improvements to the access; highway mitigation works; underpass construction; work in accordance with an approved Construction Environmental Management Plan.

- 4.3.1 It should be noted that the following comments have also taken into account the three other planning applications submitted reference 18/05078/FUL, 18/05079/FUL, and 18/05159/FUL. This approach has been taken to reflect the applicants approach to submitting one Transport assessment (Project code 3659-31<sup>ST</sup> October 2018 Rev D) that incorporates all four planning applications. Any additional or supporting information has also been submitted on the basis it should be considered for all planning applications. The submission of one Transport Assessment is generally supported, as it allows the cumulative impact of the whole of the Development to be assessed. However it is acknowledged that each application has to be assessed on its own merits, and not dependent upon requirements placed upon other applications. It is acknowledged that the Astbury Hall Estate currently has a number of existing extant Planning permissions and these have been partially implemented in terms of the golf course. Any further application has to be assessed on the basis that the site has extant planning permission that could be implemented if required.
- 4.3.2 It is proposed that the existing access to Astbury Hall is utilised. Additional information has been submitted by the applicant to demonstrate that the junction can operate well within theoretical capacity when fully occupied. The transport assessment is considered to be relatively robust, and presumes 100% occupancy throughout the year. It is considered that this scenario is extremely unlikely, and therefore the figures contained within the Transport Assessment are considered to be a worst case scenario.

Following the original submission of the Transport Assessment, Shropshire Council as Highway Authority raised queries with regard to vehicle approach speeds at the existing access. Subsequently, an additional Automatic Traffic Count was commissioned by the applicant to give an indication of approach vehicle speeds approaching the access from the east. It is considered in view of the average vehicle speeds recorded and that it is an existing access, it is considered that the proposed access and visibility splays are satisfactory for the proposed use and likely number of average vehicle movements that the proposed development could potentially generate. The existing access provide direct access of the B4555 and benefits from good forward visibility. This is considered to be a benefit because drivers can adapt their behaviour if they see a vehicle waiting or emerging from the access, but it is acknowledged is an opportunity for vehicles to overtake.

In terms of the existing access, whilst the applicant has not proposed any improvements, it is noted that the existing access has a flush kerb tie in across the site access with the B4555, it currently has an upstand in excess of 25mm, and therefore as vehicles pull off the Highway, they will do so with caution. In addition, with an intensification of use of the access is likely to become damaged. Consideration should therefore be given to removing the existing kerb line and providing a junction directional sign opposite the access to increase awareness of the access point, so vehicles are able to adjust their speeds on the approach

when turning into the site. It is noted that the applicant has subsequently submitted revised details of access that are contained within Version 3 of the Technical note. It is recommended that a condition is attached to any permission granted that requires construction details as contained within Drawing no. 3659 - 03-A to be submitted for approval and implemented within 3 months of the Development being brought into use, this will allow the majority of the demolition and construction to take place before any surfacing is carried out at the junction.

- 4.3.3 In response to initial Highway comments submitted regarding the contents of the Transport Assessment, the Applicants Transport Consultants undertook further analysis of the likely impact on the surrounding Highway network. They undertook a more robust assumptions based on external visitors and distribute the traffic more towards Bridgnorth. As stated above it is considered that the figures contained within the Transport Assessment are a worst case scenario.

The submitted automatic traffic data indicates that the existing two way flow on the B4555 within the vicinity of the site is within the region of 4000 vehicles per day. Table 3, contained within the technical note, version 3 provides an indication of the potential increase in vehicle flows (assuming 90% arrive from Bridgnorth). There are two figures given the likely flow if no Development takes place, and with Development. It indicates that the worst case scenario in the morning and afternoon peak there may be an additional 213 vehicles in each of the peak hours, which is an increase in the likely flows if the Development does not take place. However, as above it is considered that the transport assessment is relatively robust, and presumes 100% occupancy throughout the year, which is extremely unlikely, therefore the figures on apply if the Development is fully operational. I also assume that each lodge will make 6 excursions to the local area per week. Whilst the development will be a substantial development for the surrounding area, analysis shows that it will not generate a significant amount of trips compared to the existing number of vehicles already travelling along the B4555.

Whilst both application 18/05052/FUL and 18/05159/FUL seek to provide a number of facilities which could potentially generate a significant number of vehicle movements if delivered in isolation, the applications seeks to compliment applications 18/05078/FUL and 18/05079/FUL for the Holiday lodges and potentially significantly reduce the number of visitor trips during the duration of visitors stay. Therefore whilst the cumulative impact of the whole development on the highway may lead to an increase in trips, from a Highways perspective we would be supportive of any application that create a self-contained development where visitors to the lodges leave the site infrequently.

- 4.3.4 Part 6 of the submitted Design and Access statement indicates that the Leisure facilities are intended to be for the exclusive use of holiday makers, and not open to the general public. In terms of Highway impact, then we would recommend that further reassurance of this was provided to control the overall impact of the Development on the surrounding highway network. However it is acknowledged that in order to secure the future viability of the site, these facilities may need to be opened up to the public.

Section 5.3 of the submitted transport assessment provides an indication of the

likely impact if the facilities were to be open to the public and assumes 50% of the trips generated would be external which is considered an acceptable level to form any assumptions upon. Analysis indicates that whilst the facilities would generate additional trips if opened to the public, there is unlikely to be any trips generated in the morning peak, only trips in the afternoon peak and weekends.

- 4.3.5 We are satisfied from a Highways perspective that if the facilities were open to the public the impact on the Highway network would not be significant, therefore we would not require any controls over the use of these facilities (i.e. private residents only) based on the information provided. Despite the above, we would seek clarification with regard to the likely scale of the 'substantially reduced fee and usage by immediate locals' it is assumed that this is a minimal number of properties in the local area that are impacted directly by the construction.

Concerns have been raised with regard to capacity on the surrounding network of the cumulative impact of the whole Development in particular the impact on the junctions in Bridgnorth, most notably B4555/B4363 and Oldbury Road/Hollybush Road. Whilst no specific analysis has been undertaken with regard to capacity at these junction, it is considered that the increase in trips generated by the proposed development compared to the number of existing vehicle movements will not be significant enough to reduce capacity at the junctions within Bridgnorth.

Automatic Traffic data indicates that the existing two-way average daily flow on the B4555 is within the region of 4000 vehicles, and approximately 2000 vehicles per day on the B4363. Underhill Street/Hollybush Road has a two way daily flow of approximately 12,000-14,000 vehicles a day. Based on the information submitted, it is acknowledged that the Development will increase the number of vehicles movements along the B4555, and the surrounding Highway network, however, the figures contained within the Transport Assessment and Technical note are worse-case scenarios when the Development is operating at full capacity. It is not considered that there is material grounds to consider a highways refusal for any of the applications submitted. Shropshire Council as Highway Authority would need to demonstrate that the B4555 and surrounding Highway network do not have the capacity to support a Development of this nature. It is not considered a Highway objection could be sustained on this basis.

- 4.3.6 Despite the above, it is acknowledged that the Development will attract an increase in the number of existing vehicle movements on the surrounding highway network and attract drivers that are not familiar with the highway network conditions. Therefore the proposed mitigation works are welcomed. The concern with regard to the delivery of the works is that they are intended to deal with the cumulative impact of all developments therefore consideration needs to be given to the appropriate timing of these works, which will not significantly impact on the construction of the development, and deteriorate prior to occupation, and also unsure they are delivered in a timely manner, and are not dependant on the commencement of one of the four application. It will therefore be our recommendation that a condition is placed upon each application that requires the works to be completed prior to the occupation or opening of any of the facilities which forms part of the current applications.



It is the applicants intention to deliver these works themselves, through a Section 278 agreement (Highways Act 1980) the details of the works can be agreed through the Section 278 technical approval process. However, the applicant following a request has submitted draft details of the proposed improvements. It is considered that these proposals are acceptable in principle, with the exception of Section 2 proposals however the exact details of the works could be agreed and secured through the Section 278 agreement. The conditions of the Highway is constantly changing therefore whilst we can agree the scope of the works in order to determine the application maintenance works may be undertaken between the granting of permission and the delivery of the Section 278 works.

- 4.3.7 The proposed mitigation works are discussed in more detail at paragraph 6.5.15 of this report below.
- 4.3.8 Railway link: Section 4.6 of the submitted Transport Assessment and Section 3 of the Masterplan Concept indicates that the Developer is seeking to try and secure a direct link to the Severn Valley Railway line. It is considered that this will promote sustainable travel from the site and should be encouraged. However no details have been submitted as part of this application or other applications, therefore has not been taken into account when assessing the impact of this Development on the surrounding Highway network. It is assumed that if this addition to the Development were to come forward then details would form part of a separate planning application and assessed on its own merits. As above, Shropshire Council as Highway Authority would not have any objection in principle however we would want to seek reassurance that any impact was contained within the site.
- 4.3.9 Construction of underpass – Astbury Lane: The construction of the underpass is supported by Shropshire Council as Highway Authority, as it is considered that it will reduce disruption on the Highway and remove the need for golf buggies to drive on the Highway, which is illegal. Preliminary details of the proposed underpass have been submitted as part of the planning applications. However, the construction of the underpass will be subject to further legal agreements and technical check prior to construction. Consideration will also need to be given to the future maintenance of the structure which will be supporting the Highway.

It is therefore recommended that a planning condition is attached to any permission granted that technical details of the proposed construction of the underpass are submitted for approval.

- 4.3.10 Construction traffic: It is acknowledged that the current state of repair of some of the existing Highway network within the vicinity of the site has deteriorated, however Shropshire Council have planned Highways works programmed to address some of these issues, therefore the condition of the Highway is a evolving matter. As per Section 2.3 of the submitted technical note, Shropshire Council as Highway Authority have the powers under Section 59 of the Highways Act 1980 to recover additional costs of road maintenance. It is therefore recommended that a planning condition is placed upon any permission granted

that requires the applicant to undertake a joint road condition survey of all proposed construction routes prior to commencement to identify the existing condition of the Highway network and any works required to facilitate the level of construction vehicles using the routes. The Construction Environmental Management Plan should include, in addition to the measures identified in the submitted technical note, a contact responsible for community liaison, point of contact for residents experiencing any disturbance during construction and a banksman stationed at the construction access to assist heavy vehicles in entering and leaving the site.

4.4 SC Drainage – No Objection:

The proposed drainage strategy in the Flood Risk Assessment is acceptable in principle. The final drainage details, plan and calculations shall be submitted for approval.

Recommend pre-commencement planning condition requiring a scheme of the surface and foul water drainage to be submitted and approved.

4.5 SC Regulatory Services – No Objection:

Suggest that electric charging provision for electric vehicles is conditioned to be included at a rate of one per 10 spaces. Suggest that consideration is given to access. The access to the whole site is past residential properties not under the control of the applicant and therefore increased vehicle use to the site will increase noise and impact on those living in these dwellings. Should it be possible to provide access that does not pass as many residential properties this would be beneficial. The applicant is advised to give consideration to all potentially noisy plant, equipment and operations to ensure that noise is reduced where possible to ensure impacts on residents in the area is reduced to a minimum.

4.6 SC Rights of Way – Comment:

There are various Public Footpaths that run over the grounds at Astbury Hall. It appears that they have been taken into consideration within the Design and Access Strategy and incorporated within the design, however the southern section of the rights of way will need to be checked as it appears that the lines of the footpaths that are shown on the masterplan do not correlate with the actual Definitive line of the footpaths and lodges could affect one of the footpaths.

The network of Rights of Way must be taken into consideration at all times both during and after development and the applicant also has to adhere to the following criteria:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

#### 4.7 SC Trees – No Objection

For this particular application, note that specific woodland planting details have been provided for creation of the 9-hole golf course, as shown on drawing WD808-G02. I support the design and species mix and planting proportions specified on that drawing, but note that no details have been provided as to how the newly planted tree and shrub transplants are to be supported and protected from browsing damage, for example from rabbits and voles. (Bamboo canes and 45cm ventilated, transparent rabbit spirals would be one option for the majority of the trees, with a suitable proprietary shrub guard and supporting stake[s] for the pine trees and woody shrubs, which are generally too bushy to fit inside rabbit spirals). No planting details at all have been provided for the 18-hole putting course, as shown on drawing WD808-G01. Therefore, further planting information is required for this application. Aside from this, my other arboricultural comments are as follows:

I have reviewed the Arboricultural Report and Arboricultural Impact Assessment (JCA, ref: 14421/TT) submitted in association with this application and I can report that I agree with its findings and recommendations. The tree removals outlined in the tree report and shown on the tree removals plan (WD808-TR01) are limited to half a dozen immature category 'B' trees to be removed to enable construction of the proposed spa and gym, and a number of other dead or damaged trees which need to be removed on safety grounds, considering the proposed future use of the site.

As shown on the Landscape Master Plan (WD808-MP01 Rev A), this limited tree loss would be compensated by significant amounts of new tree and woodland planting and other habitat creation to enhance the landscape and wildlife value - retaining, expanding and interconnecting green infrastructure within and around the site. The landscape details are yet to be finalised, but I would suggest that woodland creation and tree planting within informal areas should utilise native species of local provenance, ideally planting stock grown from seed collected within Shropshire, or the closest available alternative. However, it is recognised that particular attributes of exotic species may be preferable to meet specific design objectives in formal planting situations. Final landscape plans should be prepared and submitted in accordance with BS8545: 2014 – Trees, from Nursery to Independence in the Landscape.

I note and support that suitable construction methods are to be employed in order to avoid or minimise damage to retained trees and woodland, including 'no-dig' construction (cellular confinement system) for footways and vehicle routes within the root protection area (RPA) of retained trees, and the fact that no lodge foundations are to fall within the RPA of retained trees. However, full method statements and tree protection plans, in accordance with BS5837: 2012 – Trees in Relation to Design, Demolition and Construction, have not been provided at this stage.

Also, the tree report makes reference to unquantified and unspecified tree

removal and facilitation pruning to enable the construction of bridges, where paths and service roads cross water courses at various points within the site. This is somewhat vague and open-ended and I would recommend that full details of necessary facilitation tree works, encompassing both construction of the bridges but also any pruning necessary for creation of the paths and roads and for installation of any of the lodges, are provided prior to commencement of any approved development on site. All works should be specified by a competent arborist and carried out by qualified arboricultural contractors in accordance with BS3998: 2010 – Tree Works.

I also note from the Design & Access Statement (page 8, Burke Richards, October 2018) that electrical, IT and water services are to follow buried service trenches at the side of the finished roads. Whilst this is beneficial from the perspective of minimising future road disturbance during any repairs, installation of the service trenches in such a fashion could cause extensive damage to tree roots, where the trench passes within the RPA of retained trees. Similar damage may be caused during installation of surface water or foul drainage infrastructure. It should be a principle of the development that any subterranean pipes, ducts and cables or soakaways be routed or located outside the RPA of retained trees. Where this is not possible, a task specific method statement should be provided to show how such work will be designed, implemented and monitored in order to avoid damaging or harming retained trees.

In conclusion, I do not object to this application on arboricultural grounds. Recommend attaching conditions relating to the approval of an arboricultural method statement and tree protection plan and the development being carried out in accordance with those details; approval and implementation of tree and shrub planting scheme, and the replacement of any losses on any permission granted.

(Case Officer comment: Additional planting information has subsequently been received with regard to the planting details and their execution).

- 4.8 SC Ecology – No Objection: Conditions and informatives recommended relating to barn owl boxes; pre-commencement surveys for badgers and otter; appointment of an ecological clerk of works; implementation of the submitted ecological method statements, mitigation and enhancement strategies; approval of an external lighting plan and habitat management plan; protection of watercourse during construction works; approval of a construction environmental management plan.

Several trees/wooded areas have been identified as having bat roost potential (see summary table). The wooded corridor of the Mor Brook forms a particularly significant foraging and commuting corridor for bats, and notably has potential to support commuting horseshoe bats. No significant terrestrial habitat loss is foreseen by the development, including commuting and foraging opportunity. There will be a minimum 20m buffer from the brook to development, lighting will be controlled on site, and bat boxes will enhance the area for roosting bats.

No works are to be undertaken on any buildings on site offering bat roosting potential until Phase 2 surveys have been undertaken and the appropriate

licences and forms of mitigation have been put into place following the survey findings. For buildings considered to be of 'high' bat roosting potential (B1, B3, B4 and B8) these will require a minimum of three (3) activity surveys undertaken between May – August 2019. At least one (1) of these surveys must be a dawn re-entry survey. Buildings considered to be of 'low' bat roosting potential (B11) will require a minimum of one (1) activity survey to be undertaken between May – August 2019. Phase 2 bat surveys will help to determine the type and size of a bat roost and the species involved. They will also assist in determining the type of mitigation (or enhancements) which may be required for each individual roost. Mitigation considerations will include any loss / impact upon known bat roosts and foraging / commuting habitat, or any factors which may be likely to impact upon bats or their roosts, such as lighting and noise pollution.

A number of on-site enhancements are to be designed and implemented on site once development plans and timings are more clearly understood. As the current planning application does not impact the buildings identified above, no further survey work is required to support this proposal.

No direct impact upon badger setts is foreseen by the development, and no significant loss of foraging and commuting habitat will be lost due to the works.

The current presence of two barn owl roosts on the site is confirmed, contained within two separate buildings. B19 (a partially-collapsed, former stables) was found to contain a moderate number of old barn owl pellets and is therefore classified as an 'occasional' barn owl roost. B20 (a disused agricultural building) was found to contain a large number of fresh and old barn owl pellets, 'liming' (streaks of droppings) and an adult barn owl (observed flying out of this building during a survey visit), and is therefore classified as a 'regular' barn owl roost. The likely absence of breeding barn owls/ barn owl nesting sites on the application site is confirmed, and no further field signs pertaining to barn owl(s) were identified anywhere else on the site.

Permanent provision for barn owls, by way of a barn owl nesting space (barn owl loft) within a newly-converted B19, is recommended to provide a long-term future resource for nesting and/ or nesting barn owls.

The site is considered to offer a variety of terrestrial habitats which offer low-to-high suitability for GCN. No significant terrestrial habitat loss is foreseen by the development, including commuting / foraging habitat, refugia opportunity or water sources. There is potential for minimal disturbance during the construction phase of the development, including potential hazards such as trenches and bore holes. Reasonable Avoidance Measures are detailed within the great crested newt report by Pearce Environment Ltd which are to be strictly followed throughout the works to mitigate potential impacts upon newts on the site.

A female slow worm was recorded in shaded ride close to the Mor Brook watercourse at a location south east of the Astbury Hall. A reptile survey was undertaken. Pearce Environment Ltd recommend that sensitive works are to be supervised by an ecologist throughout their duration. All development works are to adhere to Reasonable Avoidance Measures detailed in a method statement for herptiles of this report, to reduce the likelihood of killing, injuring and/ or disturbing

any reptiles (if present) and/ or common amphibians on the site during the development, as a precautionary measure. Habitat enhancement prescribed as part of the pre-existing landscaping design for the whole application site, which includes the incorporation of heathland areas into the plans, will provide enhancement for reptile species, particularly within the northern portion of the site.

Otter spraint was confirmed in 2 locations along Mor Brook. An otter report has been undertaken. Pearce Environment Ltd recommend that works on or with 20m to Mor Brook are to be supervised by an ecologist throughout their duration. A Method Statement detailing RAM's are to be strictly adhered to during the works. Further enhancements include the creation of a dedicated artificial otter holt. Although the habitats associated with the southern half of the section of Mor Brook surveyed offer holt-building opportunities for otters, none were found during the survey. The whole stretch of Mor Brook present on the site provides a 'dark corridor'. Various other habitats suitable for shelter, commuting and foraging otter(s) exist throughout the local landscape, and are well-connected with the site. A 20m development buffer around Mor Brook must be established in order to mitigate against any potential negative impacts upon otters. This buffer area is to be kept free of light pollution and any essential works required within this area are to be supervised by an Ecological Clerk of Works (ECW) and/ or may require further mitigation to be put in place, where necessary. Reasonable Avoidance Measures (RAM's) detailed in an otter method statement in of this report must be adhered to. Further enhancement of the site for otters is recommended, by way of artificial otter holt creation.

Brown Hare have been recorded on the golf course, works should following a method statement to protect hares during and post development.

The likely absence of water voles along the stretch of Mor Brook bisecting the application site was confirmed following a Phase 2 water vole survey undertaken by Pearce Environment Ltd during 2018. No field signs pertaining to this species were found during the survey and the habitat suitability is deemed as being sub-optimal.

Given the likely absence of water voles within the stretch of Mor Brook present upon the application site, and considering the sub-optimal water vole habitat suitability this watercourse is deemed to offer, negative impacts upon water voles as a result of the proposed development are highly unlikely.

Phase 2 dormouse surveys were undertaken by Pearce Environment Ltd during 2018 where it was concluded that although no evidence was obtained indicating dormouse presence on site, their presence should be assumed owing to the large areas of excellent suitable habitat on site and extensive connected habitat in the wider landscape. Pearce Environment Ltd recommend that sensitive works are to be supervised by an ecologist throughout their duration. A number of potential habitat enhancements may be viewed within the dedicated dormouse report by Pearce Environment Ltd.

Where suitable habitat features are likely to be impacted upon an ecologist must be present to oversee these works, to ensure dormice are unaffected.

Habitat enhancements are however recommended to increase the site suitability

for dormice. Enhancements may include suitable woodland management regimes, the addition of dormouse nesting boxes and increased connectivity to the wider landscape.

All works are to cease immediately if a dormouse or dormouse nest is discovered on site at any point during the development.

Visitor pressure on the surrounding habitat is expected due to the development. To mitigate against these impacts, the following should be observed:

- A buffer strip of mixed native fruiting tree species of local provenance should be planted between current woodland areas and proposed development to avoid impact on current woodland, where possible;
- A grassland buffer of minimum 10m should be implemented between areas of valuable habitat and new buildings and infrastructure to minimise disturbance to dormice, where possible;
- Positioning and design of artificial lighting installed throughout the site should; (a) Avoid glare and sky glow, (b) enable automatic switch off at 'quiet times' of the night when not needed, and (c) filter out blue and ultraviolet light.

An additional enhancement to the site will be to install 50-100 dormouse nest boxes across the site. These will provide additional nesting opportunities for dormice and will enable monitoring of the species throughout and beyond the development.

#### 4.9 SC Conservation – No Objection:

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, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2018, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

This application is one of four relating to the redevelopment of Astbury Hall and its associated land to form a holiday lodge park with associated infrastructure, landscaping, bar/restaurant and leisure facilities. This application in particular relates to the erection of a leisure and spa building; external facilities comprising lido pool, tennis courts, bowls/croquet/petanque greens; landscaping scheme; formation of parking areas; terraced areas; amendments to existing golf course; demolition of two dis-used outbuildings and re-build to form service buildings.

Astbury Hall itself is a fine residence, although not listed it would be considered to be a non-designated heritage asset worthy of protection under NPPF policies, particularly paragraph 197 which states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

The proposed leisure and spa building is of a fairly extensive footprint, however this is obviously necessary to include all the elements required to support this leisure use. The design and form of the proposed building has attempted to reduce the visual impact of this large scale footprint through the use of large areas of glazing and low level flat roofs. The building also uses the different levels on the site to set down the two storey element to retain subservience to the existing hall. Due to its siting to the side and rear and the design elements mentioned above the proposed leisure building, whilst of a large scale is considered to retain some subservience to the main building and would not detract from main view of it.

The additional elements of the development around the main hall include car parking, tennis courts, lido and other leisure facilities. The majority of these are changes to hard surfacing and landscaping rather than further structures within the grounds of the hall, therefore their physical and visual impact is less. The parking areas have been set to the rear and to the south west of the main hall at some distance. The use of landscape planting can help to soften these areas of hard standing and maintain the parkland feel of the setting around the hall.

A number of ancillary structures are proposed to be demolished to accommodate the proposed scheme, from the plans and mapping available it does not appear that any of these structures are historic and therefore we raise no objections to their removal.

Two existing outbuildings are proposed to be reused as service buildings, this is considered appropriate to minimise the disruption to the existing layout and built form on the site and maintain the existing setting of the hall where possible.

In general whilst the scale of the proposed development surrounding the hall is fairly extensive, it has been carefully considered to remain subservient and maintain the setting of this non designated heritage asset as far as possible. Any harm to the setting should be balanced against the benefits of the proposal which appear extensive in this instance.

#### 4.10 SC Business Growth and Investment – Support:

In response to the economic impact assessment related to planning applications for the redevelopment of Astbury Hall, the Economic Growth Service are fully supportive of the redevelopment of the existing site to support a new fully developed leisure, hotel and community facility. The proposal signifies the ability to offer a provision that will not only rejuvenate a currently disused golf course operation, but create a facility that supports to drive new visitors to a rural part of the county and support businesses within both the wider visitor economy sector and those benefiting the broader local community.

The visitor economy sector is one of the most significant within Shropshire and with the broad range of attractions available, high visitor numbers and the value that this brings to the Shropshire economy, this application provides a significant opportunity to support in continued economic growth within this sector. This opportunity also has the potential to create a truly national and even international facility, supporting to develop Shropshire's position firmly on the map as a



destination to visit and stay and delivering increased spend in this locality. Key to this is also the sites ability to support the delivery of jobs from across a range of skill sets, reducing the need for residents to commute outside of the Shropshire area for employment.

As outlined, consider that this opportunity should be fully supported on the basis of its ability to deliver economic growth through the attraction of new inward investment, continued development of a key industry sector and the delivery of new jobs both for the site and the wider opportunities this will attract within the locality.

4.11 National Trust (19.12.18) – Object:

Astbury Hall is seen from the western side of the historic park at Dudmaston, which is owned and managed by the National Trust. Elements of the existing golf course can also be seen as can land on which the lodges and leisure facilities are proposed. The National Trust objects to the proposed development for the reasons set out below and in greater detail in a letter sent to the council. We would welcome the opportunity to meet with the council's planning officer and with the applicants and their consultants to discuss our concerns.

The proposed development potentially harms the setting of designated and undesignated heritage in National Trust ownership. These impacts have not been assessed even though the assets are within the study area identified by the applicant's heritage consultant. We therefore object to the proposals on the basis of a failure to comply with the requirements of NPPF paragraph 189.

The proposed development potentially affects sensitive visual receptors at Dudmaston. These impacts have not been assessed in the application. We object to this lack of assessment of visual impacts.

The proposed development potentially has landscape effects at Dudmaston. These impacts have not been assessed in the application. We object to this lack of assessment of landscape impacts.

The National Trust is also concerned about the effects of the proposed development on the landscape character of the wider area, particularly considered cumulatively with the numerous caravan parks along the Severn Valley.

We are concerned at the potential night time light-polluting effects of lighting at the development. We consider that as a general issue this has not been addressed sufficiently in the submitted information. Like every other impact, it is not assessed at all in relation to Dudmaston.

4.12 Shropshire Wildlife Trust (20.12.18) – Comment:

The development could be considered a Schedule 2 project under the EIA regulations (Schedule 2, part 12 (c); (e) and (f) of the EIA Regulations 2017).

The numerous ecological reports appear acceptable and would concur with, and

welcome, the recommendations including:

- ☐ A minimum 20m development buffer around the Mor Brook
- ☐ Creation of hibernacula for great crested newts
- ☐ Inclusion of barn owl nest boxes
- ☐ Management of grassland to enhance barn owl foraging resource
- ☐ Dedicated (and permanent) barn owl nesting space in the rebuilt stables
- ☐ Buffers between development and woodland habitat
- ☐ Introduction of woodland management
- ☐ Habitat creation to benefit dormice
- ☐ Dormice nest box scheme

However it would appear that the proposed development needs to be repositioned to enable even the minimum buffer distances to be met. The access road, a number of lodges, some proposed infrastructure and cut and fill operations all fall well within the minimum 20m buffer from the Mor Brook. A number of lodges also seem to be in close proximity to existing habitat suitable for dormice.

We would also suggest that, rather than the underground attenuation proposed, more natural SUDS solutions are considered. These could potentially be located within the recommended buffer zones and would certainly contribute more to biodiversity than the underground options. The new ponds shown in the landscape plan should be designed and managed to maximise biodiversity benefit and provide newt habitat.

To ensure the desired biodiversity protection and gains are delivered a biodiversity management plan should be agreed, delivered and monitored. A qualified ecologist should provide compliance reports to confirm the actions (and conditions) have been suitably discharged.

-Public Comments

4.13

3 Objections:

- Will change Eardington village completely
- Infrastructure of area will not support such a large development
- Create a major problem with volume of traffic and road surfaces with difficult narrow road conditions.
- Access on dangerous section of road and is hazardous to cyclists and road is part of the National Cycle Route 45 ; no street lights and no pavements
- Negatively impact on Knowlesands area even if traffic advised to use Bridgnorth by-pass
- Impact negatively on fragile River Severn Bridge and create major traffic problems in Low Town
- Will affect visual beauty of area as well as the eco system
- Not sustainable tourism – too large and out of character
- Visitors to the complex will use their own vehicles to visit local places of interest, impacting on traffic volumes
- Light pollution and noise pollution spoiling the quiet country life style
- Adverse impact on wildlife particularly within Eardington Nature Reserve and on Mor Brook wildlife corridor.

- Could lead increased footfall in the nature reserve and associated risks of wildlife disturbance and litter.
- Could potentially impact on nocturnal wildlife use of the reserve especially by bats and night flying birds.
- Increased noise and air pollution from additional traffic
- Little or no benefit to the surrounding area
- Would be the size of a small town
- Land stability issues in area and the proposed drainage system feeding to the Mor Brook likely to exacerbate this instability.
- Suggest quarry entrance as an alternative to the current main entrance.

4.14 3 letters of support:

- As long as the development is done with the same consideration and to the same high standards as previous works at Astbury Hall it can only be a good thing for the area.
  - A quality establishment will be a boon to Astbury and environs.
  - Will create increased employment opportunities.
  - If traffic is handled correctly the increase in jobs and tourism in the area can only be a positive impact on the town shops and restaurants.
  - Some members of the older community have a totally different attitude to development and change compared to the younger generations.
  - Believe that well over 80% of customers to the Bulls Head are greatly in favour of this dynamic, inspired and enterprising development that offers them, their families and their children opportunities for their future.
  - Offers the promise of a great number of vary varied jobs within and outside of the estate with suppliers and sub-contractors.
  - Anything which is to assist in reducing daily commutes to Wolverhampton, the Black Country and beyond should be encouraged.
  - New jobs in the area must be greatly encouraged given present uncertainties.
  - Continued success of own business depends very much on continuing to attract more visitors to Shropshire.
  - Believes that existing visitor attractions in the wider area would benefit from this development.
  - In line with the economic objective of the National Planning Policy Framework and proposal would meet all the Government stated criteria.
  - Also meets Local Development Plan aim to deliver high quality, sustainable tourism, cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities.
  - It could be a major turning point for the County in attracting further and totally new investment.
  - Would make contributions in local business rates and taxes, enabling the local authorities to also make much more well needed investment in this area.
- This is an extraordinary once in a lifetime opportunity that should be welcomed by everyone.

4.15 Bridgnorth Chamber of Commerce – Support:

The development will have a positive effect on tourism generally in the area, and the Chamber believes this will be beneficial to its members and other businesses in Bridgnorth, providing a much needed boost to the local economy. The developers advise they believe £3.5 million per annum will be added to the

economy in the area, the Chamber considers this will have a substantial impact.

The development will create up to 120 jobs which again will be beneficial to the local economy. The Chamber hopes many of these positions will be filled by local people in a rural area where job opportunities currently are limited.

The Chamber has taken note of the desire of the developers to use Eardington Halt as a means of access to the site for visitors travelling by train, so reducing the impact on the local road network, and sees this as a positive way to mitigate any negative impact from increased traffic, as well as being beneficial to our member, Severn Valley Railway Company Ltd.

4.16 Severn Valley Railway – Support:

The SVR are working with the development company and can see many ways in which the development will benefit the SVR and the local area.

We will be looking to open the Halt to the guests at Astbury Estate and even offer the option that they can arrive by train.

4.17 Open Spaces Society – Comment:

The following submission is from the Open Spaces Society (OSS) for planning applications 18/05079 and 18/05052 Astbury Hall Estate. This development of Astbury Hall Estate is a major undertaking which will have an impact on the local community without any public benefit. There is a public footpath running through the estate and this could be affected by the development, which has not been taken into consideration by the developer (there are other paths). There are views from the path over the wider countryside that will be affected. The OSS considers that with an estate of 354 acres and the development taking 40 acres there is scope for public access. The developer should consider dedication of the woodland as access land for public benefit. The developer should consider setting aside land to be registered as a village green. The OSS would be willing to meet with developer to discuss improved access.

4.18 The Ramblers – Object:

This Objection is to not only this Application but also to 18/05078 & 18/05079, and concerns the considerable change that these developments would cause to the view from footpath 0116/23A/4 which leaves the minor road close to Astbury Hall at SO72348934 at a height of 66 metres. At this point there are wide views over countryside to the east across the site to be developed as the 'Plateau', which will totally change the rural aspect of the view from this point. The footpath then crosses some 200 metres of rough grass, above further proposed development, to join the 'access track' through the site at about the same height at SO72398914. At this point there is a wide view to the south and south-east over falling ground (the Valley site), which will be considerably changed by the various aspects of this proposed development. Walkers will be in constant view of lodges until they have passed the old 'farm buildings' and turned west on footpath 0116/25A/2 across the Golf Course towards the climb up to Chelmarsh via one of the available Rights-of-Way. (Please note that footpath 0116/23A/3 leading towards bridleway 0116/8/3 across the B4555 has been omitted from the masterplan, which I think might be based on an out-of-date O. S. map). For a distance of at least 1 kilometre, probably 15 minutes walking time, walkers will

have to pass through a landscape vastly different from what is currently available. It may not be completely unattractive, but it will be a considerable intrusion into what is currently attractive open countryside with far-ranging views. As a result, we object to the scale of this proposed development and the change it will cause to the walking environment.

## **5.0 THE MAIN ISSUES**

Principle of development  
Siting, scale and design of structures  
Impact on visual amenity and rural character of area  
Impact of Heritage Assets  
Highway Safety  
Ecology  
Drainage  
Residential Amenity  
Rights of Way

## **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.

6.1.2 Core Strategy policy CS5 advises that within the countryside proposals will be supported in principle where they relate to sustainable and rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17. Policy CS16 seeks the development of high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. It specifies that in rural areas proposals must be of an appropriate scale and character for their surroundings and, if not close to or within settlements, be associated with an established and viable tourism enterprise where accommodation is required. Astbury Hall falls within the latter category. (CS17 is discussed in 6.2 below). Core Strategy policy CS13 relating to economic development, enterprise and employment is also supportive of rural enterprise and diversification of the economy, in a number of specified areas which include green tourism and leisure. A further material planning consideration in this case is that the applicant could continue with hotel and holiday accommodation schemes under planning permissions 98/0829, 06/0435, 14/00794/FUL and 14/03609/FUL as those permissions have been implemented, securing those consents for all time.

6.1.3 Site Allocations and Management of Development (SAMDev) Plan policy MD11 states that tourism, leisure and recreation development proposals that require a

countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meet the requirements in policies CS5, CS16, MD7b, MD12, MD13 and relevant local and national guidance.

- 6.1.4 The above Development Plan policies are wholly in accordance with the National Planning Policy Framework (2018) which advises at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. It is supportive of a prosperous rural economy and at paragraph 83 states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.1.5 The facilities proposed in this application would be for the use of persons occupying the holiday let lodges contained in applications 18/05078/FUL and 18/05079/FUL, rather than being open for general public use. Consequently, for example, there would be no conflict with Development Plan retail policies with the inclusion of new build restaurants and farm shop within the development proposals. (The applicant's proposal to offer a restricted membership scheme to local people would not compromise the principle of the development, provided that the scale of such use would be very low).
- 6.1.6 It is considered therefore that there is no in-principle planning policy objection to the proposals contained in this application. The acceptability or otherwise of the proposals rest on the detail matters considered in turn below.

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

- 6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 127 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate an appropriate amount and mix of development.
- 6.2.2 The leisure facilities proposed in this application consists of a building of a contemporary design, but it is considered that its form would not be out of keeping with this particular rural setting. There is a simplicity to the form, which does not seek to be a pastiche of older building styles, which would blend well visually with the areas of rising land (parkland), the tree belts and woodland, and the built form of Astbury Hall as a non-designated heritage asset. SAMDev Plan policy MD2 (Sustainable Design) expands on policy CS6 in seeking to ensure development contributes to locally distinctive or valued character and existing amenity value and advises at MD2.3 That development proposals should:

“Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”

It is considered that the proposed built form of the leisure building would achieve these design objectives. No objections have been raised to the design by the Council’s Conservation Team and the approach taken accords with pre-application advice that was given.

6.2.3 The brick underpass structure under Astbury Lane would provide a vehicular and pedestrian access route to the land on the northern side of the lane some 3.7 metres wide and with a headroom of some 2.6 metres. It would have a brick finish, with brick parapet walls and associated brick retaining walls. It is considered that this traditional bridge form would be in keeping with the existing adjacent walls and structures contemporary with the Hall and would not detract from the appearance of Astbury Lane itself.

6.2.4 At the time of writing this report the details supplied of the proposed lido and raised seating terrace adjacent to the proposed tennis courts (The latter located within the existing walled garden area) is limited to a block plan. Some land re-grading works are likely to be needed to provide the parking area, lido, bowls, croquet and petanque areas. It is considered that the precise details of the final finished built form of these facilities can be the subject of conditions on any approval issued, to ensure that the works would be sympathetic to the setting of the Hall and the local context.

6.2.5 The proposed works to renovate the Crateford Barn buildings set out at paragraph 1.6 above, which under previous planning permissions were to be converted to holiday let accommodation, but are now proposed to serve as service/maintenance buildings for the estate, would be sympathetic to their character and not out of keeping with the locality.

### **6.3 Impact on visual amenity and rural character of the area**

6.3.1 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors.

6.3.2 SAMDev Plan policy MD11.2 states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) and a Heritage Impact Assessment (HIA) to address these matters. The latter is considered in section 6.4 of this report below. Both these documents have been amended in response to comments from The National Trust that the original documents did not take account of the Dudmaston Estate situated to the east of the River Severn.

- 6.3.3 The proposed golf courses contained in this particular application would sit within the existing golf course managed landscape and would not detract from the existing visual amenity and character of the area. The retention and restoration of the Crateford Barn buildings would have a neutral impact on the wider landscape setting, but with the benefit of restoring them to good repair. The leisure facilities building immediately adjacent to Astbury Hall would, visually, be grouped closely with existing buildings and the low set form with a back drop of existing buildings to the west and existing tree screening, would ensure that it would not be overly prominent in the rural landscape.
- 6.3.4 The amended LVIA submitted has considered the impact of all four applications together as it is the intention, in the event of planning permission being given, for the works contained in them to be delivered as a single build programme and the cumulative impact of all elements has to be taken into account. It contains a contextual description of the features that form the landscape; identifies landscape character areas making up the applications sites and the wider site context as being the Mor Brook Valley; Former Quarry Plateau, Astbury Hall and Golf Course; Western Farmland Escarpment; Chelmarsh; River Severn Valley; Eardington; Quatford Escarpment and the Dudmaston Estate. The main landscape receptors identified in the document comprise of the Mor Brook valley; the plateau; the mature woodland; the golf course/Astbury Hall/Astbury Hall Farm/residential buildings; Chelmarsh/western farmland; Severn Valley; and Dudmaston Estate. It is considered that this basis for the analysis is sound.
- 6.3.5 The measures that would be incorporated in the proposed development as a whole, to minimise or mitigate landscape/visual impact would include not just a reliance on screen planting (Which would take time to establish) but also through the creation of a gently rolling landscape by balanced cut and fill contouring. The chalet clusters on the plateau area would be set within sinuous mounding and the eastern boundary would be gently built up to provide further screening. The associated car park areas would also be cut into the ground and/or screened with “Devon Banks” and planting. In addition to the grading works native tree, shrub and wildflower meadow planting would create further screening and assimilation of the lodges into the landscape. The lodges would be cut into the ground where possible; would not go into the woodland along the Mor Brook and, with specific reference to this particular application, the leisure complex would be single storey and abut the built up area of the existing Hall.
- 6.3.6 From this context the LVIA carries out an assessment of the construction effects on landscape character, and an assessment of operational effects on landscape character. The receptors of potential visual impact assessment includes footpath and road users in addition to those listed in 6.3.4 above, with distant views (>1km); middle-distant views (0.25 – 1km); close views (0.25km) and important buildings. The viewpoints selected for the assessment are detailed and, with the amended LVIA taking account of the Dudmaston Estate, are considered to be appropriate with no significant omissions.
- 6.3.7 The LVIA concludes that some two thirds of the existing site can be considered



“semi artificial” (golf course, former quarry, Astbury Hall/car park) with only Mor Brook Valley being regarded as landscaper and visually sensitive. The existing leisure amenity golf course and flat reinstated quarry field means that the significance of effect on landscape character during the construction period would be temporarily ‘minor adverse’, mainly as a consequence of topsoil stripping and the movement of earthworks equipment. The significance of effect on landscape character during the operational stage of the project is predicted to be ‘minor adverse to negligible’. The character of the landscape would not change from that of a semi artificial golf course and protection of the key landscape elements (The Mor Brook Valley and the woodlands) would ensure no detrimental impact on the overall character. Sensitive receptors of the Dudmaston Estate would not be affected. It comments that the mitigation measures would, in time, see a slight beneficial impact on landscape character in the form of greater biodiversity and ecological protection/management. The location and design of the leisure facility building would not be intrusive from the landscape impact perspective. Visual impact during construction would be essentially confined to sections of public right of way and the residents near Astbury Hall, and as a consequence the significance of visual impact during construction is considered ‘minor adverse’. Visual impact following completion of the project would be limited to the same receptors, and would in time be further diminished with the establishment of mitigation planting. The significance of effect on views is predicted to be ‘minor adverse’.

6.3.8 The term ‘minor adverse’ used in the landscape impact analysis means that *“the proposals would be slightly at variance with the existing landscape character; can be largely mitigated with only small residual adverse effect.”* The residents of Astbury Lane would experience a moderate deterioration in existing view which, with mitigation over time would shift to a ‘moderate adverse’ effect. From the Dudmaston Estate the verifiable montages supplied show that the lodges would be almost entirely unseen from this receptor. Due to the distances involved, existing and proposed topography and the lodges/landscape design the LVIA concludes that the proposals would be invisible from Dudmaston Hall and parkland, and barely visible (glimpsed views) from Lodge Farm. The impact on Lodge Farm is judged to be ‘minor adverse’ changing to ‘negligible’ with the establishment of planting. From all other locations whether off site footpaths, longer residential views or from Quatford the impact on views is defined as broadly negligible.

6.3.9 Observations made by the Case Officer during site visits and the Council’s Conservation Officer concur with these conclusions of the revised landscape and visual impact assessment. It is considered that a refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings contained in that landscape, could not be sustained.

#### **6.4 Impact on Heritage Assets**

6.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities in considering whether to grant planning permission which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses. Astbury Hall is not listed and constitutes a non-designated heritage asset. Consideration must be given to whether the setting of any listed buildings would be affected by the proposed development.

- 6.4.2 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors. SAMDev Plan policy MD13 advises that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that, wherever possible, proposals avoid harm or loss of significance to designated and non-designated heritage assets, including their settings. Where a proposal is likely to affect the significance of designated or non-designated heritage assets, including their setting, policy MD13.2 requires applications to be accompanied by a heritage assessment. This policy accords with paragraph 189 of the NPPF which advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting. It explains "The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."
- 6.4.3 The amended Heritage Impact Assessment (HIA) for land surrounding Astbury Hall submitted considers the impact of the development proposals as a whole, which have been split across the four planning applications. (The other planning applications being 18/05078/FUL; 18/05079/FUL and 18/05159/FUL which are also on this Committee agenda). It is to be read in conjunction with the Landscape and Visual Impact Assessment (LVIA) discussed in section 6.3 above in respect of the impact of the proposals on listed buildings and, in particular, those associated with the Dudmaston Estate.
- 6.4.4 The HIA has been conducted in accordance with the Historic England document 'The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning 3'. It has established from the Historic Environment Record for Shropshire (HER) that very few monuments, events/activities and listed buildings within the 1000m buffer zone of the Astbury Hall study area. There are no listed buildings or scheduled ancient monuments within the study area, although several listed buildings are recorded just beyond the range of the 1000m buffer zone. All listed buildings and monuments, local find spots and archaeological reports listed in the HER in the wider study area beyond 1000m are recorded in the document.
- 6.4.5 The HIA concludes that the proposed development sits within an area of limited archaeological potential. The level of significance of the heritage value of the site is considered as low as categorised in the NPPF. There may be an effect on hitherto unknown archaeological remains or artefacts, of a similar nature those recovered in the local region. The location of the proposed elements of the development on recorded monuments in the area would be low, but the impact on

Astbury Hall and its associated estate, which has historic origins would be considered a medium impact. The impact on views across the historic landscape would be mitigated by the cluster layout of lodges in banded surrounds and the landscaping. From the heritage impact perspective the 'plateau' area is the least significant area of the site due to the previous quarrying and subsequent restoration. With regard to the proposed built form, the HIA concludes that the development would cause slight harm to the historic significance of the estate. This low level of harm has to be weighed against the benefits of creating leisure facilities that would have public benefits to the rural economy, creation of employment and the Development Plan aspirations to enhance the role of Shropshire as a tourist destination to stay.

6.4.6 In response to the specific concerns raised by the National Trust the HIA comments that Dudmaston Hall is over 1.6km from the closest point of the application site, and that one of the heritage assets within the Dudmaston Estate, known as Lodge Farm, is around 940m from the closest point of the application site. It observes that there is no common border between the Astbury Hall Estate and the Dudmaston Estate, and that the latter is slightly raised in comparison with the former. It asserts that the impact on views from the listed buildings and parkland associated with the Dudmaston Estate by the proposed development can be considered to be of negative to low impact, due to the considerable impact and mitigation measures, as has been explored in detail in the Landscape and Visual Impact Assessment (LVIA.) discussed in section 6.3 of this report above.

6.4.7 The Council's Conservation Officer for the area concurs with the conclusions of the HIA. An archaeological watching brief would ensure the opportunity to record any matters of archaeological interest which may be uncovered by the leisure facilities proposals and associated works contained in this particular application. It is considered that there are wider public benefits from the proposed development which outweigh the limited harm identified to the historic significance of the Astbury Estate, in applying the balance required by paragraph 197 of the NPPF.

## 6.5 Highway Safety

6.5.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It also seeks to secure safe developments. The NPPF, at paragraph 108, advises in assessing applications for development should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- b) Safe and suitable access to the site can be achieved for all users;  
and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.5.2 A Transport Assessment has been submitted with the planning application, which has been expanded upon in response to comments from the Council's Highways Team. The Transport Assessment considers the impact of the development proposals as a whole, which have been split across the four planning applications. (The other planning applications being 18/05078/FUL; 18/05079/FUL and 18/05159/FUL which are also on this Committee agenda).
- 6.5.3 The initial Transport Assessment references the 'fall back' position under which the hotel development, holiday lodges and holiday let barn conversions, together with an additional golf course, could be constructed without the need to obtain a further planning permission.
- 6.5.4 The leisure facilities proposed in this application are proposed to serve the holiday lodges and would not be available for non-residents, although the applicants have advised that local residents would be able to use the facilities through a restricted membership scheme. The Transport Assessment is based upon the number of chalets proposed, with a 5% uplift in traffic generation compared to the actual number of lodges proposed. (315). It also includes personal injury collision data, which shows there have been two collisions in the vicinity of the site in the last five years, approximately 200m and 500m east and west of the existing site access respectively, which were classified as slight in severity. With regard to access by sustainable modes the Transport Assessment acknowledges that there are no footways provided on the B4555 although there are a number of public footpaths in the vicinity of the site which could serve shorter leisure journeys. The 125 bus route passes the site which provides a service between Stourbridge and Bridgnorth via Kidderminster and Bewdley, which provides an hourly daytime service Monday to Saturday. (The applicants are also in negotiation with the Severn Valley Railway on improvements to Eardington Halt to provide access to services along the route and a mainline connection via Kidderminster railway station). The conclusion on the existing transport conditions is that the site is rurally located with limited opportunities for access by sustainable modes; with the hourly bus service passing the site there is the potential to provide new stops to serve new demand; and there are not considered to be any inherent highway safety issues on the local highway network.
- 6.5.5 Vehicular access to/from the site would be from the main access on the B4555 Road, with no use of the single track Astbury Lane for that purpose, and an underpass beneath that lane to access the land and golf course on the northern side forms part of this application. ATC traffic surveys were commissioned on the eastbound and westbound approaches to the main site access onto the B4555, which is subject to the national 60mph speed limit, and the data used to determine stopping distances for visibility splay purposes against national standards. This has established that the absolute minimum visibility splays (2.4 x 160m) sought by those standards are achieved within the extent of the adopted highway boundary, with the desirable splay to the west of the site (2.4 x 215m) also within the adopted highway, but crossing an embankment on the southern

side of the highway.

- 6.5.6 The likely travel demand from the proposed development has split these into four categories comprising visitor arrivals and departures at the start and end of a stay; visitor excursions during the stay; staff arrivals and departures; and servicing and deliveries. The assumptions made include 100% occupancy; while it is likely that most arrivals would be in a single car, to provide a robust assessment it has been assumed that each lodge occupants will arrive and depart in an average of 1.5 vehicles. The assumption is also made that each lodge would have two sets of guests per week (i.e. Friday to Monday 3 night stay and a Monday to Friday 4 night stay).  $315 \text{ lodges} \times 100\% \text{ occupancy} \times 1.5 \text{ vehicles} \times 2 \text{ stays per week} = 945 \text{ arrivals and departures per week}$ . It is assumed that guests would undertake two excursions to the local area per visit, with each visit involving a single vehicle.  $315 \text{ lodges} \times 1 \text{ vehicle} \times 2 \text{ excursions} \times 2 \text{ stays per week} = 1260 \text{ arrivals and departures per week}$ . Staff arrivals and departures are calculated on the basis of 120 staff, split equally across seven days, with each employee working five days per week, which equates to 86 employees per day working on-site. No allowance is made for absences or holidays and it is assumed, for the purposes of trip generation, that all staff commute by a single occupancy car journey.  $86 \text{ staff per day} \times 7 \text{ days} = 602 \text{ arrivals and departures per week}$ . With regard to servicing and deliveries an assumption of 10 arrivals and departures per day has been made, totalling 70 such movements per week. It is considered that the above assumptions are a sound basis for determining likely travel demand.
- 6.5.7 The result of the above would be a total of 2877 arrivals and departures per week (5754 two-way trips), with an average of 411 arrivals and departures per day (822 two-way trips) in periods of maximum occupancy. The periods when these movements would take place would be visitors arriving after a certain check in time; visitors departing after a certain check out time (Those times to be determined); staff arrivals and departures depending on shift patterns; and servicing which would be concentrated during the morning, but could be throughout the day.
- 6.5.8 The Transport Consultants have used TRICS Trip Generation data for residential holiday accommodation; surveys since 2001; have excluded sites in Greater London and Ireland; have excluded town centre or edge of town centre locations; only included sites with substantial leisure facilities (Typically at least swimming pool and bar/restaurant); and trip rates per unit of holiday accommodation. Both weekday and Saturday trip rates were extracted from that data. The resulting figures for the period between 07:00 – 19:00 of 614 two-way trips on a weekday and 661 two-way trips on a Saturday are lower than their first principles estimate of 822 two-way trips. The differences can be explained by a number of factors, including the TRICS data using a lower number of cars for unit of holiday accommodation; a lower staff ratio; staff arriving by means other than single occupancy journey; a lower number of off-site trips per unit of holiday accommodation and trips outside the 07:00 – 19:00 TRICS survey period. However, the Transport Consultants are of the view that the TRICS outputs are useful in determining trip generation during the network peak hours of 08:00 to 09:00 weekday am peak; 17:00 to 18:00 weekday pm peak and development

peak (Saturday) of 13:00 to 14:00. While it is not intended that the proposed food and drink facilities would be used by the general public, in order to be robust the Transport Assessment has included an allowance for these areas of the proposed development. The existing golf course, used to its full potential, has also been taken into account. The total development trip generation figures when the holiday accommodation; potential external trade to the pub/restaurants and potential additional use of the golf course for the entire site would be 39 two-way trips in the AM peak hour, 105 trips in the PM peak hour and 134 trips during the Saturday development peak hour.

6.5.9 The Transport Assessment also includes the fall back trip generation should the hotel and other facilities in the extant planning permission 98/0829 be built out. It comments that the trip generation of the hotel would be slightly lower than that of the proposed use, but comments that it would generate a volume of traffic which is broadly similar in magnitude compared to the proposed development. This is therefore a factor for consideration in the assessment of the development proposals.

6.5.10 The capacity of the site access junction has been tested using the Junctions 9 software package with data gathered from traffic counts on 5<sup>th</sup> September 2018 and traffic surveys between the 5<sup>th</sup> and 11<sup>th</sup> September 2018. TEMPRO software has been used to provide a growth factor to account for background traffic growth for a five year period post application (2018-2023). Traffic arriving and departing from the site is split into three categories comprising holiday visitors from across the country; staff from the local area; and golfers from the local area. The three traffic assignments tested are 50%north/50%south; 75%north/25%south; and 25%north/75%south. The capacity assessment results demonstrate that the site access would operate well within capacity in all the scenarios considered.

6.5.11 With regard to the Highway Network Capacity, the Transport Assessment comments that the existing B4555 is a lightly trafficked road, with a two-way average daily flow of 3700 vehicles per hour and a maximum two-way hourly flow of 300 vehicles. It is estimated that the proposed development would result in an average of 822 additional vehicle trips per day on the local highway network. It states:

*“DMRB TD 46/97 provides advice on traffic flow ranges for use in the assessment of new rural roads. The document notes that a standard ‘S2’ single carriageway road is suitable for an Annual Average Daily Traffic (AADT) flow of up to 13,000 vehicles.*

*The proposed development would increase the AADT on the B4555 to approximately 4,500 vehicles, well below the suggested threshold for a single carriageway road. On this basis it can be concluded that the existing B4555 is a suitable standard or road to accommodate existing and future development traffic.”*

The Transport Assessment conclusions are that it demonstrates the proposed development would have a negligible impact on the operation of the local highway network, both at the site access junction and on the link capacity of the B4555.

- 6.5.12 The Council's Developing Highways Area Manager raised a number of queries concerning the Transport Assessment. With regard to highway safety the area of search needs to be shown in the report; local concerns over the safety of the B4555 in the past, and given that most traffic generated by the development is likely to gravitate to/from the north, the search area should be extended to the edge of Bridgnorth town, and a brief description of the nature of all identified collisions included, before conclusions can be drawn. Other matters raised included the location of the monitoring point for determining traffic speeds from the east and visibility due to the road geometry at Hay Bridge; the need for visibility at the proposed construction access (Into the eastern part of the site for development on the eastern side of the Rea Brook) to be considered; the Travel Demand assumptions would be impacted on by the arrival/departure times and until they are set the first principles approach should be applied to a worst-case time period; similarly a worst-case approach to staff trips also needs to be considered until the nature and shift patterns of the jobs on site is known. The close proximity of some major visitor attractions could also affect the assumptions out the level of visitor excursions. The traffic growth 5 years after the application should be adjusted to the period after full opening. She advises that the approach taken in the report is appropriate to determining the likely increase in traffic over a 24 hours period, but this is only relevant for the link capacity assessment. She does acknowledge however that the altered assessments requested would be unlikely to make any significant difference to the conclusion on the capacity assessment of the site access operating well within capacity with the more robust approach sought. The approach taken to consider traffic distribution is considered acceptable, but experience suggests that the proportion of traffic accessing the site from the north is likely to be higher than 75%.
- 6.5.13 With regard to Highway network capacity the Highways Area Manager comments that the TD46/97 document referenced is only applicable to a new road scheme built to the appropriate standards. The B4555 road does not comply with these standards and the Transport Assessment must consider this fact. It is requested that the report submitted considers potential improvements to the surrounding road network. The proposed underpass to Astbury Lane is welcomed by the Council's Highways Team.
- 6.5.14 In response to the queries raised the applicant's highways consultants have submitted a Technical Note, which responds also to highway matters raised by the Parish Councils. A summary of the proposals under the topic headings are set out below:
- 6.5.14.1 Construction Traffic: Section 59 of the Highways Act allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic during the construction period. It would typically be expected that representatives of the highway authority and the applicant will carry out a joint road survey/inspection on the roads leading to the site, noting defects, with a further joint survey following completion and any remedial works completed within an agreed timescale.

A Construction Environmental Management Plan has been prepared. Two

entrances would be provided for construction vehicles comprising:

- a )The existing in access for Astbury Hall from the B4555 for development on the western side of the Mor Brook.
- b )The existing former quarry access at the north eastern corner of the combined sites for these applications for development on the eastern side of the Mor Brook

Construction traffic routes would take account of the bridge carrying the Seven Valley Railway line, with a height restriction of 3.8m and the bridge carrying the B4555 over the railway which, although it does not have a weight restriction, is narrow. Articulated heavy goods vehicles, vehicles over 3.8m in height (Including transporting machinery or lodges) would arrive from north (via Bridgnorth) to the quarry access and from the south (via Highley) to the golf club access. Wheel washing facilities will be provided within both the eastern and western sides of the site; and the highway will be cleaned or swept at regular intervals to remove any mud or deposits on the carriageway. Any damage to the highway from turning goods vehicles will be repaired to the satisfaction of the highway authority following completion of the construction phase.

Any gate controls to access the site will be a minimum of 20 metres back from the edge of the highway to allow vehicles to wait off carriageway, and circulation space provided to allow vehicles to enter and leave in a forward gear.

Deliveries by articulated vehicles or abnormal loads will be restricted to the periods 09:30 – 15:00 during school term time and 09:30 - 16:30 outside term time.

A Construction Access Speed Survey has been carried out and the required minimum visibility standards can be achieved in both directions. In addition, to improve the safety of the construction access vegetation would be cut back as far as possible on either side and it will be manned to allow site personnel to assist large vehicles entering/exiting as necessary.

6.5.14.2 Site Access Visibility: In response to the query raised by SC Highways, the Transport Consultant has carried out an additional automated traffic survey (ATC) some 140m to the east of the main site access. The data recorded an 85<sup>th</sup> percentile westbound traffic speed of 38mph and with allowance for the downhill gradient, the desirable minimum stopping distance would be 108m and the distance from where the access comes into view is 140m, which shows that adequate visibility is available.

6.5.14.3 Trip Generation and Site Access Capacity: In response to the SC Highways request for a more robust assessment of the development' peak trip generation based on the 'first principles' assessment previously undertaken, a re-assessment has been carried out on the basis that each lodge would make six excursions to the local area per week. (An uplift of 50% on the previous assumption). This would increase the total visitor excursions from 1260 to 1890 per week. A peak period 'worst case' trip generation assessment has been undertaken which combines the period when development trip generation would be at its maximum and the period during which traffic volumes on the B4555 are highest. The traffic growth allowance period has also now been extended to the period 2018 – 2026. An additional traffic assignment at the site access has also



now been added which is 90% north/10% south. The results of the site access capacity, worst case assessment 2026 is that the site access would operate within capacity in all scenarios considered.

6.5.14.4 Link Capacity: The existing and proposed traffic flows between the site and Bridgnorth (based on the option of 90% of trips arriving from Bridgnorth) would, in the worst case scenario, increase the PM a southbound traffic flow 275 to 488 vehicles. This equates to an increase from one vehicle every 13 seconds to one vehicle every 7 seconds. The Transport Consultants comment that this shows the traffic flows can be accommodated without having a severe impact on the capacity of the road.

6.5.14.5 Collision Analysis: The study area has been extended in response to comments by Highways for a distance of some 8km between the B4363 in the north and Chelmarsh/Sutton in the south and an analysis given of the route character. In the most recent five year period there have been 10 collisions on this stretch of the B4555, of which nine are classified as slight and one as serious. Between the B4363 and Eardington (Section 1) there have been two slight collisions when vehicles lost control travelling through bends, with the recorded causation factors being travelling too fast for conditions. None have occurred in Eardington (Section 2). Between Eardington and Chelmarsh (Section 3) there have been five slight collisions comprising of one where a car collided with a reversing tractor; two on the bridge over the SVR when a vehicle travelling south over the bridge lost control through the bend and collided with an oncoming vehicle; one at the bridge under the SVR when a vehicle lost control on mud/rain; and one on the southern section of this road length where one driver veered onto the wrong side of the road, where one driver was recorded as being impaired by alcohol. On the section between Chelmarsh and Sutton (Section 4) the serious collision occurred at the junction of Bakehouse Lane with the B4555 with a vehicle turning right into Bakehouse Lane crossing into the path of another vehicle. The two slight collisions comprised of a vehicle travelling north to the south of the 40mph zone losing control, and a vehicle waiting to turn right into a minor track being struck from behind. The care and the speed at which motorist travel is a contributory factor of most collisions.

6.5.14.6 Mitigation Works: A review of the existing highway has been undertaken in comparison with DMRB TA 85/01 'Guidance on Minor Improvements to Existing Roads'. The Transport Consultants comment that repairs to the carriageway would be a matter for Shropshire Council but it is proposed that the developer provide a number of measures as part of the implementation should planning permission be granted. These comprise:

Section 1 – B4363 to Eardington:

Replace existing 40mph signage with gateway feature, including 'dragon's teeth' and red road markings.

Add red surfacing to existing 40mph road markings.

Add red surfacing to existing SLOW road markings.

White line edge of carriageway markings where not already provided.

Section 2 – Eardington:

It is proposed that the developer would enhance and refresh the existing traffic

calming measures.

Section 3 – Eardington to Chelmarsh:

At the bridges beneath and over the SVR it is proposed that the developer:

Replace existing 'SLOW' markings with red friction surfacing.

Resurface the carriageway with high friction surfacing to a specification to be agreed with Shropshire Council.

At the bridge beneath the SVR replace existing gravel laybys with full carriageway construction, allowing potential over-run by large vehicles, preventing observed deterioration of the edge of the carriageway, and reducing mud spillage onto the highway.

Section 4 – Chelmarsh to Sutton:

This section of road is subject to 40mph through Chelmarsh and Sutton, thereafter increasing to the national speed limit. It is proposed to replicate the existing traffic calming features provided through Eardington, notably:

Highlight centreline marking and ghost island junction to Bakehouse Lane in red and anti-skid surfacing.

Replace 40mph road markings with red anti-skid surfacing.

Edge of carriageway markings along route.

Replace SLOW road markings with red anti-skid surfacing.

- 6.5.15 With regard to the Section 1 proposals (B4363 to Eardington) SC Highways have raised no objections, but comment that Shropshire Council has planned maintenance works along this section and some of the works may be included within the scope of those proposed works. Further details would be required on the location of the 40mph and SLOW road markings. This matter can be addressed through a condition on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This would provide an opportunity to full review the highway conditions at the time, and sufficient notice to get the works completed.
- 6.5.15.1 With respect to the Section 2 proposals the existing village traffic calming measures should be refreshed and enhanced as proposed. As with the Section 1 proposals, this matter can be addressed through a condition on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This would provide an opportunity to full review the highway conditions at the time, and sufficient notice to get the works completed. (The original proposal to provide 'chicane' traffic calming features at each end of the village was not supported by SC Highways due to the lack of street lighting).
- 6.5.15.2 For Section 3 (Eardington to Chelmarsh) SC Highways comment that all the above mentioned works are generally supported from a highways perspective, however further consideration will need to be given to the reconstruction of the gravel laybys to establish if the areas fall within the adopted highway. These details can be investigated and explored at technical approval stage, Shropshire Council as Highway authority have powers to adopt areas of highway, subject to

any objections received from the land owner. As above, all works would be subject to a Section 278 agreement and It is recommended that further details are submitted to provide further information of the proposed works, A condition should be placed up on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This will provide an opportunity to full review the Highway conditions at the time, and sufficient notice to get the works completed.

6.5.15.3 For Section 4 (Chelmarsh to Sutton) All works are acceptable from a Highways perspective, however it should be noted that Shropshire Council have planned maintenance works along this section and therefore some of the works maybe included within the scope of the works. It is recommended that further details are submitted to provide further information of the proposed works. A condition should be placed up on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This will provide an opportunity to full review the Highway conditions at the time, and sufficient notice to get the works completed.

6.5.16 The application proposals have considered transport issues in terms of the potential impacts of the proposals on transport networks and the locality. By its very nature of being a form of tourism development that requires a rural location, the sustainable transport options to use of the private car are limited, but the site has direct access onto a B road, is relatively close to the market town of Bridgnorth and the services available in Highley, and has the potential to utilise public transport links and to establish a rail connection via the Severn Valley Railway. There would be onsite opportunities for the holiday lodge occupants to use local footpath networks. Taking account also of the established golf course and extant permissions for hotel and holiday chalet developments that these proposals would replace, it is considered that a refusal on transport grounds as being an unsustainable location would have no prospect of being upheld at appeal. The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation has been proposed to achieve net environmental gains, as may be sought under paragraph 102 of the National Planning Policy Framework (NPPF), even though the studies using nationally recognised standards and modelling have established that there would be no access junction or road network capacity problems resulting from the implementation in full of the package of applications currently under consideration. Safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 108 of the NPPF. The safe developments, from as transport and highways perspective, sought by Core Strategy policy CS6 can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission for the works proposed in this application.

## 6.6 Ecology

- 6.6.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation.
- 6.6.2 The application is accompanied by an extensive set of ecological surveys relating to badgers, barn owls, dormice, great crested newts, otters, bats, reptiles and water voles, along with a habitat enhancement survey. Ecological Summary Reports have been provided which are specific to each application. The Report provided in connection with this application focuses on two areas. These are 1) a large plot (22.3 acres) containing the built structures associated with the golf course/main hall, hardstanding, a mosaic of semi-improved grassland and amenity grassland with rank grassland banks, scrub and scattered woodland; and 2) a small plot (4.0 acres) containing two derelict agricultural buildings, hardstanding, a mosaic of semi-improved grass land and rank grassland, and scrub. It concludes with respect to the proposals contained in this application that no adverse impacts are anticipated on habitats of ecological merit; the development would be sympathetic to the landscape and that many features (woodland/watercourse/grassland) would be retained and enhanced. The buildings where there is evidence of bat use are not affected by these proposals. The provision of tree nesting boxes for barn owls is recommended where the agricultural buildings are proposed to be renovated and converted for use as service buildings; no further survey work is required for great crested newts provided that the reasonable avoidance method statement measures are followed; a precautionary method statement for reptiles/herptiles should be followed; a pre-commencement check for badgers and dormouse be carried out; enhancement planting/management to suitable for these species.
- 6.6.3 The Council's Planning Ecologist, whose comments are summarised at 4.8 above, is content that these proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. The applicants have subsequently submitted badger and otter pre-commencement report survey; a biosecurity protocol; brown hare method statement, details of the proposed bran owl provisions and a Construction Ecological Management Plan in response to the Planning Ecologists recommended conditions.

## **6.7 Drainage**

- 6.7.1 Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. A package treatment plant is proposed for the disposal of foul sewage. It advises that back wash from the swimming pool filters would also be treated by the package treatment plant after being dechlorinated. A holding tank would be used for the backwash water to ensure it is fed into the package treatment plant at a suitable rate. If the pool needed to be drained, a similar process would be followed to ensure the package treatment plant(s) would not be overwhelmed. In the west, surface water would be directed to the Mor Brook with flows restricted by attenuation such that they would be no greater than the undeveloped run off rate for the same event, based on calculations including the 1 in 100 + 40% storm event. The FRA considers the impact on the Mor Brook. It comments that under low flow conditions, surface water flows from the site would

be close to the existing greenfield rates. Additional treated flows from the foul systems would represent an increase of 0.7% at low flows and is therefore not significant. During storm events the flows from the foul system would be the same as during low flows. Surface water flows would be restricted to greenfield rates by attenuation, and therefore the overall flow rate to the brook would be lower than normal for such events.

- 6.7.2 The Council's Drainage Consultants have confirmed that the FRA is acceptable in principle, and that the final foul and surface water drainage details, plan and calculations should be submitted for approval. This is a matter which can be addressed through a planning condition on any approval issued. The agents have advised that the full details of the drainage to the leisure facilities is currently being prepared for submission and approval, with the desire to achieve this prior to the Committee Meeting. They comment that the planning process requires that the principles of the drainage design is established and agreed, but the detailed design forms part of the Building Control and working drawings stage of works. Whilst this detailed design is close to completion, the applicant is happy to accept a pre-occupation condition should details not be forthcoming in this time frame. The extent of the land under the control of the applicant would not appear to limit the drainage options in this case. It is considered that, in this case, a condition requiring the drainage details to be approved prior to occupation, and for the works to be carried out in accordance with the approved details, would be an acceptable way to ensure that the development would not adversely impact on water quality and quantity, or on flood risk.

## 6.8 Residential Amenity

- 6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are those to north on Astbury Lane. The proposed leisure facilities building would not have an overbearing impact on neighbouring properties and would not significantly impact on sunlight/daylight reaching those properties. The planning application form gives details of the anticipated opening hours for the facilities within the proposed building. With regard to the shop and restaurant areas the opening times for use by the occupants of the holiday lodges would be from 07:00 to 23:00; with the leisure facilities open from 06:00 to 23:00. The north elevation of the building would have limited openings in the north elevation that would reduce the likely outbreak of noise in that direction. The number of persons likely to be wishing to use the facilities early in the day is likely to be limited and the operators would need to take into account the amenity of the users of the holiday lodges in the operation of this facility. On balance, it is considered that the proposed opening hours would not cause undue harm to the residential amenities of the locality. In the event of any noise complaints arising from the operation of the facility, this would be matter that Regulatory Services would be able to investigate and require any necessary remediation.
- 6.8.2 The floor plan for the proposed building shows a basement area and a first floor area for use as plant rooms for the facility. This would suggest that there would be no external plant installed. However, it is considered that a condition should be attached to any approval issued to require Local Planning Authority approval of external plant and machinery at any time in the future, in order to safeguard the

residential amenities of the locality.

- 6.8.3 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue is addressed by a recommended condition on the restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays, and a condition requiring the approval of a construction method statement to mitigate the temporary impact.

## **6.9 Rights of Way**

- 6.9.1 The proposals contained in this application would not affect the routes of existing rights of way. The Council's Rights of Way Team had noted that one section of public footpath and the alignment of others on the submitted drawings was not in accordance with the paths shown on the definitive map. The drawings have been corrected to accord with the definitive rights of way map.

## **7.0 CONCLUSION**

- 7.1 There is no in-principle planning policy objection to the proposals contained in this application. The proposed built form of the leisure building would be visually acceptable adjacent to Astbury Hall and would not detract from the visual amenities of the area. The traditional bridge form to the underpass would be in keeping with the existing adjacent walls and structures contemporary with the Hall and would not detract from the appearance of Astbury Lane itself. The proposed works to renovate the Crateford Barn buildings to serve as service/maintenance buildings for the estate, would be sympathetic to their character and not out of keeping with the locality.
- 7.2 A refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings contained in that landscape, could not be sustained. With regard to the heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified to the historic significance of the Astbury Estate, in applying the balance required by paragraph 197 of the NPPF.
- 7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation has been proposed to achieve net environmental gains, as may be sought under paragraph 102 of the National Planning Policy Framework (NPPF), even though the studies using nationally recognised standards and modelling have established that there would be no access junction or road network capacity problems resulting from the implementation in full of the package of applications currently under consideration. Safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 108 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 can be achieved. There would be no unacceptable

impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.

7.4 These proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. Ecological interests and drainage can be safeguarded through the recommended planning conditions. The proposed development would not unduly harm the residential amenities of the locality.

7.5 This proposal, in combination with the three other related applications also on this agenda, would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 83 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

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  
 CS16 - Tourism, Culture and Leisure  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD2 - Sustainable Design  
 MD7B - General Management of Development in the Countryside



MD11 - Tourism Facilities and Visitor Accommodation  
MD12 - Natural Environment  
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

BR/74/0254 Conversion of existing dwelling to a hotel GRANT 6th May 1974  
11/01035/AMP Amendments to planning permission 98/0829 to incorporate the additional lavatory block and pay station within the building GRAMP 2nd June 2011  
11/01774/VAR Variation of condition numbers 21 and 34 attached to planning permission reference 93/0829 dated 7th March 2000 to allow for the provision of outdoor functions and erection of temporary marquees GRANT 10th August 2011  
11/04126/DIS Discharge of Condition No.3 (appearance of marquees) attached to planning permission 11/01774/VAR dated 10/08/11 - Variation of condition numbers 21 & 34 (93/0829) to allow for the provision of outdoor functions and erection of temporary marquees DISAPP 12th December 2011  
BR/74/402 The erection of two lodged dwellings for staff occupation REFUSE 5th November 1974  
BR/76/0305 The erection of two extensions to provide additional bedrooms at the front of two existing cottages GRANT 5th July 1976  
13/03715/DIS Discharge of condition 4 (Materials) on planning permission 06/0435 for the use of land for the stationing of holiday lodges at Astbury Hall, Chelmarsh WDN 7th March 2014  
13/04958/VAR Variation of condition 2 of planning permission 06/0435 for the stationing of holiday lodges GRANT 10th March 2014  
14/00794/FUL Erection of 11 holiday retreats GRANT 14th April 2014  
14/03609/FUL Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL GRANT 16th October 2014  
16/00786/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (drainage), 10 (protective fencing) and 14 (Ecology) on planning permission 14/00794/FUL for the erection of 11 holiday retreats DISPAR 11th April 2016  
16/00798/DIS Discharge of conditions 6 (external materials), 7 (drainage), 8 (protective fencing) and 11 (ecology) on planning permission 14/03609/FUL for the siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISPAR 11th April 2016  
16/00800/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (protective fencing), 10 (habitat management plan) and 20 (construction method statement) on planning permission 14/04010/FUL for the erection of 28 residential units with a restriction for holiday use DISPAR 11th April 2016  
16/04437/DIS Discharge of Condition 9 (drainage) relating to planning permission 14/00794/FUL - Erection of 11 holiday retreats DISAPP 2nd November 2016  
16/04438/DIS Discharge of Condition 7 (drainage) relating to planning permission 14/03609/FUL - Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISAPP 17th November 2016  
17/05426/VAR Variation of conditions 21 & 34 attached to planning permission 98/0829 dated 07/03/2000 (and 11/01774/VAR) to allow for continued use of marquee for a further five years GRANT 14th February 2018  
18/05078/FUL Re-development of Astbury Hall Estate to include the installation of 135 holiday let lodges with raised decked areas; office reception lodge; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Valley Lodge Phase) PDE

18/05079/FUL Re-development of Astbury Hall Estate to include the installation of 140 holiday let lodges with raised decked areas; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Plateau Lodge Phase) PDE

18/05159/FUL Redevelopment of Astbury Hall Estate - Erection of bar/restaurant building with all associated works PDE

BR/APP/FUL/03/0337 Variation of condition number 7 on planning permission reference 98/0829, approved 7 march 2000 GRANT 10th June 2003

BR/APP/FUL/06/0435 Use of land for the stationing of holiday lodges GRANT 31st July 2006

BR/APP/FUL/06/0434 Variation of condition 16 attached to permission ref 98/0829 to substitute drawing no 03/49/11A for 90/107/53 with regard to car park layout GRANT 27th July 2006

BR/APP/FUL/06/0054 Variation of condition 28 on planning permission ref 98/0829 to allow the barn conversion and extension and the timber lodges to be used 12 months a year for holiday purposes only GRANT 6th March 2006

BR/98/0829 Renewal of planning permission 91/0586 for use of land as 18 hole and 9 hole golf courses; use of and extensions to Hall to provide hotel and ancillary facilities and temporary golf club house; use of and extension of pool house to golf clubhouse; use of and extension to barn to provide holiday lets; erection of 12 holiday lodges; installation of sewage treatment plant GRANT 7th March 2000

11. Additional Information

[View details online:](#)

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

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

Design and Access Statement

Heritage Impact Assessment

Landscape and Visual Impact Assessment

Ground Investigation Report

Ecological Reports

Transport Assessment

Arboricultural Report

Flood Risk Assessment and Drainage Strategy

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. Prior to the construction of the raised seating area adjacent to the tennis courts and lido, details of their construction, materials and appearance shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to safeguarding the setting of Astbury Hall.

4. Prior to the above ground works commencing on each building/structure hereby approved, samples and/or details of the external materials to be used in the construction of that building/structure, 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.

5. Prior to any element of the development hereby approved being first brought into use, construction details of the improvements to the main site access shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within 3 months of the first element of the development hereby approved being brought into use.

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

6. The highways improvements shown on drawing numbers 03659-0102 and 3659-SK001 (Section 1); 3659-SK002 (Section 2); 3659-SK003 (Section 3) and drawing nos. 03659-0105 and 03659-106; and 3659-SK004 (Section 4) shall be fully implemented in accordance with details which have first been approved in writing by the Local Planning Authority within 3 months of any element of the development hereby approved being first brought into use.

Reason: In the interests of highway safety.

7. Prior to work commencing on the underpass crossing, full engineering details of the structure shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details prior to the underpass crossing being first brought into use.

Reason: To ensure the provision of a robust structure, in the interests of highway safety.

8. No development shall take place, including any works of demolition, until a Construction Environmental Management Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and should reflect the phasing of construction. 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
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives.

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

9. Vehicular access to and from the facilities hereby approved shall (except in emergencies) shall be solely by means of the main driveway to Astbury Hall off the B4555 and not by means of Astbury Lane.

Reason: In the interests of highway safety and to safeguard the residential amenity of properties on Astbury Lane.

10. The use of the leisure and spa building and the outdoor sports facilities hereby approved shall be restricted to the occupiers of the holiday lodges only (As contained in planning applications 18/05078/FUL and 18/05079/FUL) and to local residents in accordance with a membership scheme which as first been approved in writing by the Local Planning Authority.

Reason: To define the planning permission for the avoidance of doubt and to safeguard the planning policies for the rural area.

11. The facilities contained within the leisure and spa building hereby approved shall not to open to customers outside the hours of 06:00 to 23:00 daily.

Reason: To safeguard the amenities of the area.

12. Prior to the installation of any external plant or equipment associated with the leisure and spa building details of its siting, external appearance and sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The work shall be

carried out in accordance with the approved details and shall thereafter be maintained for the lifetime of the development.

Reason: To safeguard the amenity of the area.

13. On completion and prior to the first use of the leisure and spa building and the associated facilities contained in this application, foul and surface water drainage systems shall have been installed in full, in accordance with details which have first been approved in writing by the Local Planning Authority.

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

14. The development shall be carried out in accordance with the Arboricultural Method Statement to BS 5837:2012 prepared by JCA Limited (ref: 14421b/TT), the planting schedule and specification (ref.WD808\_3009 Rev B) and the Tree Pit Detail and Tree Protection Examples (ref.WD808D01).

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.

15. All hard and soft landscape works shall be carried out in accordance with the approved landscaping scheme. The works shall be carried out in the first planting and seeding seasons following the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

16. The development shall be carried out in accordance with the approved ecological compliance and supervision procedures report (ref,140119) dated 14th January 2019; the biosecurity protocol (ref. 140219.BP); barn owl provision details and specifications (ref.14029.BOP); method statement (brown hare) (ref.14029.BH) dated 14th February 2019; the badger and otter pre-commencement report (ref.180219.BOPC) dated 19th February 2019 and the Construction Ecological Management Plan (ref.190219/CEMP) dated February 2019.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

17. Prior to first occupation/use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the ecological Method Statements, Mitigation and Enhancement Strategies (Habitat Enhancement Summary report 221018JM and detailed in subsequent phase 2 ecological reports; 101018MM2 badger, 030918JM1 barn owl, 191018MMJM great crested newt, 190918MM2 bat, 030918JM2 reptile, 140918JM1 otter, 140918JM2 water vole, 101018MM dormouse). This shall include photographs of installed features such as bat and bird boxes, bat bricks/tiles, barn owl boxes and loft, dipper boxes, 10 hibernacula, otter holt, 50 dormouse boxes etc.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

18. Prior to the use of the buildings a habitat management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be created, restored, enhanced, and managed;
- b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring';
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

19. Prior to the erection of any external lighting on the site associated with the development hereby approved, 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.

20. A minimum 20m buffer shall be temporarily fenced off parallel to the banks along the length of the watercourse, prior to any construction related work or activity taking place in the vicinity of the watercourse. No access, material storage or ground disturbance shall occur within the buffer zone, except in accordance with any details which are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure the protection of the watercourse, and associated wildlife, during construction works.

21. Construction works and/or demolition works shall not take place outside the hours 07:30 to 18:00 Monday to Friday; 08:00 to 13:00 Saturdays. No works shall take place on Sundays, or on bank or public holidays.

Reason: To safeguard the residential amenities of the area.

### **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. Barn owls are protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure or take a barn owl; to take or destroy an active nest; to take or destroy an egg; and to disturb their active nests. An active nest is one that is being built, contains chicks or eggs, or on which fledged chicks are still dependant. Barn owls can breed at any time of the year in the U.K. There is an unlimited fine and/or up to six months imprisonment for such offences.

3. Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site.

There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.

4. Otters 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 an otter; and to damage, destroy or obstruct access to its breeding and resting places. There is an unlimited fine and/or up to six months imprisonment for such offences.

On sites close to river banks, alongside streams and around pools, otters may occasionally be encountered and contractors should be vigilant when working on site. No night-time lighting should be used in such locations and trenches and open pipework should be closed overnight.

If any evidence of otters (holts, scats, footprints or direct sightings) are discovered then the development work must immediately halt and an appropriately qualified and experienced and Natural England must be contacted (0300 060 3900) for advice. The Local Planning Authority should also be informed.

5. 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.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

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.

6. 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, 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 if 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 and begin nesting, work must cease until the young birds have fledged.

7. Hazel dormice are a European Protected Species 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 dormouse; and to damage, destroy or obstruct access to its resting places. There is an unlimited fine and/or up to six months imprisonment for such offences.

If a dormouse should be discovered on site at any point during the development then work must immediately halt and an appropriately qualified and experienced and Natural England (0300 060 3900) contacted for advice. The Local Planning Authority should also be informed.

8. 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 (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.





Committee and date

South Planning Committee

12 March 2019

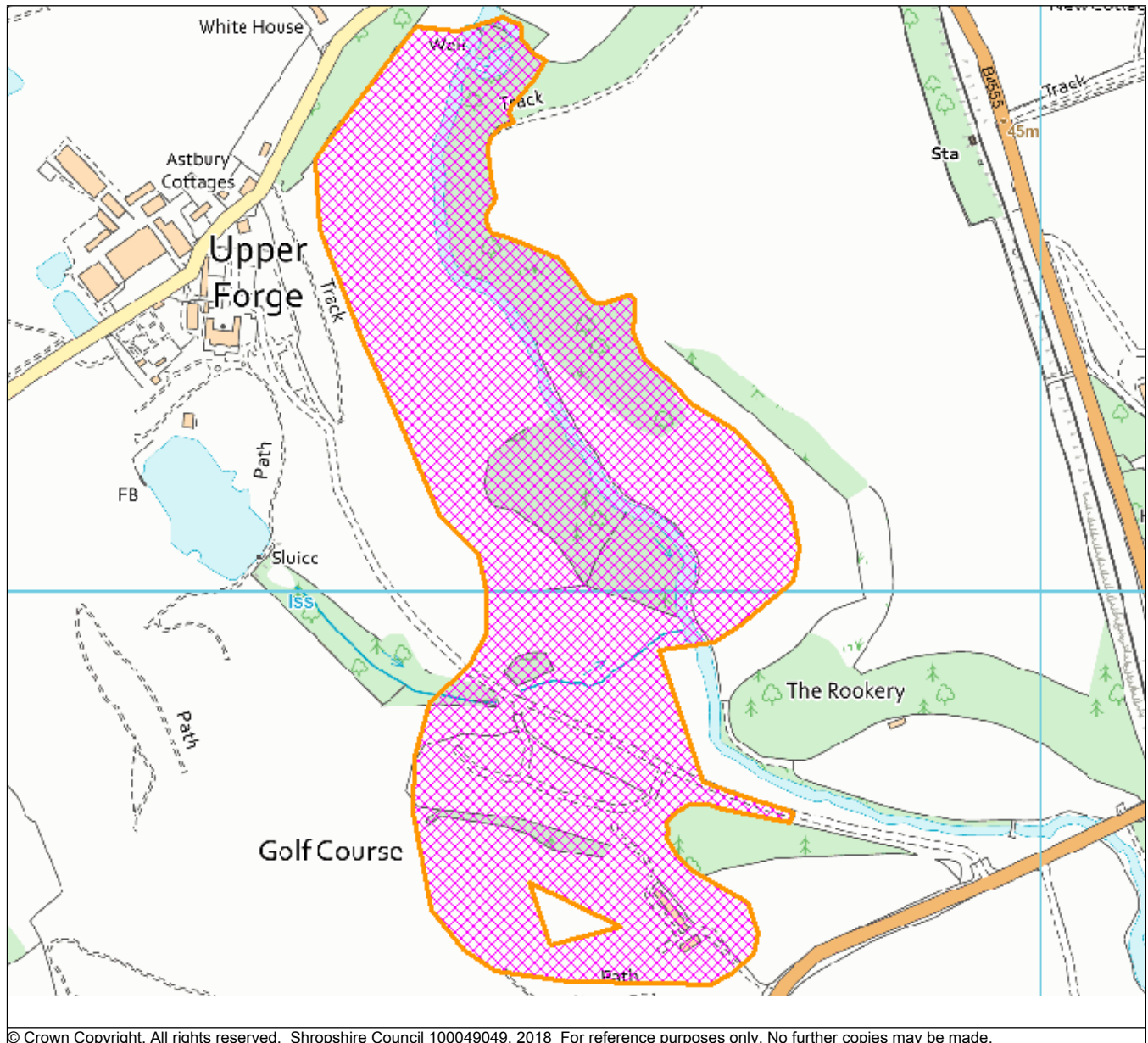
## Development Management Report

Responsible Officer: Tim Rogers

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

### Summary of Application

<b><u>Application Number:</u></b> 18/05078/FUL	<b><u>Parish:</u></b>	Chelmarsh
<b><u>Proposal:</u></b> Re-development of Astbury Hall Estate to include the installation of 135 holiday let lodges with raised decked areas; office reception lodge; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Valley Lodge Phase)		
<b><u>Site Address:</u></b> Astbury Hall Astbury Bridgnorth Shropshire WV16 6AT		
<b><u>Applicant:</u></b> Mr John Steven (FCFM Group Investments III Ltd)		
<b><u>Case Officer:</u></b> Richard Fortune	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 372291 - 289217		



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

**Recommendation:- Grant Permission subject to receipt of a satisfactory Unilateral Undertaking relating to not implementing the unbuilt elements of planning permission BR/98/0829 should planning permission be granted for this development; retention of the facilities and holiday lodges in a single ownership and delivery of the proposed apprenticeship schemes and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application is one of four related applications relating to Astbury Hall and surrounding land. Reports on the other three applications (18/05052/FUL; 18/05079/FUL and 18/05159/FUL). The background to the applications is set out

in paragraphs 1.1 and 1.2 of the report on application 18/05052/FUL also on this agenda.

- 1.2 The proposals contained in this particular application relate to would be on the sloping sides of the valley area through which the Mor Brook runs and the portion of the site to the west of the main access road to the Hall where a start had been made on implementing existing planning permissions for the construction/siting of holiday lodges. A total of 135 holiday let lodges would be stationed on this land in clusters, each of which would an informal layout of lodges, with adjacent landscaped areas and separate communal parking and buggy parking areas.
- 1.3 The southernmost cluster, adjacent to the Crateford Barn service buildings, would be on the eastern edge of the existing golf course. It would be a group of 11 holiday lodges sited around a loop road enclosing a landscaped area, with a parking area immediately to the east of the cluster. New areas of native woodland planting would be provided adjacent to the parking area, with existing planting along the crest on the northern side retained. Below this planting, where the land slopes down in a northerly direction and where work has commenced with laying the bases and drainage under previous permissions for holiday accommodation, there would be a group of 20 holiday lodges also positioned around a loop road with a parking area on the approach to the group. Wild flower meadow planting would be carried out on the area between the northern edge of the group and the access road to the Hall.
- 1.4 Just before the junction of the access road to these holiday lodge groups with the existing main access road leading to the Hall, a single lodge building would be stationed to form the reception building. It would have a purely administrative function and would be some 250 metres from the access onto the B4555, to avoid queueing onto the public highway’
- 1.5 On the opposite side of the access road at this point where the ‘welcome’ lodge would be stationed, a new road would form a spur to a bridge crossing point over the Mor Brook. Within the area enclosed on two sides by the existing and proposed roads there would be 14 holiday lodges, two of which would have four parking spaces immediately adjacent to them in the form of a bay on the side of the road, which would also feature a passing bay. The holiday lodges in this group would also have use of a parking area off the main access for 24 vehicles with footpath links to them. The existing planting along the Mor Brook valley in this area would be retained, and supplemented with a new area of woodland planting.
- 1.6 A second road would be constructed to the west of this group, leading off the northern side of the main access road and serving the remaining proposed lodges on the western side of the Mor Brook. The first cluster along this route would be one of 14 lodges between the additional small golf course and retained trees/woodland. Ten of these units would front the road, with the other four to the east being on the footpath network. Parking spaces for this group would be in the form of a parking bay along the roadside. This general arrangement would be

repeated for the remainder of the holiday lodges in this area along the western side of the Mor Brook, with the individual units either parallel to or at angles to the roads and footpaths to reflect the topography. The land on the eastern side of the Mor Brook opposite this holiday lodge group would retain the existing planting, supplemented with new woodland planting on its eastern edge.

- 1.7 The holiday lodges in this particular application that would be on the eastern side of the Mor Brook would be grouped on the existing field area where the land slope is less severe. The lodges would be on four curving alignments to follow the topography, with existing planting supplemented by new groups of woodland planting on the eastern ridge of the valley area.
- 1.8 The crossing points over the Mor Brook would comprise of a vehicle bridge; an electric golf buggy bridge and a footbridge. The existing bridge would also be retained and would be a pedestrian only bridge. The vehicle bridge would be the southernmost new crossing, near the existing bridge, and would have its abutments outside of the Mor Brook flood zone, with gabion reinforcing to the upper bank areas. It would have a concrete core faced in brickwork, with concrete coping. It would have a width of some 3.5m for vehicles, and would have a central refuge feature on either side at mid span for pedestrians in the form a 'V' shaped projecting overhangs. The side walls to the bridge would be some 1.2m high. The buggy bridge at the northern end of the site would be in the form of a deck suspended from two arched steel beams linked by cross bracing, with 1.1m high railings either side of the flat 2.6m wide deck. The foot bridge in the central area would adopt a similar form, with a 1.1m wide deck. In both cases the abutments would be outside of the flood zone.
- 1.9 The proposed holiday lodges would conform to the definition of a caravan used in planning legislation. They would comprise of structures which comprise of no more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and, when assembled, physically capable of being moved by road from one place to another. The maximum dimensions for the structures are a length (exclusive of any drawbar) of 20 metres, a maximum width of 6.8 metres and a maximum overall height of living accommodation, measured internally, of 3.05 metres. Two indicative designs have been submitted with the application. One features a shallow monopitch roof with a chamfered end at the high end that would include large feature windows to the splayed walls and two pairs of french windows with glazing over. The opposite end of the structure would have a staggered wall arrangement, creating a plan and elevational treatment different to the usual rectangular box form of caravan structures. The external wall finish would be of horizontal timber boarding. The second design would have a more conventional rectangular plan, but with small bay projections at either end and a large side wall element stepped slightly forward in vertical boarding (To contrast with the horizontal boarding of the rest of the external walls) in which there would be large sliding doors. The roof form would be an unconventional shallow 'V' shape with asymmetric pitches, also creating a unit of more visual interest than a conventional caravan structure.

- 1.10 The occupants of the holiday lodges would either walk, cycle or use electric golf buggies to travel around the site once they have settled into the lodges and parked their cars in the car parking areas. A network of permeable gravel paths would be provided within the site. To respect the ecological and environmental impacts of lighting on the site, but with due consideration to health and safety, the proposed lighting strategy would mainly use low level bollard lighting.
- 1.11 Detailed planting specifications have been submitted for the grassland mix planting; woodland planting mix; aquatic and marginal planting mix, native woodland planting and native hedgerow planting. The woodland planting would include field maple, silver birch, sloe, hazel, hawthorn, scots pine, wild cherry and oak. The hedgerow planting would comprise of blackthorn, hawthorn, field maple, field rose, guilder rose, elder, hazel, spindle and crab apple.
- 1.12 A Screening Opinion has been issued to the effect that an Environmental Impact Assessment was not required for the proposed works spread across the four associated planning applications. The application is accompanied by a Design and Access Statement; a Desk Study Report into ground conditions/geology; Ecological Assessments; Landscape and Visual Impact Assessment; Heritage Impact Assessment; Landscape Design Report; Transport Assessment; Arboricultural Report; Flood Risk Assessment and Drainage Strategy; and an Economic Impact Assessment.
- 1.13 The applicants have engaged in pre-application meetings with local communities, as encouraged by the National Planning Policy Framework.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is situated in open countryside and comprises of land adjacent to the main private approach road to Astbury Hall, and land in the valley area either side of the Mor Brook. There are views from the southern, more elevated part of this application site north westwards towards the Hall, to the west across the golf course, to the south over countryside and to the east across the Severn Valley. The remainder of this application is more contained visually due to topography by being within the Mor Brook valley, which includes areas of grassland, woodland and planting on the banks of the brook.

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

- 3.1 The Parish Councils' have expressed views contrary to the Officer recommendation and Shropshire Council Ward Member has requested that the application be determined by Committee. The Chair and Vice-Chair of the South Planning Committee, in consultation with the Principal Officer and Area Planning Manager, consider that the material planning considerations raised by this group of planning applications warrant their determination by the South Planning

Committee.

#### 4.0 Community Representations

##### - Consultee Comments

The full comments received may be viewed on the Council's web site. Some of the comments below are a summary of those submitted.

- 4.1 Chelmarsh Parish Council – Comment: Unwilling to support proposals unless the points raised on highway conditions are addressed prior to construction commencing. The proposed main access should be reconsidered as the proposal is considered unsafe and insufficient for the users of this facility. The Parish Council suggest the access from the North should use the Quarry site entrance and from the South to use the main drive to The Astbury.

Comments/concerns raised are as follows:

##### 1. Site Access during Construction

- a. B4555 road condition is poor (potholes and breakdown of the road surface) and will be made much worse by construction traffic
  - i. Knowle Sands
  - ii. By bridge over SVR at Eardington
  - iii. Ingram Lane (Sutton Arms Corner)
  - iv. Ingram Lane (approach to Highley)
- b. Ingram Lane has tight narrow corners by Damson Cottage, unsuitable for low-loaders with caravans on, also heavy road traffic is causing damage to property due to close proximity to the road
- c. Road crossing SVR near Eardington Halt very tight and turn over bridge for articulated vehicles
- d. Low Bridge under SVR hazard to high sided vehicles/Diggers/Earth movers
- e. Junction of B4555 with B4363 at Oldbury is difficult for long vehicles and would cause issues at peak traffic flows
- f. Large vehicle traffic over Bridgnorth low town bridge and Underhill Street

##### 2. Site Access Operational

- a. Current condition of B4555 and further damage by construction traffic will require significant investment
- b. Visitors are presumed to all access site via cars currently, but future could be coaches and the site may employ coaches to take residents to offsite facilities/attractions. B4555 is not wide enough in many places for significant coach traffic, eg issues with school buses and 125 Bus service
- c. Queuing traffic on B4555 awaiting site access □ only 70 yards drive
- d. Site access in winter B4555 is susceptible to closure in periods of snow with vehicles stranded on the hill up to Chelmarsh
- e. Site access from south

- i. Sat Nav will send traffic via Borle Mill, Highley single track road unsuitable for traffic proposed
  - ii. Traffic speed and overtaking by Bakehouse Lane is already a major issue for Chelmarsh residents, 22% traffic increase by this development will make things considerably worse if traffic speed is not addressed
  - iii. Proposed site access is from B4555 on a steep bank, with high average vehicle speed and minimum splay view angle only
- f. Site access from north
- i. Blind access via bridge under SVR into potential queuing traffic waiting to make right turn into site
  - ii. Nature of bridge over SVR at Eardington means large vehicle including regular buses need to cross to opposing carriageway to make the turn (however also comment that this is a local historic feature which residents would not like to see demolished)
  - iii. Junction of B4555 with B4363 at Oldbury
3. Pollution
- a. Noise pollution concern for local residents at Astbury and properties around the site
    - i. outdoor activities bars/patio areas, leisure facilities and hot tubs at lodges.
    - ii. noise in evenings and at night is concern eg from events
  - b. Light pollution from main buildings, lodges and access roads
  - c. Can sewage systems cope with emptying of swimming pools and hot tubs?
  - d. Rainwater drainage is proposed to soak a ways  this will eventually drain to Hay Brook which is already susceptible to flooding in wet winters without this additional volume
  - e. Spillage during construction phase
  - f. Mud onto the road from construction traffic
4. Local Facilities
- a. Impact on medical and dental services in Bridgnorth and Highley
  - b. Can emergency services cope with additional transient population?
  - c. Chelmarsh pub is already very popular at weekends resulting in traffic parking alongside B4555 considerations for overspill parking
  - d. Parking in Bridgnorth is already difficult especially Saturdays, increase in day trippers from the proposed development will make parking more difficult for residents
  - e. Chelmarsh/Astbury have a very poor broadband connection currently, can service for local community be improved when broadband is improved for proposed development
5. General Issues
- a. What happens to current planning permissions (hotel and permanent dwellings) for the site if this scheme is adopted, could these also be progressed?
  - b. Can lodges be converted to permanent dwellings in the future?
  - c. Could lodges be sold off as individual lots or small packages in future?
  - d. What guarantees can local residents have that the roads will be improved,

traffic flows to the site will be managed and that noise and light pollution will be controlled by the site operators?

e. How can agreements made by current developers be enforced if the site is sold on?

f. How many lodges are proposed in the scheme? John Steven said it was 302 reduced from 315, however the planning applications are for 135 (Valley Lodge) and 140 (Plateau Lodge) = 275

g. Traffic report has only used data from accidents reported to police, there have been numerous accidents on the road coming down from Chelmarsh village with cars on roof and around the bridge under the SVR which have not been reported, but are known to local residents

6. Suggestions made at the meeting

a. Park and ride be established at the development for visitors travelling to Bridgnorth

b. Operational site access should be via the quarry entrance for traffic coming from north, this alleviates issues at both SVR bridges and right turn into site

c. Traffic calming measures on B4555 coming downhill from village

d. Speed control measures in Chelmarsh village and right turn island for Bakehouse Lane entrance

e. Curfew for noise and light on site, especially outdoor activities

f. Right turn reservation on the B4555 for traffic turning right into entrance

g. Access to site

h. Damage to properties close to road □ any compensation for owners of properties?

i. Provision to control traffic speed through Chelmarsh Village especially turning to Bakehouse Lane

j. Work on the road needs to be carried out before the construction work starts and then repaired prior to the opening of the site

#### 4.2 Eardington Parish Council – Object:

The Council is unable to support either the scheme as a whole or any of the individual planning applications for the following reasons:

a) The proposed development is out of character and scale for the local area;

b) It is contrary to the SAMDEV designation of 'Countryside';

c) The proposal is contrary to Local Plan policies CS5, C16 and C17, MD2, MD11, MD12 & MD13 and national guidance contained within the NPPF which aims to improve the character and quality of an area and the way it functions and conserve and enhance the natural and historic environment by protecting and enhancing valued landscapes and the historic environment;

d) It does not bring any significant economic and social benefits to the area or local residents to justify its development;



It will create significant long and short-term disruption in the form of traffic

- a) generation during the construction phase and when operational;
- b) The increase in traffic will cause further deterioration to the already poor local road infrastructure;
- c) The potential increase in traffic accidents along the B4555 and adjacent roads;
- d) The generation of significant environmental, noise and light pollution which will affect the residents of Astbury Falls, Lower Forge, Eardington and Knowle Sands, which is incompatible with Article 8 of Human Rights Act 1998 which gives the right to respect for private and family life and Article 1 allowing for the peaceful enjoyment of possessions;
- e) The generation of significant environmental, noise and light pollution which will have an adverse effect on local wildlife, particularly Eardington Nature Reserve which lies close to the edge of the development site;
- f) The adverse environmental impact on the Severn Valley's diverse, fragile and attractive eco system which lies on the edge of the South Shropshire Hills AONB;
- g) The suitability of the land for a development of this size without significant earthworks including piling, the formation of bunds and retaining structures;
- h) The lack of economic viability assessment to demonstrate there is sufficient demand for a development of this size and scope to support the proposed level of capital investment; and
- i) The additional pressure on already hard-pressed public services e.g. Bridgnorth Hospital, Northgate Medical Centre, West Mercia Police, Fire and Ambulance services and petrol filling station.
- j) Landowner - human rights

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

o) SAMDev Policy MD11, 6 Proposals for new and extended touring caravan and camping sites should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site.

MD11, 7: Static caravans, chalets and log cabins are recognised as having a greater impact on the countryside and in addition (to 6), schemes should be landscaped and designed to a high quality.

MD11, 10: New sites for visitor accommodation and extensions to existing chalet and park home sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites.

#### 4.3 SC Highways – No Objection: Conditions recommended relating to details of

improvements to the access; highway mitigation works; work in accordance with an approved Construction Environmental Management Plan.

4.3.1 It should be noted that the following comments have also taken into account the three other planning applications submitted reference 18/05052/FUL, 18/05079/FUL, and 18/05159/FUL. This approach has been taken to reflect the applicants approach to submitting one Transport assessment (Project code 3659- 31<sup>ST</sup> October 2018 Rev D) that incorporates all four planning applications. Any additional or supporting information has also been submitted on the basis it should be considered for all planning applications. The submission of one Transport Assessment is generally supported, as it allows the cumulative impact of the whole of the Development to be assessed. However it is acknowledged that each application has to be assessed on its own merits, and not dependent upon requirements placed upon other applications. It is acknowledged that the Astbury Hall Estate currently has a number of existing extant Planning permissions and these have been partially implemented in terms of the golf course. Any further application has to be assessed on the basis that the site has extant planning permission that could be implemented if required.

4.3.2 It is proposed that the existing access to Astbury Hall is utilised. Additional information has been submitted by the applicant to demonstrate that the junction can operate well within theoretical capacity when fully occupied. The transport assessment is considered to be relatively robust, and presumes 100% occupancy throughout the year. It is considered that this scenario is extremely unlikely, and therefore the figures contained within the Transport Assessment are considered to be a worst case scenario.

Following the original submission of the Transport Assessment, Shropshire Council as Highway Authority raised queries with regard to vehicle approach speeds at the existing access. Subsequently, an additional Automatic Traffic Count was commissioned by the applicant to give an indication of approach vehicle speeds approaching the access from the east. It is considered in view of the average vehicle speeds recorded and that it is an existing access, it is considered that the proposed access and visibility splays are satisfactory for the proposed use and likely number of average vehicle movements that the proposed development could potentially generate. The existing access provide direct access of the B4555 and benefits from good forward visibility. This is considered to be a benefit because drivers can adapt their behaviour if they see a vehicle waiting or emerging from the access, but it is acknowledged is an opportunity for vehicles to overtake.

In terms of the existing access, whilst the applicant has not proposed any improvements, it is noted that the existing access has a flush kerb tie in across the site access with the B4555, it currently has an upstand in excess of 25mm, and therefore as vehicles pull off the Highway, they will do so with caution. In addition, with an intensification of use of the access is likely to become damaged. Consideration should therefore be given to removing the existing kerb line and providing a junction directional sign opposite the access to increase awareness of

the access point, so vehicles are able to adjust their speeds on the approach when turning into the site. It is noted that the applicant has subsequently submitted revised details of access that are contained within Version 3 of the Technical note. It is recommended that a condition is attached to any permission granted that requires construction details as contained within Drawing no. 3659 - 03-A to be submitted for approval and implemented within 3 months of the Development being brought into use, this will allow the majority of the demolition and construction to take place before any surfacing is carried out at the junction.

- 4.3.3 In response to initial Highway comments submitted regarding the contents of the Transport Assessment, the Applicants Transport Consultants undertook further analysis of the likely impact on the surrounding Highway network. They undertook a more robust assumptions based on external visitors and distribute the traffic more towards Bridgnorth. As stated above it is considered that the figures contained within the Transport Assessment are a worst case scenario.

The submitted automatic traffic data indicates that the existing two way flow on the B4555 within the vicinity of the site is within the region of 4000 vehicles per day. Table 3 below, contained within the technical note, version 3 provides an indication of the potential increase in vehicle flows (assuming 90% arrive from Bridgnorth). There are two figures given the likely flow if no Development takes place, and with Development. It indicates that the worst case scenario in the morning and afternoon peak there may be an additional 213 vehicles in each of the peak hours, which is an increase in the likely flows if the Development does not take place. However, as above it is considered that the transport assessment is relatively robust, and presumes 100% occupancy throughout the year, which is extremely unlikely, therefore the figures do not apply if the Development is fully operational. It also assumes that each lodge will make 6 excursions to the local area per week. Whilst the development will be a substantial development for the surrounding area, analysis shows that it will not generate a significant amount of trips compared to the existing number of vehicles already travelling along the B4555.

Whilst both applications 18/05052/FUL and 18/05159/FUL seek to provide a number of facilities which could potentially generate a significant number of vehicle movements if delivered in isolation, the applications seek to compliment applications 18/05078/FUL and 18/05079/FUL for the Holiday lodges and potentially significantly reduce the number of visitor trips during the duration of visitors stay. Therefore whilst the cumulative impact of the whole development on the highway may lead to an increase in trips, from a Highways perspective we would be supportive of any application that create a self-contained development where visitors to the lodges leave the site infrequently.

- 4.3.4 Part 6 of the submitted Design and Access statement indicates that the Leisure facilities are intended to be for the exclusive use of holiday makers, and not open to the general public. In terms of Highway impact, then we would recommend that further reassurance of this was provided to control the overall impact of the Development on the surrounding highway network. However it is acknowledged

that in order to secure the future viability of the site, these facilities may need to be opened up to the public.

Section 5.3 of the submitted transport assessment provides an indication of the likely impact if the facilities were to be open to the public and assumes 50% of the trips generated would be external which is considered an acceptable level to form any assumptions upon. Analysis indicates that whilst the facilities would generate additional trips if opened to the public, there is unlikely to be any trips generated in the morning peak, only trips in the afternoon peak and weekends.

- 4.3.5 We are satisfied from a Highways perspective that if the facilities were open to the public the impact on the Highway network would not be significant, therefore we would not require any controls over the use of these facilities (i.e. private residents only) based on the information provided. Despite the above, we would seek clarification with regard to the likely scale of the ‘substantially reduced fee and usage by immediate locals’ it is assumed that this is a minimal number of properties in the local area that are impacted directly by the construction.

Concerns have been raised with regard to capacity on the surrounding network of the cumulative impact of the whole Development in particular the impact on the junctions in Bridgnorth, most notably B4555/B4363 and Oldbury Road/Hollybush Road. Whilst no specific analysis has been undertaken with regard to capacity at these junction, it is considered that the increase in trips generated by the proposed development compared to the number of existing vehicle movements will not be significant enough to reduce capacity at the junctions within Bridgnorth.

Automatic Traffic data indicates that the existing two-way average daily flow on the B4555 is within the region of 4000 vehicles, and approximately 2000 vehicles per day on the B4363. Underhill Street/Hollybush Road has a two way daily flow of approximately 12,000-14,000 vehicles a day. Based on the information submitted, it is acknowledged that the Development will increase the number of vehicles movements along the B4555, and the surrounding Highway network, however, the figures contained within the Transport Assessment and Technical note are worse-case scenarios when the Development is operating at full capacity. It is not considered that there is material grounds to consider a highways refusal for any of the applications submitted. Shropshire Council as Highway Authority would need to demonstrate that the B4555 and surrounding Highway network do not have the capacity to support a Development of this nature. It is not considered a Highway objection could be sustained on this basis.

- 4.3.6 Despite the above, it is acknowledged that the Development will attract an increase in the number of existing vehicle movements on the surrounding highway network and attract drivers that are not familiar with the highway network conditions. Therefore the proposed mitigation works are welcomed. The concern with regard to the delivery of the works if that they are intended to deal with the cumulative impact of all developments therefore consideration needs to be given to the appropriate timing of these works, which will not significantly impact on the

construction of the development, and deteriorate prior to occupation, and also unsure they are delivered in a timely manner, and are not dependant on the commencement of one of the four application. It will therefore be our recommendation that a condition is placed upon each application that requires the works to be completed prior to the occupation or opening of any of the facilities which forms part of the current applications.

It is the applicants intention to deliver these works themselves, through a Section 278 agreement (Highways Act 1980) the details of the works can be agreed through the Section 278 technical approval process. However, the applicant following a request has submitted draft details of the proposed improvements. It is considered that these proposals are acceptable in principle, with the exception of Section 2 proposals however the exact details of the works could be agreed and secured through the Section 278 agreement. The conditions of the Highway is constantly changing therefore whilst we can agree the scope of the works in order to determine the application maintenance works may be undertaken between the granting of permission and the delivery of the Section 278 works.

- 4.3.5 The proposed mitigation works are discussed in more detail at paragraph 6.5.15 below and are the same package of measures as proposed in the associated application 18/05052/FUL which is the subject of a report earlier on this agenda.
- 4.3.6 Construction traffic: It is acknowledged that the current state of repair of some of the existing Highway network within the vicinity of the site has deteriorated, however Shropshire Council have planned Highways works programmed to address some of these issues, therefore the condition of the Highway is an evolving matter. As per Section 2.3 of the submitted technical note, Shropshire Council as Highway Authority have the powers under Section 59 of the Highways Act 1980 to recover additional costs of road maintenance. It is therefore recommended that a planning condition is placed upon any permission granted that requires the applicant to undertake a joint road condition survey of all proposed construction routes prior to commencement to identify the existing condition of the Highway network and any works required to facilitate the level of construction vehicles using the routes. The Construction Environmental Management Plan should include, in addition to the measures identified in the submitted technical note, a contact responsible for community liaison, point of contact for residents experiencing any disturbance during construction and a banksman stationed at the construction access to assist heavy vehicles in entering and leaving the site.
- 4.4 SC Drainage – No Objection:  
The proposed drainage strategy in the Flood Risk Assessment is acceptable in principle. The final drainage details, plan and calculations shall be submitted for approval. Full details, plan and sizing of the proposed package sewage treatment plant including percolation tests for the drainage field should be submitted for approval.

Recommend pre-commencement planning condition requiring a scheme of the surface and foul water drainage to be submitted and approved.

4.5 SC Regulatory Services – No Objection:

The applicant is advised to familiarise themselves with the following document published by the Communities and Local Government, Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 Section 5.

For information in relation to caravan site licensing including an application form please visit Shropshire Councils web pages.

4.6 SC Rights of Way – Comment:

There are various Public Footpaths that run over the grounds at Astbury Hall. It appears that they have been taken into consideration within the Design and Access Strategy and incorporated within the design, however the southern section of the rights of way will need to be checked as it appears that the lines of the footpaths that are shown on the masterplan do not correlate with the actual Definitive line of the footpaths and lodges could affect one of the footpaths.

The network of Rights of Way must be taken into consideration at all times both during and after development and the applicant also has to adhere to the following criteria:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

4.7 SC Trees – No Objection:

I have reviewed the Arboricultural Report and Arboricultural Impact Assessment (JCA, ref: 14421/TT) submitted in association with this application and I can report that I agree with its findings and recommendations. The tree removals outlined in the tree report and shown on the tree removals plan (WD808-TR01) are limited to half a dozen immature category 'B' trees to be removed to enable construction of the proposed spa and gym, and a number of other dead or damaged trees which need to be removed on safety grounds, considering the proposed future use of the site.

As shown on the Landscape Master Plan (WD808-MP01 Rev A), this limited tree

loss would be compensated by significant amounts of new tree and woodland planting and other habitat creation to enhance the landscape and wildlife value - retaining, expanding and interconnecting green infrastructure within and around the site. The landscape details are yet to be finalised, but I would suggest that woodland creation and tree planting within informal areas should utilise native species of local provenance, ideally planting stock grown from seed collected within Shropshire, or the closest available alternative. However, it is recognised that particular attributes of exotic species may be preferable to meet specific design objectives in formal planting situations. Final landscape plans should be prepared and submitted in accordance with BS8545: 2014 – Trees, from Nursery to Independence in the Landscape.

I note and support that suitable construction methods are to be employed in order to avoid or minimise damage to retained trees and woodland, including 'no-dig' construction (cellular confinement system) for footways and vehicle routes within the root protection area (RPA) of retained trees, and the fact that no lodge foundations are to fall within the RPA of retained trees. However, full method statements and tree protection plans, in accordance with BS5837: 2012 – Trees in Relation to Design, Demolition and Construction, have not been provided at this stage. Also, the tree report makes reference to unquantified and unspecified tree removal and facilitation pruning to enable the construction of bridges, where paths and service roads cross water courses at various points within the site. This is somewhat vague and open-ended and I would recommend that full details of necessary facilitation tree works, encompassing both construction of the bridges but also any pruning necessary for creation of the paths and roads and for installation of any of the lodges, are provided prior to commencement of any approved development on site. All works should be specified by a competent arborist and carried out by qualified arboricultural contractors in accordance with BS3998: 2010 – Tree Works.

I also note from the Design & Access Statement (page 8, Burke Richards, October 2018) that electrical, IT and water services are to follow buried service trenches at the side of the finished roads. Whilst this is beneficial from the perspective of minimising future road disturbance during any repairs, installation of the service trenches in such a fashion could cause extensive damage to tree roots, where the trench passes within the RPA of retained trees. Similar damage may be caused during installation of surface water or foul drainage infrastructure. It should be a principle of the development that any subterranean pipes, ducts and cables or soakaways be routed or located outside the RPA of retained trees. Where this is not possible, a task specific method statement should be provided to show how such work will be designed, implemented and monitored in order to avoid damaging or harming retained trees.

In conclusion, I do not object to this application on arboricultural grounds.

Recommend attaching conditions relating to the approval of an arboricultural method statement and tree protection plan and the development being carried out in accordance with those details; approval and implementation of tree and shrub planting scheme, and the replacement of any losses on any permission granted.

(Case Officer comment: Additional planting information has subsequently been received with regard to the planting details and their execution).

4.8 SC Ecology – No Objection: Conditions and informatives (relevant to the proposals contained in this application) recommended relating to pre-commencement surveys for badgers and otter; appointment of an ecological clerk of works; approval of an external lighting plan and habitat management plan; protection of watercourse with 20m buffer zone during construction; approval of a construction environmental management plan.

4.8.1 Several trees/wooded areas have been identified as having bat roost potential (see summary table). The wooded corridor of the Mor Brook forms a particularly significant foraging and commuting corridor for bats, and notably has potential to support commuting horseshoe bats. No significant terrestrial habitat loss is foreseen by the development, including commuting and foraging opportunity. There will be a minimum 20m buffer from the brook to development, lighting will be controlled on site, and bat boxes will enhance the area for roosting bats.

No works are to be undertaken on any buildings on site offering bat roosting potential until Phase 2 surveys have been undertaken and the appropriate licences and forms of mitigation have been put into place following the survey findings. For buildings considered to be of 'high' bat roosting potential (B1, B3, B4 and B8) these will require a minimum of three (3) activity surveys undertaken between May – August 2019. At least one (1) of these surveys must be a dawn re-entry survey. Buildings considered to be of 'low' bat roosting potential (B11) will require a minimum of one (1) activity survey to be undertaken between May – August 2019. Phase 2 bat surveys will help to determine the type and size of a bat roost and the species involved. They will also assist in determining the type of mitigation (or enhancements) which may be required for each individual roost. Mitigation considerations will include any loss / impact upon known bat roosts and foraging / commuting habitat, or any factors which may be likely to impact upon bats or their roosts, such as lighting and noise pollution. (Officer comment: None of these buildings are affected by the proposals contained in this application).

A number of on-site enhancements are to be designed and implemented on site once development plans and timings are more clearly understood.

As the current planning application does not impact the buildings identified above, no further survey work is required to support this proposal.

4.8.2 No direct impact upon badger setts is foreseen by the development, and no significant loss of foraging and commuting habitat will be lost due to the works. A pre-commencement check of any existing sett or mammal hole on site is to be undertaken by an ecologist. A site walkover will determine any change in status of badger setts on site. If any badger excavations are present within areas proposed for development then works may not take place within these localities until appropriate mitigation measures are put into place. If sett closure is required



then a licence must be sought from Natural England.

A badger Method Statement must be adhered to during the course of the works to mitigate any potential impacts upon badgers or their setts. All works taking place on site prior to a badger development licence (if necessary) must remain a minimum of 20m from the nearest badger sett entrance.

Any artificial lighting during or post-development is to be directed away from any vegetated boundaries/ hedgerows and all future external lighting will be of the Passive Infra-Red type, set on a short timer and orientated towards the ground, or be the low level pole led pathway lighting.

During development, an Ecological Clerk at Works (ECW) will make regular compliance visits to the site to ensure that no badgers are excavating new setts in the development area, no badger(s) or setts are impacted upon, and the badger method statement is being adhered to.

- 4.8.3 The site is considered to offer a variety of terrestrial habitats which offer low-to-high suitability for GCN. No significant terrestrial habitat loss is foreseen by the development, including commuting / foraging habitat, refugia opportunity or water sources. There is potential for minimal disturbance during the construction phase of the development, including potential hazards such as trenches and bore holes. Reasonable Avoidance Measures are detailed within the great crested newt report by Pearce Environment Ltd which are to be strictly followed throughout the works to mitigate potential impacts upon newts on the site.
- 4.8.4 The creation of a minimum of ten hibernacula throughout the application site is recommended as an enhancement (preferably located on/ near to favourable amphibian habitat and/ or near to suitable standing waterbodies/ appropriate SuDS), to be agreed upon between the appointed ecologist and the client/ developer.
- 4.8.5 Sustainable Drainage Systems are proposed for the development, to afford drainage to each cluster of lodges. This will, in turn, provide additional green areas for wildlife, including detention basins, ponds and wetland/ marshy areas, which are anticipated to provide enhanced habitat for amphibians and may create suitable habitat for breeding. Appropriate management of existing ponds on the site would also be a welcome enhancement.
- 4.8.6 A female slow worm was recorded in shaded ride close to the Mor Brook watercourse at a location south east of the Astbury Hall. A reptile survey was undertaken. Pearce Environment Ltd recommend that sensitive works are to be supervised by an ecologist throughout their duration. All development works are to adhere to Reasonable Avoidance Measures detailed in a method statement for herptiles of this report, to reduce the likelihood of killing, injuring and/ or disturbing any reptiles (if present) and/ or common amphibians on the site during the development, as a precautionary measure. Habitat enhancement prescribed as part of the pre-existing landscaping design for the whole application site, which includes the incorporation of heathland areas into the plans, will provide enhancement for reptile species, particularly within the northern portion of the

site.

- 4.8.7 Otter spraint was confirmed in 2 locations along Mor Brook. An otter report has been undertaken. Pearce Environment Ltd recommend that works on or with 20m to Mor Brook are to be supervised by an ecologist throughout their duration. A Method Statement detailing RAM's are to be strictly adhered to during the works. Further enhancements include the creation of a dedicated artificial otter holt.

Although the habitats associated with the southern half of the section of Mor Brook surveyed offer holt-building opportunities for otters, none were found during the survey. The whole stretch of Mor Brook present on the site provides a 'dark corridor'. Various other habitats suitable for shelter, commuting and foraging otter(s) exist throughout the local landscape, and are well-connected with the site.

A 20m development buffer around Mor Brook must be established in order to mitigate against any potential negative impacts upon otters. This buffer area is to be kept free of light pollution and any essential works required within this area are to be supervised by an Ecological Clerk of Works (ECW) and/ or may require further mitigation to be put in place, where necessary. Reasonable Avoidance Measures (RAM's) detailed in an otter method statement in of this report must be adhered to. Further enhancement of the site for otters is recommended, by way of artificial otter holt creation.

- 4.8.8 Brown Hare have been recorded on the golf course, works should following a method statement to protect hares during and post development.

- 4.8.9 The likely absence of water voles along the stretch of Mor Brook bisecting the application site was confirmed following a Phase 2 water vole survey undertaken by Pearce Environment Ltd during 2018. No field signs pertaining to this species were found during the survey and the habitat suitability is deemed as being sub-optimal.

Given the likely absence of water voles within the stretch of Mor Brook present upon the application site, and considering the sub-optimal water vole habitat suitability this watercourse is deemed to offer, negative impacts upon water voles as a result of the proposed development are highly unlikely.

- 4.8.10 Phase 2 dormouse surveys were undertaken by Pearce Environment Ltd during 2018 where it was concluded that although no evidence was obtained indicating dormouse presence on site, their presence should be assumed owing to the large areas of excellent suitable habitat on site and extensive connected habitat in the wider landscape.

Pearce Environment Ltd recommend that sensitive works are to be supervised by an ecologist throughout their duration. A number of potential habitat enhancements may be viewed within the dedicated dormouse report by Pearce Environment Ltd.

Where suitable habitat features are likely to be impacted upon an ecologist must be present to oversee these works, to ensure dormice are unaffected.

Habitat enhancements are however recommended to increase the site suitability for dormice. Enhancements may include suitable woodland management regimes, the addition of dormouse nesting boxes and increased connectivity to the wider landscape.

All works are to cease immediately if a dormouse or dormouse nest is discovered on site at any point during the development.

Visitor pressure on the surrounding habitat is expected due to the development. To mitigate against these impacts, the following should be observed:

- A buffer strip of mixed native fruiting tree species of local provenance should be planted between current woodland areas and proposed development to avoid impact on current woodland, where possible;
- - A grassland buffer of minimum 10m should be implemented between areas of valuable habitat and new buildings and infrastructure to minimise disturbance to dormice, where possible;
- - Positioning and design of artificial lighting installed throughout the site should; (a) Avoid glare and sky glow, (b) enable automatic switch off at 'quiet times' of the night when not needed, and (c) filter out blue and ultraviolet light.

An additional enhancement to the site will be to install 50-100 dormouse nest boxes across the site. These will provide additional nesting opportunities for dormice and will enable monitoring of the species throughout and beyond the development.

#### 4.9 SC Conservation – No Objection:

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, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2018, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

This application is one of four relating to the redevelopment of Astbury Hall and its associated land to form a holiday lodge park with associated infrastructure, landscaping, bar/restaurant and leisure facilities. This application in particular relates to the installation of 135 holiday let lodges with raised decked areas; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Valley Lodge Phase).

Astbury Hall itself is a fine residence, although not listed it would be considered to be a non-designated heritage asset worthy of protection under NPPF policies, particularly paragraph 197 which states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Due to the scale of the holiday lodge park proposed the application has the potential to impact upon wider heritage assets. A Heritage Impact Assessment and Landscape and Visual Impact Assessment have been submitted to accompany the application which is useful to identify key nearby heritage assets that could potentially be affected by the development and key landscape views. It is noted however that specific views from all nearby listed buildings and wider heritage assets including the registered park and garden at Dudmaston have not been included. These would be useful.

Having reviewed the above mentioned reports and undertaken a site visit to view the surroundings of the site it is concluded that in general the development would not have any significant direct visual impact upon the closest listed buildings. There may be some views from the edge of Chelmarsh conservation area, however due to the topography of the land, the proposed layout, landscaping and planting and due to the nature of the proposed lodges and their materials, in general the impact upon these views would be considered to be at the lower end of less than substantial. It is also noted that the wider setting of Astbury Hall itself would be impacted by the lodge development, however this would also be considered to be a level of harm that would be at the lower end of less than substantial. Any harm to the setting of nearby heritage assets should be weighed against the public benefits of the proposal which appear extensive in this instance.

Due to the scale of the proposed development it has the potential to impact upon wider landscape character and more distant views and assets, it may be appropriate to assess the visual and landscape impact of the application from further distances.

#### 4.10 SC Business Growth and Investment – Support:

In response to the economic impact assessment related to planning applications for the redevelopment of Astbury Hall, the Economic Growth Service are fully supportive of the redevelopment of the existing site to support a new fully developed leisure, hotel and community facility. The proposal signifies the ability to offer a provision that will not only rejuvenate a currently disused golf course operation, but create a facility that supports to drive new visitors to a rural part of the county and support businesses within both the wider visitor economy sector and those benefiting the broader local community.

The visitor economy sector is one of the most significant within Shropshire and with the broad range of attractions available, high visitor numbers and the value that this brings to the Shropshire economy, this application provides a significant

opportunity to support in continued economic growth within this sector. This opportunity also has the potential to create a truly national and even international facility, supporting to develop Shropshire's position firmly on the map as a destination to visit and stay and delivering increased spend in this locality. Key to this is also the sites ability to support the delivery of jobs from across a range of skill sets, reducing the need for residents to commute outside of the Shropshire area for employment.

As outlined, consider that this opportunity should be fully supported on the basis of its ability to deliver economic growth through the attraction of new inward investment, continued development of a key industry sector and the delivery of new jobs both for the site and the wider opportunities this will attract within the locality.

4.11 SC Archaeology – No Objection:

The proposed development involves the installation of 135 holiday let lodges with associated infrastructure including car parking areas, footpaths/cyclepaths and roadways, and foul water treatment plants on land to the southeast of Astbury Hall. The Valley Lodge Phase is sited on land that has previously been subject to some landscaping. A heritage impact assessment (Centre of Archaeology, October 2018, Project No. P18-07) has indicated that while there are no known archaeological features within the proposed development area there is a low possibility for preserved archaeological remains in areas unaffected by the 20th landscaping. The proposed development site therefore is considered to have a low archaeological potential.

RECOMMENDATION:

In the light of the above, and in relation to Paragraph 199 of the NPPF (Revised 2018) 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 programme of archaeological work should comprise a watching brief during ground works associated with the development. An appropriate condition of any such consent would be: -

Suggested Conditions:

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.

4.12 National Trust (19.12.18) – Object:

Astbury Hall is seen from the western side of the historic park at Dudmaston, which is owned and managed by the National Trust. Elements of the existing golf course can also be seen as can land on which the lodges and leisure facilities are proposed. The National Trust objects to the proposed development for the reasons set out below and in greater detail in a letter sent to the council. We would welcome the opportunity to meet with the council's planning officer and with the applicants and their consultants to discuss our concerns.

The proposed development potentially harms the setting of designated and undesignated heritage in National Trust ownership. These impacts have not been assessed even though the assets are within the study area identified by the applicant's heritage consultant. We therefore object to the proposals on the basis of a failure to comply with the requirements of NPPF paragraph 189.

The proposed development potentially affects sensitive visual receptors at Dudmaston. These impacts have not been assessed in the application. We object to this lack of assessment of visual impacts.

The proposed development potentially has landscape effects at Dudmaston. These impacts have not been assessed in the application. We object to this lack of assessment of landscape impacts.

The National Trust is also concerned about the effects of the proposed development on the landscape character of the wider area, particularly considered cumulatively with the numerous caravan parks along the Severn Valley.

We are concerned at the potential night time light-polluting effects of lighting at the development. We consider that as a general issue this has not been addressed sufficiently in the submitted information. Like every other impact, it is not assessed at all in relation to Dudmaston.

4.13 Shropshire Wildlife Trust (20.12.18) – Comment:

The development could be considered a Schedule 2 project under the EIA regulations (Schedule 2, part 12 (c); (e) and (f) of the EIA Regulations 2017).

The numerous ecological reports appear acceptable and would concur with, and welcome, the recommendations including:

- ☐ A minimum 20m development buffer around the Mor Brook
- ☐ Creation of hibernacula for great crested newts
- ☐ Inclusion of barn owl nest boxes
- ☐ Management of grassland to enhance barn owl foraging resource
- ☐ Dedicated (and permanent) barn owl nesting space in the rebuilt stables
- ☐ Buffers between development and woodland habitat
- ☐ Introduction of woodland management

- ☐ Habitat creation to benefit dormice
- ☐ Dormice nest box scheme

However it would appear that the proposed development needs to be re-positioned to enable even the minimum buffer distances to be met. The access road, a number of lodges, some proposed infrastructure and cut and fill operations all fall well within the minimum 20m buffer from the Mor Brook. A number of lodges also seem to be in close proximity to existing habitat suitable for dormice.

We would also suggest that, rather than the underground attenuation proposed, more natural SUDS solutions are considered. These could potentially be located within the recommended buffer zones and would certainly contribute more to biodiversity than the underground options. The new ponds shown in the landscape plan should be designed and managed to maximise biodiversity benefit and provide newt habitat.

To ensure the desired biodiversity protection and gains are delivered a biodiversity management plan should be agreed, delivered and monitored. A qualified ecologist should provide compliance reports to confirm the actions (and conditions) have been suitably discharged.

4.14 Bridgnorth Town Council – Comment:

That Bridgnorth Town Council supports the application submitted and provides the following comment:

The development proposal appears to be of a high quality and fits with the locale. An increase in visitor accommodation to the area is seen as a positive.

There is the potential for some significant economic benefits to Bridgnorth through increased tourism and linked visits to the retail offering and attractions in and around Bridgnorth.

We note that the developer has taken the effort to meet with those parish councils (including Bridgnorth) that are either directly or indirectly affected in an attempt to understand difficulties (that are likely to arise with any development) as well as local interest groups (Severn Valley railway and the Chamber of Commerce).

Any development will require some mitigation or thoughtful consideration of the neighbourhood and its residents. A number of matters would benefit from thoughtful consideration:

- Enhancements to (or contributions towards) the footpath between the site and Bridgnorth to provide a sustainable transport link.
- The opportunity for the developer to provide site based shuttle transport to and from the site to desirable local destinations (e.g. Bridgnorth/ Severn Valley Railway).

- Improved cycle access to/ from and in close proximity to the site (the site is within easy reach of National Cycle Route 45).
  - The highways adjoining and leading to the site will need to be improved to cope with the increased volume of traffic expected.
  - The opportunity for the increased viability of public transport routes from rural communities.
  - Site access causing disruption to local residents during the construction phase.
- Bridgnorth Town Council has noted the comments of those parishes that are likely to be more directly impacted by the proposed development and is of the opinion that they each contain some reasonable comments that will need addressing by the local planning authority.

-Public Comments

4.15

3 Objections:

- Infrastructure of area will not support such a large development
- Create a major problem with volume of traffic and road surfaces with difficult narrow road conditions.
- Access on dangerous section of road and is hazardous to cyclists and road is part of the National Cycle Route 45 ; no street lights and no pavements
- Negatively impact on Knowlesands area even if traffic advised to use Bridgnorth by-pass
- Impact negatively on fragile River Severn Bridge and create major traffic problems in Low Town
- Will affect visual beauty of area as well as the eco system
- Not sustainable tourism – too large and out of character
- Visitors to the complex will use their own vehicles to visit local places of interest, impacting on traffic volumes
- Light pollution and noise pollution spoiling the quiet country life style
- Adverse impact on wildlife particularly within Eardington Nature Reserve and on Mor Brook wildlife corridor.
- Could lead increased footfall in the nature reserve and associated risks of wildlife disturbance and litter.
- Could potentially impact on nocturnal wildlife use of the reserve especially by bats and night flying birds.
- Increased noise and air pollution from additional traffic
- Little or no benefit to the surrounding area
- Would be the size of a small town
- Land stability issues in area and the proposed drainage system feeding to the Mor Brook likely to exacerbate this instability.
- Suggest quarry entrance as an alternative to the current main entrance.

4.16

3 letters of support:



- A good scheme with significant local economic benefit; have one major concern concerning access issues but there are various solutions that mitigate this to acceptable levels:-
  - Existing site access should remain in use with actions to slow traffic and discourage overtaking. Comment that many minor road incidents are recorded in Police data.
  - Large lorries could only access the site via the road through Highley due to railway bridge, and in Highley large stretches of carriageway are reduced to single lane because of on road parking.
  - Sharp bends at bridge over railway and mitigation here could be widening the exit by perhaps 2 or 3 feet and adjusting the exit angle to discourage corner cutting.
  - Suggest converting the temporary construction access road to the permanent site access.
  - Poor state of road repair in the locale and overgrown hedges should be dealt with as normal highway matters.
  - Routes given by the use of Sat/Nav should be checked.
  - Urge Council to use any Section 106 funds from the applicants specifically for local road improvements around the site.
  - Some members of the older community have a totally different attitude to development and change compared to the younger generations.
  - Believe that well over 80% of customers to the Bulls Head are greatly in favour of this dynamic, inspired and enterprising development that offers them, their families and their children opportunities for their future.
  - Offers the promise of a great number of vary varied jobs within and outside of the estate with suppliers and sub-contractors.
  - Anything which is to assist in reducing daily commutes to Wolverhampton, the Black Country and beyond should be encouraged.
  - New jobs in the area must be greatly encouraged given present uncertainties.
  - Continued success of own business depends very much on continuing to attract more visitors to Shropshire.
  - Believes that existing visitor attractions in the wider area would benefit from this development.
  - In line with the economic objective of the National Planning Policy Framework and proposal would meet all the Government stated criteria.
  - Also meets Local Development Plan aim to deliver high quality, sustainable tourism, cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities.
  - It could be a major turning point for the County in attracting further and totally new investment.
  - Would make contributions in local business rates and taxes, enabling the local authorities to also make much more well needed investment in this area.
- This is an extraordinary once in a lifetime opportunity that should be welcomed by everyone.

4.17 Bridgnorth Chamber of Commerce – Support:

The development will have a positive effect on tourism generally in the area, and the Chamber believes this will be beneficial to its members and other businesses in Bridgnorth, providing a much needed boost to the local economy. The developers advise they believe £3.5 million per annum will be added to the economy in the area, the Chamber considers this will have a substantial impact.

The development will create up to 120 jobs which again will be beneficial to the local economy. The Chamber hopes many of these positions will be filled by local people in a rural area where job opportunities currently are limited.

The Chamber has taken note of the desire of the developers to use Eardington Halt as a means of access to the site for visitors travelling by train, so reducing the impact on the local road network, and sees this as a positive way to mitigate any negative impact from increased traffic, as well as being beneficial to our member, Severn Valley Railway Company Ltd.

4.18 Severn Valley Railway – Support:

The SVR are working with the development company and can see many ways in which the development will benefit the SVR and the local area.

We will be looking to open the Halt to the guests at Astbury Estate and even offer the option that they can arrive by train.

4.19 The Ramblers – Object:

This Objection is to not only this Application but also to 18/05078 & 18/05079, and concerns the considerable change that these developments would cause to the view from footpath 0116/23A/4 which leaves the minor road close to Astbury Hall at SO72348934 at a height of 66 metres. At this point there are wide views over countryside to the east across the site to be developed as the 'Plateau', which will totally change the rural aspect of the view from this point. The footpath then crosses some 200 metres of rough grass, above further proposed development, to join the 'access track' through the site at about the same height at SO72398914. At this point there is a wide view to the south and south-east over falling ground (the Valley site), which will be considerably changed by the various aspects of this proposed development. Walkers will be in constant view of lodges until they have passed the old 'farm buildings' and turned west on footpath 0116/25A/2 across the Golf Course towards the climb up to Chelmarsh via one of the available Rights-of-Way. (Please note that footpath 0116/23A/3 leading towards bridleway 0116/8/3 across the B4555 has been omitted from the masterplan, which I think might be based on an out-of-date O. S. map). For a distance of at least 1 kilometre, probably 15 minutes walking time, walkers will have to pass through a landscape vastly different from what is currently available. It may not be completely unattractive, but it will be a considerable intrusion into what is currently attractive open countryside with far-ranging views. As a result,

we object to the scale of this proposed development and the change it will cause to the walking environment.

## **5.0 THE MAIN ISSUES**

Principle of development

Siting, scale and design of structures

Impact on visual amenity and rural character of area

Impact of Heritage Assets

Highway Safety

Ecology

Drainage

Residential Amenity

Rights of Way

## **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.

6.1.2 Core Strategy policy CS5 advises that within the countryside proposals will be supported in principle where they relate to sustainable and rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17. Policy CS16 seeks the development of high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. It specifies that in rural areas proposals must be of an appropriate scale and character for their surroundings and, if not close to or within settlements, be associated with an established and viable tourism enterprise where accommodation is required. Astbury Hall falls within the latter category. (CS17 is discussed in 6.2 below). Core Strategy policy CS13 relating to economic development, enterprise and employment is also supportive of rural enterprise and diversification of the economy, in a number of specified areas which include green tourism and leisure.

A further material planning consideration in this case is that the applicant could continue with hotel and holiday accommodation schemes under planning permissions 98/0829, 06/0435, 14/00794/FUL and 14/03609/FUL as those permissions have been implemented, securing those consents for all time.

6.1.3 The Site Allocations and Management of Development (SAMDev) Plan policy MD11 relates specifically to tourism facilities and visitor accommodation, advising that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements of other listed Development Plan policies and national guidance. With specific reference to visitor accommodation in rural areas, policy MD11.7 recognises that static caravans, chalets and log cabins can have a greater impact on the countryside and such schemes should be landscaped and designed to a high quality. The requirements of policy MD11.8 are met by this proposal because the holiday let development would conform to the legal definition of a caravan. The application site does not fall within the Severn Valley and therefore does not conflict with policy MD11.10 which resists new sites for visitor accommodation and extensions to existing chalet and park home sites in the Seven Valley.

6.1.4 The above Development Plan policies are wholly in accordance with the National Planning Policy Framework (2018) which advises at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. It is supportive of a prosperous rural economy and at paragraph 83 states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

6.1.5 There is, therefore, no in principle planning policy objection to the current proposal. The acceptability or otherwise of the proposed developments rests on the detailed planning considerations considered in turn below.

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

6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 127 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate an appropriate amount and mix of development.

6.2.2 The indicative design of the holiday lodges proposed, as described in paragraph 1.8 above, show an innovative approach to the design of caravan units. SAMDev Plan policy MD2 (Sustainable Design) expands on policy CS6 in seeking to ensure development contributes to locally distinctive or valued character and existing amenity value and advises at MD2.3 That development proposals should:

“Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”

It is considered that the proposed built form of the holiday lodges would achieve these design objectives. While the drawings of the holiday lodges are labelled as indicative they demonstrate the design ethos for the development. The precise details of the holiday lodges installed, in the event of planning permission being given, may change. This is a matter on which a planning condition attached to any approval would specify that the holiday lodges stationed on the land would be of the form and appearance shown on the submitted drawings, or any alternative drawings which have first been approved in writing by the Local Planning Authority. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11

6.2.3 The proposed design for the vehicular bridge, with brick parapet walls and central pedestrian refuge features, would be simple, unobtrusive and appropriate to this rural setting. The lightweight, supported deck form of the pedestrian and buggy bridges, described in paragraph 1.7 above, are also considered to be visually acceptable, with the designs of all the bridges ensuring that there would be no obstruction to flows in the brook.

6.2.4 No objections have been raised to the designs by the Council’s Conservation Team and the approach taken accords with pre-application advice that was given.

### **6.3 Impact on visual amenity and rural character of the area**

6.3.1 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors.

6.3.2 SAMDev Plan policy MD11.2 states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) and a Heritage Impact Assessment (HIA) to address these matters. The latter is considered in section 6.4 of this report below. Both these documents have been amended in response to comments from The National Trust that the original documents did not take account of the Dudmaston Estate situated to the east of the River Severn.

6.3.3 The amended LVIA submitted has considered the impact of all four applications together as it is the intention, in the event of planning permission being given, for the works contained in them to be delivered as a single build programme and the cumulative impact of all elements has to be taken into account. It contains a contextual description of the features that form the landscape; identifies landscape character areas making up the applications sites and the wider site context as being the Mor Brook Valley; Former Quarry Plateau, Astbury Hall and Golf Course; Western Farmland Escarpment; Chelmarsh; River Severn Valley; Eardington; Quatford Escarpment and the Dudmaston Estate. The main landscape receptors identified in the document comprise of the Mor Brook valley; the plateau; the mature woodland; the golf course/Astbury Hall/Astbury Hall Farm/residential buildings; Chelmarsh/western farmland; Severn Valley; and Dudmaston Estate.

It is considered that this basis for the analysis is sound.

6.3.4 The measures that would be incorporated in the proposed development as a whole, to minimise or mitigate landscape/visual impact would include not just a reliance on screen planting (Which would take time to establish) but also through the creation of a gently rolling landscape by balanced cut and fill contouring. The chalet clusters on the plateau area would be set within sinuous mounding and the eastern boundary would be gently built up to provide further screening. The associated car park areas would also be cut into the ground and/or screened with “Devon Banks” and planting. In addition to the grading works native tree, shrub and wildflower meadow planting would create further screening and assimilation of the lodges into the landscape. The lodges would be cut into the ground where possible; would not go into the woodland along the Mor Brook.

6.3.5 From this context the LVIA carries out an assessment of the construction effects on landscape character, and an assessment of operational effects on landscape character. The receptors of potential visual impact assessment includes footpath and road users in addition to those listed in 6.3.4 above, with distant views (>1km); middle-distant views (0.25 – 1km); close views (0.25km) and important buildings. The viewpoints selected for the assessment are detailed and, with the amended LVIA taking account of the Dudmaston Estate, are considered to be appropriate with no significant omissions.

6.3.6 The LVIA concludes that some two thirds of the existing site can be considered “semi artificial” (golf course, former quarry, Astbury Hall/car park) with only Mor Brook Valley being regarded as landscaper and visually sensitive. The existing leisure amenity golf course and flat reinstated quarry field means that the significance of effect on landscape character during the construction period would be temporarily ‘minor adverse’, mainly as a consequence of topsoil stripping and the movement of earthworks equipment. The significance of effect on landscape character during the operational stage of the project is predicted to be ‘minor adverse to negligible’. The character of the landscape would not change from that of a semi artificial golf course and protection of the key landscape elements (The Mor Brook Valley and the woodlands) would ensure no detrimental impact on the overall character. Sensitive receptors of the Dudmaston Estate would not be

affected. It comments that the mitigation measures would, in time, see a slight beneficial impact on landscape character in the form of greater biodiversity and ecological protection/management. The location and design of the leisure facility building would not be intrusive from the landscape impact perspective. Visual impact during construction would be essentially confined to sections of public right of way and the residents near Astbury Hall, and as a consequence the significance of visual impact during construction is considered 'minor adverse'. Visual impact following completion of the project would be limited to the same receptors, and would in time be further diminished with the establishment of mitigation planting. The significance of effect on views is predicted to be 'minor adverse'.

6.3.7 The term 'minor adverse' used in the landscape impact analysis means that *"the proposals would be slightly at variance with the existing landscape character; can be largely mitigated with only small residual adverse effect."* The residents of Astbury Lane would experience a moderate deterioration in existing view which, with mitigation over time would shift to a 'moderate adverse' effect. From the Dudmaston Estate the verifiable montages supplied show that the lodges would be almost entirely unseen from this receptor. Due to the distances involved, existing and proposed topography and the lodges/landscape design the LVIA concludes that the proposals would be invisible from Dudmaston Hall and parkland, and barely visible (glimpsed views) from Lodge Farm. The impact on Lodge Farm is judged to be 'minor adverse' changing to 'negligible' with the establishment of planting. From all other locations whether off site footpaths, longer residential views or from Quatford the impact on views is defined as broadly negligible.

6.3.8 Observations made by the Case Officer during site visits and the Council's Conservation Officer concur with these conclusions of the revised landscape and visual impact assessment. The proposed layout of the holiday lodges in the Mor Brook Valley, in groups between existing tree planting screening, with the new areas of woodland planting proposed, and following the contours/topography of the land would enable them to be assimilated into the surrounding landscape satisfactorily and would not be visible from distant viewpoints. It is acknowledged that the group closest to the Crateford Barn buildings would be more visible, but they would be grouped with the existing buildings there and would not be unduly conspicuous in the landscape. (Their impact on the landscape would be less than that of those contained in planning permission 14/04010/FUL for 28 holiday units on land to the south east of Crateford Barns which also incorporated elements of those buildings). It is considered that a refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings contained in that landscape, could not be sustained.

#### **6.4 Impact on Heritage Assets**

6.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities in considering whether to grant planning permission which affects a listed building or its setting to have special regard to

the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Astbury Hall is not listed and constitutes a non-designated heritage asset. Consideration must be given to whether the setting of any listed buildings would be affected by the proposed development, and whether any park land settings would be harmed.

- 6.4.2 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors. SAMDev Plan policy MD13 advises that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that, wherever possible, proposals avoid harm or loss of significance to designated and non-designated heritage assets, including their settings. Where a proposal is likely to affect the significance of designated or non-designated heritage assets, including their setting, policy MD13.2 requires applications to be accompanied by a heritage assessment. This policy accords with paragraph 189 of the NPPF which advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting. It explains "The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."
- 6.4.3 The amended Heritage Impact Assessment (HIA) for land surrounding Astbury Hall submitted considers the impact of the development proposals as a whole, which have been split across the four planning applications. (The other planning applications being 18/05052/FUL; 18/05079/FUL and 18/05159/FUL which are also on this Committee agenda). It is to be read in conjunction with the Landscape and Visual Impact Assessment (LVIA) discussed in section 6.3 above in respect of the impact of the proposals on listed buildings and, in particular, those associated with the Dudmaston Estate.
- 6.4.4 The HIA has been conducted in accordance with the Historic England document 'The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning 3'. It has established from the Historic Environment Record for Shropshire (HER) that very few monuments, events/activities and listed buildings within the 1000m buffer zone of the Astbury Hall study area. There are no listed buildings or scheduled ancient monuments within the study area, although several listed buildings are recorded just beyond the range of the 1000m buffer zone. All listed buildings and monuments, local find spots and archaeological reports listed in the HER in the wider study area beyond 1000m are recorded in the document.
- 6.4.5 The HIA concludes that the proposed development sits within an area of limited archaeological potential. The level of significance of the heritage value of the site is considered as low as categorised in the NPPF. There may be an effect on



hitherto unknown archaeological remains or artefacts, of a similar nature those recovered in the local region. The location of the proposed elements of the development on recorded monuments in the area would be low, but the impact on Astbury Hall and its associated estate, which has historic origins would be considered a medium impact. The impact on views across the historic landscape would be mitigated by the cluster layout of lodges in bunded surrounds and the landscaping. From the heritage impact perspective the 'plateau' area is the least significant area of the site due to the previous quarrying and subsequent restoration. With regard to the proposed built form, the HIA concludes that the development would cause slight harm to the historic significance of the estate. This low level of harm has to be weighed against the benefits of creating leisure facilities that would have public benefits to the rural economy, creation of employment and the Development Plan aspirations to enhance the role of Shropshire as a tourist destination to stay.

6.4.6 In response to the specific concerns raised by the National Trust the HIA comments that Dudmaston Hall is over 1.6km from the closest point of the application site, and that one of the heritage assets within the Dudmaston Estate, known as Lodge Farm, is around 940m from the closest point of the application site. It observes that there is no common border between the Astbury Hall Estate and the Dudmaston Estate, and that the latter is slightly raised in comparison with the former. It asserts that the impact on views from the listed buildings and parkland associated with the Dudmaston Estate by the proposed development can be considered to be of negative to low impact, due to the considerable impact and mitigation measures, as has been explored in detail in the Landscape and Visual Impact Assessment (LVIA.) discussed in section 6.3 of this report above.

6.4.7 The Council's Conservation Officer for the area concurs with the conclusions of the HIA. An archaeological watching brief would ensure the opportunity to record any matters of archaeological interest which may be uncovered by the leisure facilities proposals and associated works contained in this particular application. It is considered that there are wider public benefits from the proposed development which outweigh the limited harm identified to the historic significance of the Astbury Estate, in applying the balance required by paragraph 197 of the NPPF.

## 6.5 Highway Safety

6.5.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It also seeks to secure safe developments. The NPPF, at paragraph 108, advises in assessing applications for development should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- b) Safe and suitable access to the site can be achieved for all users;  
and

- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.5.2 A Transport Assessment has been submitted with the planning application, which has been expanded upon in response to comments from the Council's Highways Team. The Transport Assessment considers the impact of the development proposals as a whole, which have been split across the four planning applications. (The other planning applications being 18/05052/FUL; 18/05079/FUL and 18/05159/FUL which are also on this Committee agenda).
- 6.5.3 The initial Transport Assessment references the 'fall back' position under which the hotel development, holiday lodges and holiday let barn conversions, together with an additional golf course, could be constructed without the need to obtain a further planning permission.
- 6.5.4 The Transport Assessment is based upon the number of chalets proposed, with a 5% uplift in traffic generation compared to the actual number of lodges proposed. (315). It also includes personal injury collision data, which shows there have been two collisions in the vicinity of the site in the last five years, approximately 200m and 500m east and west of the existing site access respectively, which were classified as slight in severity. With regard to access by sustainable modes the Transport Assessment acknowledges that there are no footways provided on the B4555 although there are a number of public footpaths in the vicinity of the site which could serve shorter leisure journeys. The 125 bus route passes the site which provides a service between Stourbridge and Bridgnorth via Kidderminster and Bewdley, which provides an hourly daytime service Monday to Saturday. (The applicants are also in negotiation with the Severn Valley Railway on improvements to Eardington Halt to provide access to services along the route and a mainline connection via Kidderminster railway station). The conclusion on the existing transport conditions is that the site is rurally located with limited opportunities for access by sustainable modes; with the hourly bus service passing the site there is the potential to provide new stops to serve new demand; and there are not considered to be any inherent highway safety issues on the local highway network.
- 6.5.5 Vehicular access to/from the site would be from the main access on the B4555 Road, with no use of the single track Astbury Lane for that purpose, and an underpass beneath that lane to access the land and golf course on the northern side forms part of this application. ATC traffic surveys were commissioned on the eastbound and westbound approaches to the main site access onto the B4555, which is subject to the national 60mph speed limit, and the data used to

determine stopping distances for visibility splay purposes against national standards. This has established that the absolute minimum visibility splays (2.4 x 160m) sought by those standards are achieved within the extent of the adopted highway boundary, with the desirable splay to the west of the site (2.4 x 215m) also within the adopted highway, but crossing an embankment on the southern side of the highway.

6.5.6 The likely travel demand from the proposed development has split these into four categories comprising visitor arrivals and departures at the start and end of a stay; visitor excursions during the stay; staff arrivals and departures; and servicing and deliveries. The assumptions made include 100% occupancy; while it is likely that most arrivals would be in a single car, to provide a robust assessment it has been assumed that each lodge occupants will arrive and depart in an average of 1.5 vehicles. The assumption is also made that each lodge would have two sets of guests per week (i.e. Friday to Monday 3 night stay and a Monday to Friday 4 night stay). 315 lodges x 100% occupancy x 1.5 vehicles x 2 stays per week = 945 arrivals and departures per week. It is assumed that guests would undertake two excursions to the local area per visit, with each visit involving a single vehicle. 315 lodges x 1 vehicle x 2 excursions x 2 stays per week = 1260 arrivals and departures per week. Staff arrivals and departures are calculated on the basis of 120 staff, split equally across seven days, with each employee working five days per week, which equates to 86 employees per day working on-site. No allowance is made for absences or holidays and it is assumed, for the purposes of trip generation, that all staff commute by a single occupancy car journey. 86 staff per day x 7 days = 602 arrivals and departures per week. With regard to servicing and deliveries an assumption of 10 arrivals and departures per day has been made, totalling 70 such movements per week. It is considered that the above assumptions are a sound basis for determining likely travel demand.

6.5.7 The result of the above would be a total of 2877 arrivals and departures per week (5754 two-way trips), with an average of 411 arrivals and departures per day (822 two-way trips) in periods of maximum occupancy. The periods when these movements would take place would be visitors arriving after a certain check in time; visitors departing after a certain check out time (Those times to be determined); staff arrivals and departures depending on shift patterns; and servicing which would be concentrated during the morning, but could be throughout the day.

6.5.8 The Transport Consultants have used TRICS Trip Generation data for residential holiday accommodation; surveys since 2001; have excluded sites in Greater London and Ireland; have excluded town centre or edge of town centre locations; only included sites with substantial leisure facilities (Typically at least swimming pool and bar/restaurant); and trip rates per unit of holiday accommodation. Both weekday and Saturday trip rates were extracted from that data. The resulting figures for the period between 07:00 – 19:00 of 614 two-way trips on a weekday and 661 two-way trips on a Saturday are lower than their first principles estimate of 822 two-way trips. The differences can be explained by a number of factors,

including the TRICS data using a lower number of cars for unit of holiday accommodation; a lower staff ratio; staff arriving by means other than single occupancy journey; a lower number of off-site trips per unit of holiday accommodation and trips outside the 07:00 – 19:00 TRICS survey period. However, the Transport Consultants are of the view that the TRICS outputs are useful in determining trip generation during the network peak hours of 08:00 to 09:00 weekday am peak; 17:00 to 18:00 weekday pm peak and development peak (Saturday) of 13:00 to 14:00. While it is not intended that the proposed food and drink facilities would be used by the general public, in order to be robust the Transport Assessment has included an allowance for these areas of the proposed development. The existing golf course, used to its full potential, has also been taken into account. The total development trip generation figures when the holiday accommodation; potential external trade to the pub/restaurants and potential additional use of the golf course for the entire site would be 39 two-way trips in the AM peak hour, 105 trips in the PM peak hour and 134 trips during the Saturday development peak hour.

- 6.5.9 The Transport Assessment also includes the fall back trip generation should the hotel and other facilities in the extant planning permission 98/0829 be built out. It comments that the trip generation of the hotel would be slightly lower than that of the proposed use, but comments that it would generate a volume of traffic which is broadly similar in magnitude compared to the proposed development. This is therefore a factor for consideration in the assessment of the development proposals.
- 6.5.10 The capacity of the site access junction has been tested using the Junctions 9 software package with data gathered from traffic counts on 5<sup>th</sup> September 2018 and traffic surveys between the 5<sup>th</sup> and 11<sup>th</sup> September 2018. TEMPRO software has been used to provide a growth factor to account for background traffic growth for a five year period post application (2018-2023). Traffic arriving and departing from the site is split into three categories comprising holiday visitors from across the country; staff from the local area; and golfers from the local area. The three traffic assignments tested are 50%north/50%south; 75%north/25%south; and 25%north/75%south. The capacity assessment results demonstrate that the site access would operate well within capacity in all the scenarios considered.
- 6.5.11 With regard to the Highway Network Capacity, the Transport Assessment comments that the existing B4555 is a lightly trafficked road, with a two-way average daily flow of 3700 vehicles per hour and a maximum two-way hourly flow of 300 vehicles. It is estimated that the proposed development would result in an average of 822 additional vehicle trips per day on the local highway network. It states:  
*“DMRB TD 46/97 provides advice on traffic flow ranges for use in the assessment of new rural roads. The document notes that a standard ‘S2’ single carriageway road is suitable for an Annual Average Daily Traffic (AADT) flow of up to 13,000 vehicles.*

*The proposed development would increase the AADT on the B4555 to*

*approximately 4,500 vehicles, well below the suggested threshold for a single carriageway road. On this basis it can be concluded that the existing B4555 is a suitable standard or road to accommodate existing and future development traffic.”*

The Transport Assessment conclusions are that it demonstrates the proposed development would have a negligible impact on the operation of the local highway network, both at the site access junction and on the link capacity of the B4555.

- 6.5.12 The Council’s Developing Highways Area Manager raised a number of queries concerning the Transport Assessment. With regard to highway safety the area of search needs to be shown in the report; local concerns over the safety of the B4555 in the past, and given that most traffic generated by the development is likely to gravitate to/from the north, the search area should be extended to the edge of Bridgnorth town, and a brief description of the nature of all identified collisions included, before conclusions can be drawn. Other matters raised included the location of the monitoring point for determining traffic speeds from the east and visibility due to the road geometry at Hay Bridge; the need for visibility at the proposed construction access (Into the eastern part of the site for development on the eastern side of the Rea Brook) to be considered; the Travel Demand assumptions would be impacted on by the arrival/departure times and until they are set the first principles approach should be applied to a worst-case time period; similarly a worst–case approach to staff trips also needs to be considered until the nature and shift patterns of the jobs on site is known. The close proximity of some major visitor attractions could also affect the assumptions out the level of visitor excursions. The traffic growth 5 years after the application should be adjusted to the period after full opening. She advises that the approach taken in the report is appropriate to determining the likely increase in traffic over a 24 hours period, but this is only relevant for the link capacity assessment. She does acknowledge however that the altered assessments requested would be unlikely to make any significant difference to the conclusion on the capacity assessment of the site access operating well within capacity with the more robust approach sought. The approach taken to consider traffic distribution is considered acceptable, but experience suggests that the proportion of traffic accessing the site from the north is likely to be higher than 75%.
- 6.5.13 With regard to Highway network capacity the Highways Area Manager comments that the TD46/97 document referenced is only applicable to a new road scheme built to the appropriate standards. The B4555 road does not comply with these standards and the Transport Assessment must consider this fact. It is requested that the report submitted considers potential improvements to the surrounding road network. The proposed underpass to Astbury Lane (In application 18/05052/FUL) is welcomed by the Council’s Highways Team.
- 6.5.14 In response to the queries raised the applicant’s highways consultants have submitted a Technical Note, which responds also to highway matters raised by the Parish Councils. A summary of the proposals under the topic headings are

set out below:

- 6.5.14.1 Construction Traffic: Section 59 of the Highways Act allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic during the construction period. It would typically be expected that representatives of the highway authority and the applicant will carry out a joint road survey/inspection on the roads leading to the site, noting defects, with a further joint survey following completion and any remedial works completed within an agreed timescale.

A Construction Environmental Management Plan has been prepared. Two entrances would be provided for construction vehicles comprising:

- a )The existing in access for Astbury Hall from the B4555 for development on the western side of the Mor Brook.
- b )The existing former quarry access at the north eastern corner of the combined sites for these applications for development on the eastern side of the Mor Brook

Construction traffic routes would take account of the bridge carrying the Seven Valley Railway line, with a height restriction of 3.8m and the bridge carrying the B4555 over the railway which, although it does not have a weight restriction, is narrow. Articulated heavy goods vehicles, vehicles over 3.8m in height (Including transporting machinery or lodges) would arrive from north (via Bridgnorth) to the quarry access and from the south (via Highley) to the golf club access. Wheel washing facilities will be provided within both the eastern and western sides of the site; and the highway will be cleaned or swept at regular intervals to remove any mud or deposits on the carriageway. Any damage to the highway from turning goods vehicles will be repaired to the satisfaction of the highway authority following completion of the construction phase.

Any gate controls to access the site will be a minimum of 20 metres back from the edge of the highway to allow vehicles to wait off carriageway, and circulation space provided to allow vehicles to enter and leave in a forward gear.

Deliveries by articulated vehicles or abnormal loads will be restricted to the periods 09:30 – 15:00 during school term time and 09:30 - 16:30 outside term time.

A Construction Access Speed Survey has been carried out and the required minimum visibility standards can be achieved in both directions. In addition, to improve the safety of the construction access vegetation would be cut back as far as possible on either side and it will be manned to allow site personnel to assist large vehicles entering/exiting as necessary.

- 6.5.14.2 Site Access Visibility: In response to the query raised by SC Highways, the Transport Consultant has carried out an additional automated traffic survey (ATC) some 140m to the east of the main site access. The data recorded an 85<sup>th</sup> percentile westbound traffic speed of 38mph and with allowance for the downhill

gradient, the desirable minimum stopping distance would be 108m and the distance from where the access comes into view is 140m, which shows that adequate visibility is available.

- 6.5.14.3 Trip Generation and Site Access Capacity: In response to the SC Highways request for a more robust assessment of the development' peak trip generation based on the 'first principles' assessment previously undertaken, a re-assessment has been carried out on the basis that each lodge would make six excursions to the local area per week. (An uplift of 50% on the previous assumption). This would increase the total visitor excursions from 1260 to 1890 per week. A peak period 'worst case' trip generation assessment has been undertaken which combines the period when development trip generation would be at its maximum and the period during which traffic volumes on the B4555 are highest. The traffic growth allowance period has also now been extended to the period 2018 – 2026. An additional traffic assignment at the site access has also now been added which is 90% north/10% south. The results of the site access capacity, worst case assessment 2026 is that the site access would operate within capacity in all scenarios considered.
- 6.5.14.4 Link Capacity: The existing and proposed traffic flows between the site and Bridgnorth (based on the option of 90% of trips arriving from Bridgnorth) would, in the worst case scenario, increase the PM southbound traffic flow 275 to 488 vehicles. This equates to an increase from one vehicle every 13 seconds to one vehicle every 7 seconds. The Transport Consultants comment that this shows the traffic flows can be accommodated without having a severe impact on the capacity of the road.
- 6.5.14.5 Collision Analysis: The study area has been extended in response to comments by Highways for a distance of some 8km between the B4363 in the north and Chelmarsh/Sutton in the south and an analysis given of the route character. In the most recent five year period there have been 10 collisions on this stretch of the B4555, of which nine are classified as slight and one as serious. Between the B4363 and Eardington (Section 1) there have been two slight collisions when vehicles lost control travelling through bends, with the recorded causation factors being travelling too fast for conditions. None have occurred in Eardington (Section 2). Between Eardington and Chelmarsh (Section 3) there have been five slight collisions comprising of one where a car collided with a reversing tractor; two on the bridge over the SVR when a vehicle travelling south over the bridge lost control through the bend and collided with an oncoming vehicle; one at the bridge under the SVR when a vehicle lost control on mud/rain; and one on the southern section of this road length where one driver veered onto the wrong side of the road, where one driver was recorded as being impaired by alcohol. On the section between Chelmarsh and Sutton (Section 4) the serious collision occurred at the junction of Bakehouse Lane with the B4555 with a vehicle turning right into Bakehouse Lane crossing into the path of another vehicle. The two slight collisions comprised of a vehicle travelling north to the south of the 40mph zone losing control, and a vehicle waiting to turn right into a minor track being struck from behind. The care and the speed at which motorist travel is a contributory

factor of most collisions.

6.5.14.6 Mitigation Works: A review of the existing highway has been undertaken in comparison with DMRB TA 85/01 'Guidance on Minor Improvements to Existing Roads'. The Transport Consultants comment that repairs to the carriageway would be a matter for Shropshire Council but it is proposed that the developer provide a number of measures as part of the implementation should planning permission be granted. These comprise:

Section 1 – B4363 to Eardington:

Replace existing 40mph signage with gateway feature, including 'dragon's teeth' and red road markings.

Add red surfacing to existing 40mph road markings.

Add red surfacing to existing SLOW road markings.

White line edge of carriageway markings where not already provided.

Section 2 – Eardington:

It is proposed that the developer would enhance and refresh the existing traffic calming measures.

Section 3 – Eardington to Chelmarsh:

At the bridges beneath and over the SVR it is proposed that the developer:

Replace existing 'SLOW' markings with red friction surfacing.

Resurface the carriageway with high friction surfacing to a specification to be agreed with Shropshire Council.

At the bridge beneath the SVR replace existing gravel laybys with full carriageway construction, allowing potential over-run by large vehicles, preventing observed deterioration of the edge of the carriageway, and reducing mud spillage onto the highway.

Section 4 – Chelmarsh to Sutton:

This section of road is subject to 40mph through Chelmarsh and Sutton, thereafter increasing to the national speed limit. It is proposed to replicate the existing traffic calming features provided through Eardington, notably:

Highlight centreline marking and ghost island junction to Bakehouse Lane in red and anti-skid surfacing.

Replace 40mph road markings with red anti-skid surfacing.

Edge of carriageway markings along route.

Replace SLOW road markings with red anti-skid surfacing.

6.5.15 With regard to the Section 1 proposals (B4363 to Eardington) SC Highways have raised no objections, but comment that Shropshire Council has planned maintenance works along this section and some of the works may be included within the scope of those proposed works. Further details would be required on the location of the 40mph and SLOW road markings. This matter can be



addressed through a condition on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This would provide an opportunity to full review the highway conditions at the time, and sufficient notice to get the works completed.

- 6.5.15.1 With respect to the Section 2 proposals the existing village traffic calming measures should be refreshed and enhanced as proposed. As with the Section 1 proposals, this matter can be addressed through a condition on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This would provide an opportunity to full review the highway conditions at the time, and sufficient notice to get the works completed. (The original proposal to provide 'chicane' traffic calming features at each end of the village was not supported by SC Highways due to the lack of street lighting).
- 6.5.15.2 For Section 3 (Eardington to Chelmarsh) SC Highways comment that all the above mentioned works are generally supported from a highways perspective, however further consideration will need to be given to the reconstruction of the gravel laybys to establish if the areas fall within the adopted highway. These details can be investigated and explored at technical approval stage, Shropshire Council as Highway authority have powers to adopt areas of highway, subject to any objections received from the land owner. As above, all works would be subject to a Section 278 agreement and It is recommended that further details are submitted to provide further information of the proposed works, A condition should be placed up on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This will provide an opportunity to full review the Highway conditions at the time, and sufficient notice to get the works completed.
- 6.5.15.3 For Section 4 (Chelmarsh to Sutton) All works are acceptable from a Highways perspective, however it should be noted that Shropshire Council have planned maintenance works along this section and therefore some of the works maybe included within the scope of the works. It is recommended that further details are submitted to provide further information of the proposed works. A condition should be placed up on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This will provide an opportunity to full review the Highway conditions at the time, and sufficient notice to get the works completed.
- 6.5.16 The application proposals have considered transport issues in terms of the potential impacts of the proposals on transport networks and the locality. By its very nature of being a form of tourism development that requires a rural location, the sustainable transport options to use of the private car are limited, but the site has direct access onto a B road, is relatively close to the market town of

Bridgnorth and the services available in Highley, and has the potential to utilise public transport links and to establish a rail connection via the Severn Valley Railway. There would be onsite opportunities for the holiday lodge occupants to use local footpath networks. Taking account also of the established golf course and extant permissions for hotel and holiday chalet developments that these proposals would replace, it is considered that a refusal on transport grounds as being an unsustainable location would have no prospect of being upheld at appeal. The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation has been proposed to achieve net environmental gains, as may be sought under paragraph 102 of the National Planning Policy Framework (NPPF), even though the studies using nationally recognised standards and modelling have established that there would be no access junction or road network capacity problems resulting from the implementation in full of the package of applications currently under consideration. Safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 108 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.

## **6.6 Ecology**

6.6.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation.

6.6.2 The application is accompanied by an extensive set of ecological surveys relating to badgers, barn owls, dormice, great crested newts, otters, bats, reptiles and water voles, along with a habitat enhancement survey. Ecological Summary Reports have been provided which are specific to each application. The Report provided in connection with this application focuses on a large plot (~44.6 acres) within the central portion of the Astbury Hall Estate, containing hardstanding, a mosaic of semi-improved grassland, amenity grassland and rank grassland, scrub, scattered/ continuous woodland and riparian habitats associated with Mor Brook – a running watercourse, the northern and central stretches of which are situated within the application boundary. There are no buildings present upon this application site. The report concludes that no adverse impacts are anticipated on habitats of ecological merit, that the development has been designed to be sympathetic to the landscape, and that many features (woodland, watercourse, grassland) would be retained and enhanced. It recommends that trees with bat roosting potential be retained; that areas of rough grassland throughout the site be retained and managed to provide enhanced foraging for barn owls; enhancements for kingfisher/dipper around suitable Mor Brook areas; reasonable avoidance measures (RAM) detailed in a method statement for great crested newts be followed; hibernacula creation is recommended for amphibians; new native heathland planting be provided on suitable areas; a pre-commencement

badger survey be carried out and method statement followed; sensitive lighting scheme; a 20 metre buffer area be established around the Mor Brook, with the buffer area kept free of light pollution and any works needed in the area supervised by an ecological clerk of works; the creation of otter ledges and an artificial holt be considered; enhancements to provide habitat suitable for water vole and hazel dormouse be provided, and the eradication of invasive plant species.

6.6.3 The applicants have responded to the comments made by SC Ecology and the Shropshire Wildlife Trust by amending the proposed site layout to ensure that no holiday lodges would encroach within the 20 metre buffer zone to the Mor Brook. While the proposed bridges would require work in the buffer zone, the bridge designs with their wide spans and abutments outside the flood zone would ensure that the interference during their installation is minimised.

6.6.4 The Council's Planning Ecologist, whose comments are summarised at 4.8 above, is content that these proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. The applicants have subsequently submitted badger and otter pre-commencement report survey; a biosecurity protocol; brown hare method statement, details of the proposed bran owl provisions and a Construction Ecological Management Plan in response to the Planning Ecologists recommended conditions.

## **6.7 Drainage**

6.7.1 Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. Package treatment plants are proposed for the disposal of foul sewage, with the treated effluent directed to ground in the east of the site where the land is suitable for infiltration. In the west treated effluent would be directed to the brook. Dichlorination units would be installed up stream of package treatment plants where hot tubs are installed. In the east surface water would discharge to ground. In the west, surface water would be directed to the Mor Brook with flows restricted by attenuation such that they would be no greater than the undeveloped run off rate for the same event, based on calculations including the 1 in 100 + 40% storm event. The FRA considers the impact on the Mor Brook. It comments that under low flow conditions, surface water flows from the site would be close to the existing greenfield rates. Additional treated flows from the foul systems would represent an increase of 0.7% at low flows and is therefore not significant. During storm events the flows from the foul system would be the same as during low flows. Surface water flows from the lodges would be restricted to greenfield rates by attenuation, and therefore the overall flow rate to the brook would be lower than normal for such events.

6.7.2 The Council's Drainage Consultants have confirmed that the FRA is acceptable in principle, and that the final foul and surface water drainage details, plan and calculations should be submitted for approval. This is a matter which can be addressed through a planning condition on any approval issued. The agents have

advised that the full details of the drainage to the leisure facilities is currently being prepared for submission and approval, with the desire to achieve this prior to the Committee Meeting. They comment that the planning process requires that the principles of the drainage design is established and agreed, but the detailed design forms part of the Building Control and working drawings stage of works. Whilst this detailed design is close to completion, the applicant is happy to accept a pre-occupation condition should details not be forthcoming in this time frame. The extent of the land under the control of the applicant would not appear to limit the drainage options in this case. It is considered that, in this case, a condition requiring the drainage details to be approved prior to occupation, and for the works to be carried out in accordance with the approved details, would be an acceptable way to ensure that the development would not adversely impact on water quality and quantity, or on flood risk.

## **6.8 Residential Amenity**

6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest residential properties to the site are those to north on Astbury Lane. The separation distances between the proposed lodges and existing dwellings, coupled with the topography and proposed layout of the facing into the Mor Brook valley would ensure no significant privacy or overbearing impacts on existing properties. The proposed landscaping scheme would also assist in reducing further the inter-visibility between the properties. The proposed on-site parking arrangements and use of electric golf buggies would also assist in reducing noise disturbance from vehicles. Any night time noise created by the occupants of the holiday lodges would be a site management issue and not grounds for a refusal of planning permission in this case.

6.8.3 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue is addressed by a recommended condition on the restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays, and a condition requiring the approval of a construction method statement to mitigate the temporary impact.

## **6.9 Rights of Way**

6.9.1 The proposals contained in this application would not affect the routes of existing rights of way. The Council's Rights of Way Team had noted that one section of public footpath and the alignment of others on the submitted drawings was not in accordance with the paths shown on the definitive map. The drawings have been corrected to accord with the definitive rights of way map.

## **7.0 CONCLUSION**

7.1 There is no in-principle planning policy objection to the proposals contained in this application. It is considered that the proposed built form of the holiday lodges would achieve these design objectives. While the drawings of the holiday lodges are labelled as indicative they demonstrate the design ethos for the development. The precise details of the holiday lodges installed, in the event of planning

permission being given, may change. This is a matter on which a planning condition attached to any approval would specify that the holiday lodges stationed on the land would be of the form and appearance shown on the submitted drawings, or any alternative drawings which have first been approved in writing by the Local Planning Authority. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. The proposed design of the bridges over the brook would be sympathetic to their surroundings. The proposed layout of the holiday lodges and their associated parking and road/paths network, coupled with the landscaping scheme, would result in a development which would not be obtrusive in the rural landscape.

- 7.2 A refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings contained in that landscape, could not be sustained. With regard to the heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified to the historic significance of the Astbury Estate, in applying the balance required by paragraph 197 of the NPPF.
- 7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation has been proposed to achieve net environmental gains, as may be sought under paragraph 102 of the National Planning Policy Framework (NPPF), even though the studies using nationally recognised standards and modelling have established that there would be no access junction or road network capacity problems resulting from the implementation in full of the package of applications currently under consideration. Safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 108 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.
- 7.4 These proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. Ecological interests and drainage can be safeguarded through the recommended planning conditions. The proposed development would not unduly harm the residential amenities of the locality.
- 7.5 This proposal, in combination with the three other related applications also on this agenda, would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF)

paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 83 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

## 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  
 CS16 - Tourism, Culture and Leisure  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD2 - Sustainable Design  
 MD7B - General Management of Development in the Countryside  
 MD11 - Tourism Facilities and Visitor Accommodation  
 MD12 - Natural Environment  
 MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

BR/74/0254 Conversion of existing dwelling to a hotel GRANT 6th May 1974

11/01035/AMP Amendments to planning permission 98/0829 to incorporate the additional lavatory block and pay station within the building GRAMP 2nd June 2011

11/01774/VAR Variation of condition numbers 21 and 34 attached to planning permission reference 93/0829 dated 7th March 2000 to allow for the provision of outdoor functions and erection of temporary marquees GRANT 10th August 2011

11/04126/DIS Discharge of Condition No.3 (appearance of marquees) attached to planning permission 11/01774/VAR dated 10/08/11 - Variation of condition numbers 21 & 34 (93/0829) to allow for the provision of outdoor functions and erection of temporary marquees DISAPP 12th December 2011

BR/74/402 The erection of two lodged dwellings for staff occupation REFUSE 5th November 1974

BR/76/0305 The erection of two extensions to provide additional bedrooms at the front of two existing cottages GRANT 5th July 1976

13/03715/DIS Discharge of condition 4 (Materials) on planning permission 06/0435 for the use of land for the stationing of holiday lodges at Astbury Hall, Chelmarsh WDN 7th March 2014

13/04958/VAR Variation of condition 2 of planning permission 06/0435 for the stationing of holiday lodges GRANT 10th March 2014

14/00794/FUL Erection of 11 holiday retreats GRANT 14th April 2014

14/03609/FUL Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL GRANT 16th October 2014

16/00786/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (drainage), 10 (protective fencing) and 14 (Ecology) on planning permission 14/00794/FUL for the erection of 11 holiday retreats DISPAR 11th April 2016

16/00798/DIS Discharge of conditions 6 (external materials), 7 (drainage), 8 (protective fencing) and 11 (ecology) on planning permission 14/03609/FUL for the siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISPAR 11th April 2016

16/00800/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (protective fencing), 10 (habitat management plan) and 20 (construction method statement) on planning permission 14/04010/FUL for the erection of 28 residential units with a restriction for holiday use DISPAR 11th April 2016

16/04437/DIS Discharge of Condition 9 (drainage) relating to planning permission 14/00794/FUL - Erection of 11 holiday retreats DISAPP 2nd November 2016

16/04438/DIS Discharge of Condition 7 (drainage) relating to planning permission 14/03609/FUL - Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISAPP 17th November 2016

17/05426/VAR Variation of conditions 21 & 34 attached to planning permission 98/0829 dated 07/03/2000 (and 11/01774/VAR) to allow for continued use of marquee for a further five years GRANT 14th February 2018

18/05052/FUL Re-development of Astbury Hall Estate to provide; leisure and spa building comprising fitness suite, health spa, two swimming pools, farm shop, function room, restaurant and bar; external facilities comprising lido pool, tennis courts, bowls/croquet/petanque greens; landscaping scheme (removal of trees); formation of parking areas; terraced areas; amendments to existing golf course; formation of 9-hole golf course and 18-hole putting green; demolition of two dis-used outbuildings and re-build to form service buildings; with all associated works PDE

18/05079/FUL Re-development of Astbury Hall Estate to include the installation of 140 holiday let lodges with raised decked areas; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Plateau Lodge Phase) PDE



18/05159/FUL Redevelopment of Astbury Hall Estate - Erection of bar/restaurant building with all associated works PDE

BR/APP/FUL/03/0337 Variation of condition number 7 on planning permission reference 98/0829, approved 7 march 2000 GRANT 10th June 2003

BR/APP/FUL/06/0435 Use of land for the stationing of holiday lodges GRANT 31st July 2006

BR/APP/FUL/06/0434 Variation of condition 16 attached to permission ref 98/0829 to substitute drawing no 03/49/11A for 90/107/53 with regard to car park layout GRANT 27th July 2006

BR/APP/FUL/06/0054 Variation of condition 28 on planning permission ref 98/0829 to allow the barn conversion and extension and the timber lodges to be used 12 months a year for holiday purposes only GRANT 6th March 2006

BR/98/0829 Renewal of planning permission 91/0586 for use of land as 18 hole and 9 hole golf courses; use of and extensions to Hall to provide hotel and ancillary facilities and temporary golf club house; use of and extension of pool house to golf clubhouse; use of and extension to barn to provide holiday lets; erection of 12 holiday lodges; installation of sewage treatment plant GRANT 7th March 2000

11. Additional Information

[View details online:](#)

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

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

Design and Access Statement

Heritage Impact Assessment

Landscape and Visual Impact Assessment

Ground Investigation Report

Ecological Reports

Transport Assessment

Arboricultural Report

Flood Risk Assessment and Drainage Strategy

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 more than 135 holiday let lodges shall be stationed on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

Reason: To define the permission for the avoidance of doubt and in the interests of the visual amenities of the area.

4. The construction of the holiday lodges shall comply with the definition of a caravan and shall comprise of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and shall not exceed the length, width and height of living accommodation limits set out in Part 3, Section 13 of the Caravan Sites Act 1968, as amended.

Reason: To define the permission for the avoidance of any doubt and to comply with SAMDev Plan policy MD11.8.

5. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the caravans hereby permitted shall be used to provide holiday accommodation only and shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

6. A register shall be maintained of the names of the occupiers of the caravan units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

7. Before the holiday lodges are first installed on the land details of their external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing

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

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of visual amenity.

8. Prior to the construction of the bridges details for the facing brick to be used for the vehicle bridge and of the external finishes to the pedestrian and buggy bridges shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of visual amenity.

9. The access road and parking areas shall be constructed and surfaced in the approved materials, before the holiday lodges they would serve are first occupied.

Reason: In the interests of visual amenity and public safety and to secure satisfactory surface water drainage.

10. The holiday lodges stationed on the land shall be of the form and appearance shown on the submitted drawing numbers 4180 and 4187, or as shown on any alternative drawings which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11

11. Prior to any element of the development hereby approved being first brought into use, construction details of the improvements to the main site access shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within 3 months of the first element of the development hereby approved being brought into use.

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

12. The highways improvements shown on drawing numbers 03659-0102 and 3659-SK001 (Section 1); 3659-SK002 (Section 2); 3659-SK003 (Section 3) and drawing nos. 03659-0105 and 03659-106; and 3659-SK004 (Section 4) shall be fully implemented in accordance with details which have first been approved in writing by the Local Planning Authority within 3 months of any element of the development hereby approved being first brought into use.

Reason: In the interests of highway safety.

13. No development shall take place, including any works of demolition, until a Construction Environmental Management Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and should reflect the phasing of construction. 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
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives.

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

14. Vehicular access to and from the facilities hereby approved shall (except in emergencies) shall be solely by means of the main driveway to Astbury Hall off the B4555 and not by means of Astbury Lane.

Reason: In the interests of highway safety and to safeguard the residential amenity of properties on Astbury Lane.

15. Before any holiday lodge is first occupied the foul and surface water drainage arrangements to the cluster of lodges in which it would be located shall be installed in full in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

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

16. The development shall be carried out in accordance with the Arboricultural Method Statement to BS 5837:2012 prepared by JCA Limited (ref: 14421b/TT)), the planting schedule and specification (ref.WD808\_3009 Rev B) and the Tree Pit Detail and Tree Protection Examples (ref.WD808D01).

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.

17. All hard and soft landscape works shall be carried out in accordance with the approved landscaping scheme. The works shall be carried out in the first planting and seeding seasons following the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

18. The development shall be carried out in accordance with the approved ecological compliance and supervision procedures report (ref,140119) dated 14th January 2019; the biosecurity protocol (ref. 140219.BP); barn owl provision details and specifications (ref.14029.BOP); method statement (brown hare) (ref.14029.BH) dated 14th February 2019 and the badger and otter pre-commencement report (ref.180219.BOPC) dated 19th February

2019, and the Construction Ecological Management Plan (ref.190219/CEMP) dated February 2019.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

19. Prior to first occupation/use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the ecological Method Statements, Mitigation and Enhancement Strategies (Habitat Enhancement Summary report 221018JM and detailed in subsequent phase 2 ecological reports; 101018MM2 badger, 030918JM1 barn owl, 191018MMJM great crested newt, 190918MM2 bat, 030918JM2 reptile, 140918JM1 otter, 140918JM2 water vole, 101018MM dormouse). This shall include photographs of installed features such as bat and bird boxes, bat bricks/tiles, barn owl boxes and loft, dipper boxes, 10 hibernacula, otter holt, 50 dormouse boxes etc.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

20. Prior to the use of the buildings a habitat management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be created, restored, enhanced, and managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

21. Prior to the erection of any external lighting on the site associated with the development hereby approved, 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.

22. A minimum 20m buffer shall be temporarily fenced off parallel to the banks along the length of the watercourse, prior to any construction related work or activity taking place in the vicinity of the watercourse. No access, material storage or ground disturbance shall occur within the buffer zone, except in accordance with any details which are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure the protection of the watercourse, and associated wildlife, during construction works.

23. Construction works and/or demolition works shall not take place outside the hours 07:30 to 18:00 Monday to Friday; 08:00 to 13:00 Saturdays. No works shall take place on Sundays, or on bank or public holidays.

Reason: To safeguard the residential amenities of the area.

24. 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.

### **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. Other informatives as set out in the report on application 18/05052/FUL.



Committee and date

South Planning Committee

12 March 2019

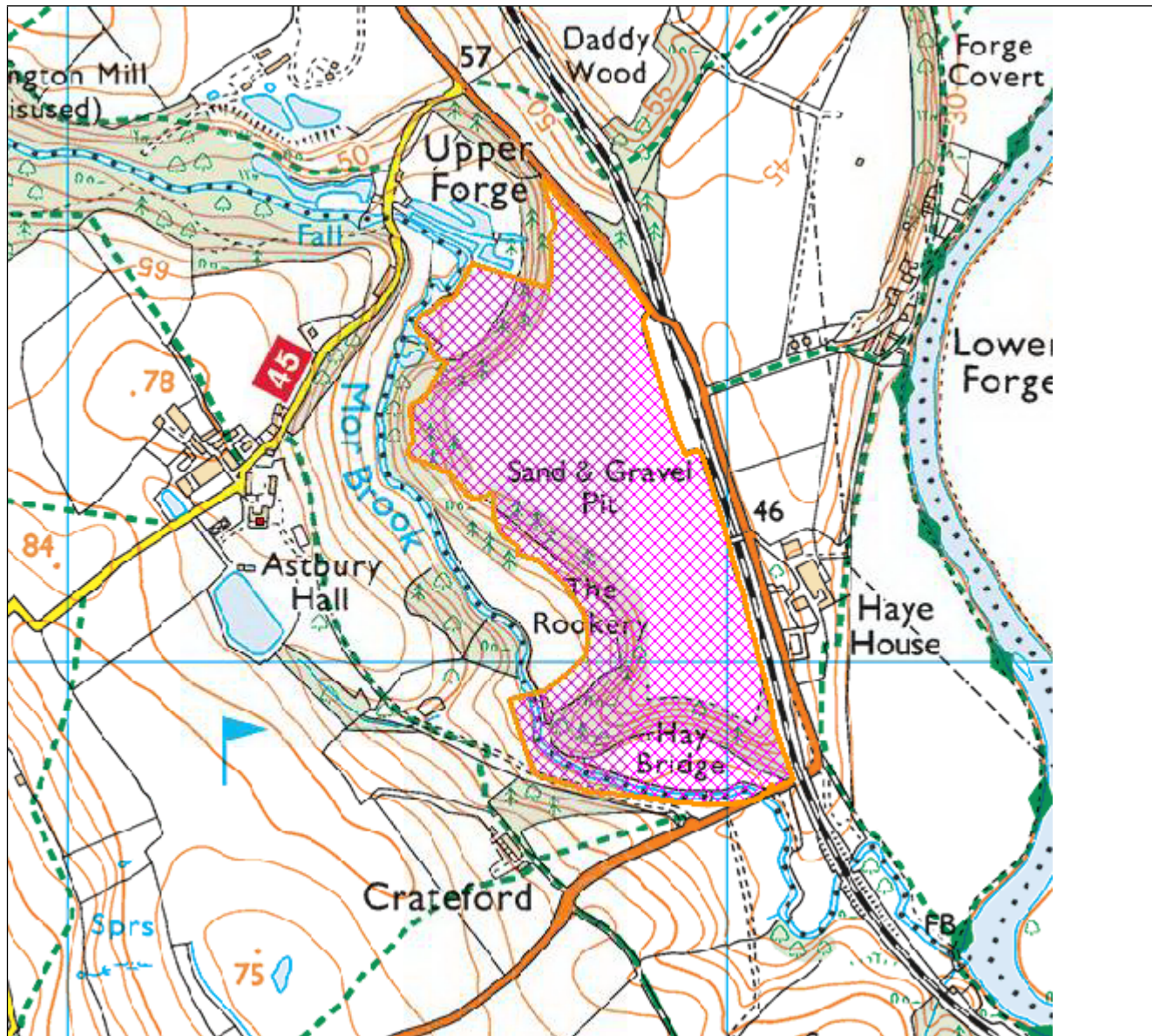
## Development Management Report

Responsible Officer: Tim Rogers

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

### Summary of Application

<b><u>Application Number:</u></b> 18/05079/FUL	<b><u>Parish:</u></b>	Chelmarsh
<b><u>Proposal:</u></b> Re-development of Astbury Hall Estate to include the installation of 140 holiday let lodges with raised decked areas; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Plateau Lodge Phase)		
<b><u>Site Address:</u></b> Astbury Hall Astbury Bridgnorth Shropshire WV16 6AT		
<b><u>Applicant:</u></b> Mr John Steven (FCFM Group Investments III Ltd)		
<b><u>Case Officer:</u></b> Richard Fortune	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 372291 - 289217		



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

**Recommendation:- Grant Permission subject to receipt of a satisfactory Unilateral Undertaking relating to not implementing the unbuilt elements of planning permission BR/98/0829 should planning permission be granted for this development; retention of the facilities and holiday lodges in a single ownership and delivery of the proposed apprenticeship schemes and to the conditions set out in Appendix 1.**



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

- 1.1 This application is one of four related applications relating to Astbury Hall and surrounding land. Reports on the other three applications (18/05052/FUL; 18/05078/FUL and 18/05159/FUL). The background to the applications is set out in paragraphs 1.1 and 1.2 of the report on application 18/05052/FUL also on this agenda.
- 1.2 The proposals contained in this particular application would be on the eastern plateau, which comprises of agricultural land created through the restoration following the extraction of minerals, and a lower level at the northern end of the site on the eastern side of Mor Brook. A total of 140 holiday let lodges would be stationed on this land in clusters, each of which would have an informal layout of lodges, with adjacent landscaped areas and separate communal parking and buggy parking areas.
- 1.3 The five clusters on the plateau area, and their associated parking areas, would be cut into the existing ground level, with the excavated material being used as fill to form a raised ground level around them that would blend with existing contours at the edges of the application site. A contour plan and isopachyte plan submitted shows a maximum cut of up to 4.5m and a maximum fill to the same dimension, although the bulk of the levels changes, cut and fill, would be in the order of 2 – 3 metres. New planting on the re-contoured ground would comprise of woodland planting along much of the eastern edge of the site and between the cluster areas, with wildflower and meadow mix planting to the areas closest to the holiday lodges. The holiday lodge cluster on the lower level meadow area would not alter existing ground levels in that area.
- 1.4 The vehicular access to these lodge clusters would be via the proposed access road from the main approach to the Hall, with a new bridge over the Mor Brook, which is also contained in application 18/05078/FUL. On entering the plateau area a spur from this road would head northwards and descend to meadow area cluster. Five holiday lodges would be positioned adjacent to the southern section of this road, with an outlook in a westerly direction. The section of road heading eastwards into the site would then come a triangular road junction form, with sections of the road then heading north and south in the main body of this site area. A network of buggy routes and footpaths would supplement road access. The access roads would be of permeable tarmac and the paths a mix of stabilised and self-binding gravel and timber board walks. Each of the five lodge clusters would have the units sited around the outside edge of loop roads. The areas within the loops would be landscaped with features including tree planting, ponds, sitting areas, ecology walks, sculptures and play areas. The parking areas would be enclosed by a combination of stone filled gabions and 1.5m high Devon Banks (stone wall structures with earth filling and a turf cap).
- 1.5 As in the companion application 18/05078/FUL, the proposed holiday lodges would conform to the definition of a caravan used in planning legislation. They would comprise of structures which comprise of no more than two sections

separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and, when assembled, physically capable of being moved by road from one place to another. The maximum dimensions for the structures are a length (exclusive of any drawbar) of 20 metres, a maximum width of 6.8 metres and a maximum overall height of living accommodation, measured internally, of 3.05 metres. Two indicative designs have been submitted with the application. One features a shallow monopitch roof with a chamfered end at the high end that would include large feature windows to the splayed walls and two pairs of french windows with glazing over. The opposite end of the structure would have a staggered wall arrangement, creating a plan and elevational treatment different to the usual rectangular box form of caravan structures. The external wall finish would be of horizontal timber boarding. The second design would have a more conventional rectangular plan, but with small bay projections at either end and a large side wall element stepped slightly forward in vertical boarding (To contrast with the horizontal boarding of the rest of the external walls) in which there would be large sliding doors. The roof form would be an unconventional shallow 'V' shape with asymmetric pitches, also creating a unit of more visual interest than a conventional caravan structure.

- 1.6 The occupants of the holiday lodges would either walk, cycle or use electric golf buggies to travel around the site once they have settled into the lodges and parked their cars in the car parking areas. A network of permeable gravel paths would be provided within the site. To respect the ecological and environmental impacts of lighting on the site, but with due consideration to health and safety, the proposed lighting strategy would mainly use low level bollard lighting.
- 1.7 Detailed planting specifications have been submitted for the grassland mix planting; woodland planting mix; aquatic and marginal planting mix, native woodland planting and native hedgerow planting. The woodland planting would include field maple, silver birch, sloe, hazel, hawthorn, scots pine, wild cherry and oak. The hedgerow planting would comprise of blackthorn, hawthorn, field maple, field rose, guilder rose, elder, hazel, spindle and crab apple.
- 1.8 A Screening Opinion has been issued to the effect that an Environmental Impact Assessment was not required for the proposed works spread across the four associated planning applications. The application is accompanied by a Design and Access Statement; a Desk Study Report into ground conditions/geology; Ecological Assessments; Landscape and Visual Impact Assessment; Heritage Impact Assessment; Landscape Design Report; Transport Assessment; Arboricultural Report; Flood Risk Assessment and Drainage Strategy; and an Economic Impact Assessment.
- 1.9 The applicants have engaged in pre-application meetings with local communities, as encouraged by the National Planning Policy Framework.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is situated in open countryside and comprises of land to the east of the Mor Brook. At the northern end of the site there is a lower meadow area to the north of which is the Astbury Falls fishery and a small holiday chalet

development. The western edge of the site then falls the eastern edge of the Mor Brook valley before descending to include a section of the brook at its southern end where the southern site boundary is adjacent to the main access to the Hall and a section of the B4555 road. The north eastern site boundary is with the Severn Valley Railway line and the Eardington Halt (Station) on that railway. At the northern end of the north eastern site boundary the site is again adjacent to the B4555 road. The sloping areas from the main plateau area down to the brook are of a wooded character, with the plateau being a large open field.

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

3.1 The Parish Councils' have expressed views contrary to the Officer recommendation and Shropshire Council Ward Member has requested that the application be determined by Committee. The Chair and Vice-Chair of the South Planning Committee, in consultation with the Principal Officer and Area Planning Manager, consider that the material planning considerations raised by this group of planning applications warrant their determination by the South Planning Committee.

### **4.0 Community Representations**

- Consultee Comments

The full comments received may be viewed on the Council's web site. Some of the comments below are a summary of those submitted.

4.1 Chelmarsh Parish Council – Comment: Unwilling to support proposals unless the points raised on highway conditions are addressed prior to construction commencing. The proposed main access should be reconsidered as the proposal is considered unsafe and insufficient for the users of this facility. The Parish Council suggest the access from the North should use the Quarry site entrance and from the South to use the main drive to The Astbury.

Comments/concerns raised are as follows:

#### 1. Site Access during Construction

a. B4555 road condition is poor (potholes and breakdown of the road surface) and will be made much worse by construction traffic

i. Knowle Sands

ii. By bridge over SVR at Eardington

iii. Ingram Lane (Sutton Arms Corner)

iv. Ingram Lane (approach to Highley)

b. Ingram Lane has tight narrow corners by Damson Cottage, unsuitable for low-loaders with caravans on, also heavy road traffic is causing damage to property due to close proximity to the road

c. Road crossing SVR near Eardington Halt very tight and turn over bridge for articulated vehicles

d. Low Bridge under SVR hazard to high sided vehicles/Diggers/Earth movers

e. Junction of B4555 with B4363 at Oldbury is difficult for long vehicles and would cause issues at peak traffic flows

f. Large vehicle traffic over Bridgnorth low town bridge and Underhill Street

2. Site Access Operational

- a. Current condition of B4555 and further damage by construction traffic will require significant investment
- b. Visitors are presumed to all access site via cars currently, but future could be coaches and the site may employ coaches to take residents to offsite facilities/attractions. B4555 is not wide enough in many places for significant coach traffic, eg issues with school buses and 125 Bus service
- c. Queuing traffic on B4555 awaiting site access □ only 70 yards drive
- d. Site access in winter B4555 is susceptible to closure in periods of snow with vehicles stranded on the hill up to Chelmarsh
- e. Site access from south
  - i. Sat Nav will send traffic via Borle Mill, Highley single track road unsuitable for traffic proposed
  - ii. Traffic speed and overtaking by Bakehouse Lane is already a major issue for Chelmarsh residents, 22% traffic increase by this development will make things considerably worse if traffic speed is not addressed
  - iii. Proposed site access is from B4555 on a steep bank, with high average vehicle speed and minimum splay view angle only
- f. Site access from north
  - i. Blind access via bridge under SVR into potential queuing traffic waiting to make right turn into site
  - ii. Nature of bridge over SVR at Eardington means large vehicle including regular buses need to cross to opposing carriageway to make the turn (however also comment that this is a local historic feature which residents would not like to see demolished)
  - iii. Junction of B4555 with B4363 at Oldbury

3. Pollution

- a. Noise pollution concern for local residents at Astbury and properties around the site
  - i. outdoor activities bars/patio areas, leisure facilities and hot tubs at lodges.
  - ii. noise in evenings and at night is concern eg from events
- b. Light pollution from main buildings, lodges and access roads
- c. Can sewage systems cope with emptying of swimming pools and hot tubs?
- d. Rainwater drainage is proposed to soak a ways □ this will eventually drain to Hay Brook which is already susceptible to flooding in wet winters without this additional volume
- e. Spillage during construction phase
- f. Mud onto the road from construction traffic

4. Local Facilities

- a. Impact on medical and dental services in Bridgnorth and Highley
- b. Can emergency services cope with additional transient population?
- c. Chelmarsh pub is already very popular at weekends resulting in traffic parking alongside B4555 considerations for overspill parking
- d. Parking in Bridgnorth is already difficult especially Saturdays, increase in day trippers from the proposed development will make parking more difficult for residents
- e. Chelmarsh/Astbury have a very poor broadband connection currently, can service for local community be improved when broadband is improved for proposed development

5. General Issues

- a. What happens to current planning permissions (hotel and permanent dwellings) for the site if this scheme is adopted, could these also be progressed?
- b. Can lodges be converted to permanent dwellings in the future?
- c. Could lodges be sold off as individual lots or small packages in future?
- d. What guarantees can local residents have that the roads will be improved, traffic flows to the site will be managed and that noise and light pollution will be controlled by the site operators?
- e. How can agreements made by current developers be enforced if the site is sold on?
- f. How many lodges are proposed in the scheme? John Steven said it was 302 reduced from 315, however the planning applications are for 135 (Valley Lodge) and 140 (Plateau Lodge) = 275
- g. Traffic report has only used data from accidents reported to police, there have been numerous accidents on the road coming down from Chelmarsh village with cars on roof and around the bridge under the SVR which have not been reported, but are known to local residents
- 6. Suggestions made at the meeting
  - a. Park and ride be established at the development for visitors travelling to Bridgnorth
  - b. Operational site access should be via the quarry entrance for traffic coming from north, this alleviates issues at both SVR bridges and right turn into site
  - c. Traffic calming measures on B4555 coming downhill from village
  - d. Speed control measures in Chelmarsh village and right turn island for Bakehouse Lane entrance
  - e. Curfew for noise and light on site, especially outdoor activities
  - f. Right turn reservation on the B4555 for traffic turning right into entrance
  - g. Access to site
  - h. Damage to properties close to road  any compensation for owners of properties?
  - i. Provision to control traffic speed through Chelmarsh Village especially turning to Bakehouse Lane
  - j. Work on the road needs to be carried out before the construction work starts and then repaired prior to the opening of the site

#### 4.2

Eardington Parish Council – Object:

The Council is unable to support either the scheme as a whole or any of the individual planning applications for the following reasons:

- a) The proposed development is out of character and scale for the local area;
- b) It is contrary to the SAMDEV designation of 'Countryside';
- c) The proposal is contrary to Local Plan policies CS5, C16 and C17, MD2, MD11, MD12 & MD13 and national guidance contained within the NPPF which aims to improve the character and quality of an area and the way it functions and conserve and enhance the natural and historic environment by protecting and enhancing valued landscapes and the historic environment;
- d) It does not bring any significant economic and social benefits to the

area or local residents to justify its development;

e) It will create significant long and short-term disruption in the form of traffic generation during the construction phase and when operational;

f)The increase in traffic will cause further deterioration to the already poor local road infrastructure;

g)The potential increase in traffic accidents along the B4555 and adjacent roads;

h)The generation of significant environmental, noise and light pollution which will affect the residents of Astbury Falls, Lower Forge, Eardington and Knowle Sands, which is incompatible with Article 8 of Human Rights Act 1998 which gives the right to respect for private and family life and Article 1 allowing for the peaceful enjoyment of possessions;

i)The generation of significant environmental, noise and light pollution which will have an adverse effect on local wildlife, particularly Eardington Nature Reserve which lies close to the edge of the development site;

j)The adverse environmental impact on the Severn Valley's diverse, fragile and attractive eco system which lies on the edge of the South Shropshire Hills AONB;

k)The suitability of the land for a development of this size without significant earthworks including piling, the formation of bunds and retaining structures;

l) The lack of economic viability assessment to demonstrate there is sufficient demand for a development of this size and scope to support the proposed level of capital investment; and

m)The additional pressure on already hard-pressed public services e.g. Bridgnorth Hospital, Northgate Medical Centre, West Mercia Police, Fire and Ambulance services and petrol filling station.

n)Landowner - human rights

First Protocol Article1 requires that the desires of landowners must be balanced against the impact on residents.

o) SAMDev PolicyMD11, 6 Proposals for new and extended touring caravan and camping sites should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site.

MD11, 7: Static caravans, chalets and log cabins are recognised as having a greater impact on the countryside and in addition (to 6), schemes should be landscaped and designed to a high quality.

MD11, 10: New sites for visitor accommodation and extensions to existing chalet and park home sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites.

4.3 SC Highways– No Objection: Conditions recommended relating to details of

improvements to the access; highway mitigation works; work in accordance with an approved Construction Environmental Management Plan.

4.3.1 It should be noted that the following comments have also taken into account the three other planning applications submitted reference 18/05052/FUL, 18/05078/FUL, and 18/05159/FUL. This approach has been taken to reflect the applicants approach to submitting one Transport assessment (Project code 3659-31<sup>ST</sup> October 2018 Rev D) that incorporates all four planning applications. Any additional or supporting information has also been submitted on the basis it should be considered for all planning applications. The submission of one Transport Assessment is generally supported, as it allows the cumulative impact of the whole of the Development to be assessed. However it is acknowledged that each application has to be assessed on its own merits, and not dependent upon requirements placed upon other applications. It is acknowledged that the Astbury Hall Estate currently has a number of existing extant Planning permissions and these have been partially implemented in terms of the golf course. Any further application has to be assessed on the basis that the site has extant planning permission that could be implemented if required.

4.3.2 It is proposed that the existing access to Astbury Hall is utilised. Additional information has been submitted by the applicant to demonstrate that the junction can operate well within theoretical capacity when fully occupied. The transport assessment is considered to be relatively robust, and presumes 100% occupancy throughout the year. It is considered that this scenario is extremely unlikely, and therefore the figures contained within the Transport Assessment are considered to be a worst case scenario.

Following the original submission of the Transport Assessment, Shropshire Council as Highway Authority raised queries with regard to vehicle approach speeds at the existing access. Subsequently, an additional Automatic Traffic Count was commissioned by the applicant to give an indication of approach vehicle speeds approaching the access from the east. It is considered in view of the average vehicle speeds recorded and that it is an existing access, it is considered that the proposed access and visibility splays are satisfactory for the proposed use and likely number of average vehicle movements that the proposed development could potentially generate. The existing access provide direct access of the B4555 and benefits from good forward visibility. This is considered to be a benefit because drivers can adapt their behaviour if they see a vehicle waiting or emerging from the access, but it is acknowledged is an opportunity for vehicles to overtake.

In terms of the existing access, whilst the applicant has not proposed any improvements, it is noted that the existing access has a flush kerb tie in across the site access with the B4555, it currently has an upstand in excess of 25mm, and therefore as vehicles pull off the Highway, they will do so with caution. In addition, with an intensification of use of the access is likely to become damaged. Consideration should therefore be given to removing the existing kerb line and providing a junction directional sign opposite the access to increase awareness of the access point, so vehicles are able to adjust their speeds on the approach when turning into the site. It is noted that the applicant has subsequently

submitted revised details of access that are contained within Version 3 of the Technical note. It is recommended that a condition is attached to any permission granted that requires construction details as contained within Drawing no. 3659 - 03-A to be submitted for approval and implemented within 3 months of the Development being brought into use, this will allow the majority of the demolition and construction to take place before any surfacing is carried out at the junction.

- 4.3.3 In response to initial Highway comments submitted regarding the contents of the Transport Assessment, the Applicants Transport Consultants undertook further analysis of the likely impact on the surrounding Highway network. They undertook a more robust assumptions based on external visitors and distribute the traffic more towards Bridgnorth. As stated above it is considered that the figures contained within the Transport Assessment are a worst case scenario.

The submitted automatic traffic data indicates that the existing two way flow on the B4555 within the vicinity of the site is within the region of 4000 vehicles per day. Table 3 below, contained within the technical note, version 3 provides an indication of the potential increase in vehicle flows (assuming 90% arrive from Bridgnorth). There are two figures given the likely flow if no Development takes place, and with Development. It indicates that the worst case scenario in the morning and afternoon peak there may be an additional 213 vehicles in each of the peak hours, which is an increase in the likely flows if the Development does not take place. However, as above it is considered that the transport assessment is relatively robust, and presumes 100% occupancy throughout the year, which is extremely unlikely, therefore the figures do not apply if the Development is fully operational. It also assumes that each lodge will make 6 excursions to the local area per week. Whilst the development will be a substantial development for the surrounding area, analysis shows that it will not generate a significant amount of trips compared to the existing number of vehicles already travelling along the B4555.

Whilst both application 18/05052/FUL and 18/05159/FUL seek to provide a number of facilities which could potentially generate a significant number of vehicle movements if delivered in isolation, the applications seek to compliment applications 18/05078/FUL and 18/05079/FUL for the Holiday lodges and potentially significantly reduce the number of visitor trips during the duration of visitors stay. Therefore whilst the cumulative impact of the whole development on the highway may lead to an increase in trips, from a Highways perspective we would be supportive of any application that create a self-contained development where visitors to the lodges leave the site infrequently.

- 4.3.4 Part 6 of the submitted Design and Access statement indicates that the Leisure facilities are intended to be for the exclusive use of holiday makers, and not open to the general public. In terms of Highway impact, then we would recommend that further reassurance of this was provided to control the overall impact of the Development on the surrounding highway network. However it is acknowledged that in order to secure the future viability of the site, these facilities may need to be opened up to the public.

Section 5.3 of the submitted transport assessment provides an indication of the



likely impact if the facilities were to be open to the public and assumes 50% of the trips generated would be external which is considered an acceptable level to form any assumptions upon. Analysis indicates that whilst the facilities would generate additional trips if opened to the public, there is unlikely to be any trips generated in the morning peak, only trips in the afternoon peak and weekends.

- 4.3.5 We are satisfied from a Highways perspective that if the facilities were open to the public the impact on the Highway network would not be significant, therefore we would not require any controls over the use of these facilities (i.e. private residents only) based on the information provided. Despite the above, we would seek clarification with regard to the likely scale of the 'substantially reduced fee and usage by immediate locals' it is assumed that this is a minimal number of properties in the local area that are impacted directly by the construction.

Concerns have been raised with regard to capacity on the surrounding network of the cumulative impact of the whole Development in particular the impact on the junctions in Bridgnorth, most notably B4555/B4363 and Oldbury Road/Hollybush Road. Whilst no specific analysis has been undertaken with regard to capacity at these junction, it is considered that the increase in trips generated by the proposed development compared to the number of existing vehicle movements will not be significant enough to reduce capacity at the junctions within Bridgnorth.

Automatic Traffic data indicates that the existing two-way average daily flow on the B4555 is within the region of 4000 vehicles, and approximately 2000 vehicles per day on the B4363. Underhill Street/Hollybush Road has a two way daily flow of approximately 12,000-14,000 vehicles a day. Based on the information submitted, it is acknowledged that the Development will increase the number of vehicles movements along the B4555, and the surrounding Highway network, however, the figures contained within the Transport Assessment and Technical note are worse-case scenarios when the Development is operating at full capacity. It is not considered that there is material grounds to consider a highways refusal for any of the applications submitted. Shropshire Council as Highway Authority would need to demonstrate that the B4555 and surrounding Highway network do not have the capacity to support a Development of this nature. It is not considered a Highway objection could be sustained on this basis.

- 4.3.6 Despite the above, it is acknowledged that the Development will attract an increase in the number of existing vehicle movements on the surrounding highway network and attract drivers that are not familiar with the highway network conditions. Therefore the proposed mitigation works are welcomed. The concern with regard to the delivery of the works is that they are intended to deal with the cumulative impact of all developments therefore consideration needs to be given to the appropriate timing of these works, which will not significantly impact on the construction of the development, and deteriorate prior to occupation, and also unsure they are delivered in a timely manner, and are not dependant on the commencement of one of the four application. It will therefore be our recommendation that a condition is placed upon each application that requires the works to be completed prior to the occupation or opening of any of the facilities which forms part of the current applications.

It is the applicants intention to deliver these works themselves, through a Section 278 agreement (Highways Act 1980) the details of the works can be agreed through the Section 278 technical approval process. However, the applicant following a request has submitted draft details of the proposed improvements. It is considered that these proposals are acceptable in principle, with the exception of Section 2 proposals however the exact details of the works could be agreed and secured through the Section 278 agreement. The conditions of the Highway is constantly changing therefore whilst we can agree the scope of the works in order to determine the application maintenance works may be undertaken between the granting of permission and the delivery of the Section 278 works.

4.3.7 The proposed mitigation works are discussed in more detail at paragraphs 6.5.15 to 6.5.15.3 below and are the same package of measures as proposed in the associated applications 18/05052/FUL and 18/05078/FUL which are the subject of reports earlier on this agenda.

4.3.8 Construction traffic: It is acknowledged that the current state of repair of some of the existing Highway network within the vicinity of the site has deteriorated, however Shropshire Council have planned Highways works programmed to address some of these issues, therefore the condition of the Highway is an evolving matter. As per Section 2.3 of the submitted technical note, Shropshire Council as Highway Authority have the powers under Section 59 of the Highways Act 1980 to recover additional costs of road maintenance. It is therefore recommended that a planning condition is placed upon any permission granted that requires the applicant to undertake a joint road condition survey of all proposed construction routes prior to commencement to identify the existing condition of the Highway network and any works required to facilitate the level of construction vehicles using the routes. The Construction Environmental Management Plan should include, in addition to the measures identified in the submitted technical note, a contact responsible for community liaison, point of contact for residents experiencing any disturbance during construction and a banksman stationed at the construction access to assist heavy vehicles in entering and leaving the site.

4.4 SC Drainage – No Objection:  
The proposed drainage strategy in the Flood Risk Assessment is acceptable in principle. The final drainage details, plan and calculations shall be submitted for approval. Full details, plan and sizing of the proposed package sewage treatment plant including percolation tests for the drainage field should be submitted for approval.

Recommend pre-commencement planning condition requiring a scheme of the surface and foul water drainage to be submitted and approved.

4.5 SC Regulatory Services – No Objection:  
The applicant is advised to familiarise themselves with the following document published by the Communities and Local Government, Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 Section 5.

For information in relation to caravan site licensing including an application form please visit Shropshire Councils web pages.

4.6 SC Rights of Way – Comment:

There are various Public Footpaths that run over the grounds at Astbury Hall. It appears that they have been taken into consideration within the Design and Access Strategy and incorporated within the design, however the southern section of the rights of way will need to be checked as it appears that the lines of the footpaths that are shown on the masterplan do not correlate with the actual Definitive line of the footpaths and lodges could affect one of the footpaths.

The network of Rights of Way must be taken into consideration at all times both during and after development and the applicant also has to adhere to the following criteria:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

4.7 SC Trees – No Objection:

I have reviewed the Arboricultural Report and Arboricultural Impact Assessment (JCA, ref: 14421/TT) submitted in association with this application and I can report that I agree with its findings and recommendations. The tree removals outlined in the tree report and shown on the tree removals plan (WD808-TR01) are limited to half a dozen immature category 'B' trees to be removed to enable construction of the proposed spa and gym, and a number of other dead or damaged trees which need to be removed on safety grounds, considering the proposed future use of the site.

As shown on the Landscape Master Plan (WD808-MP01 Rev A), this limited tree loss would be compensated by significant amounts of new tree and woodland planting and other habitat creation to enhance the landscape and wildlife value - retaining, expanding and interconnecting green infrastructure within and around the site. The landscape details are yet to be finalised, but I would suggest that woodland creation and tree planting within informal areas should utilise native species of local provenance, ideally planting stock grown from seed collected within Shropshire, or the closest available alternative. However, it is recognised that particular attributes of exotic species may be preferable to meet specific design objectives in formal planting situations. Final landscape plans should be prepared and submitted in accordance with BS8545: 2014 – Trees, from Nursery to Independence in the Landscape.

I note and support that suitable construction methods are to be employed in order

to avoid or minimise damage to retained trees and woodland, including ‘no-dig’ construction (cellular confinement system) for footways and vehicle routes within the root protection area (RPA) of retained trees, and the fact that no lodge foundations are to fall within the RPA of retained trees. However, full method statements and tree protection plans, in accordance with BS5837: 2012 – Trees in Relation to Design, Demolition and Construction, have not been provided at this stage.

Also, the tree report makes reference to unquantified and unspecified tree removal and facilitation pruning to enable the construction of bridges, where paths and service roads cross water courses at various points within the site. This is somewhat vague and open-ended and I would recommend that full details of necessary facilitation tree works, encompassing both construction of the bridges but also any pruning necessary for creation of the paths and roads and for installation of any of the lodges, are provided prior to commencement of any approved development on site. All works should be specified by a competent arborist and carried out by qualified arboricultural contractors in accordance with BS3998: 2010 – Tree Works.

I also note from the Design & Access Statement (page 8, Burke Richards, October 2018) that electrical, IT and water services are to follow buried service trenches at the side of the finished roads. Whilst this is beneficial from the perspective of minimising future road disturbance during any repairs, installation of the service trenches in such a fashion could cause extensive damage to tree roots, where the trench passes within the RPA of retained trees. Similar damage may be caused during installation of surface water or foul drainage infrastructure. It should be a principle of the development that any subterranean pipes, ducts and cables or soakaways be routed or located outside the RPA of retained trees. Where this is not possible, a task specific method statement should be provided to show how such work will be designed, implemented and monitored in order to avoid damaging or harming retained trees.

In conclusion, I do not object to this application on arboricultural grounds. Recommend attaching conditions relating to the approval of an arboricultural method statement and tree protection plan and the development being carried out in accordance with those details; approval and implementation of tree and shrub planting scheme, and the replacement of any losses on any permission granted.

(Case Officer comment: Additional planting information has subsequently been received with regard to the planting details and their execution).

- 4.8 SC Ecology – No Objection: Conditions and informatives (relevant to the proposals contained in this application) recommended relating to pre-commencement surveys for badgers and otter; appointment of an ecological clerk of works; approval of an external lighting plan and habitat management plan; protection of watercourse with 20m buffer zone during construction; approval of a construction environmental management plan.
- 4.8.1 Several trees/wooded areas have been identified as having bat roost potential (see summary table). The wooded corridor of the Mor Brook forms a particularly

significant foraging and commuting corridor for bats, and notably has potential to support commuting horseshoe bats. No significant terrestrial habitat loss is foreseen by the development, including commuting and foraging opportunity. There will be a minimum 20m buffer from the brook to development, lighting will be controlled on site, and bat boxes will enhance the area for roosting bats.

- 4.8.2 No works are to be undertaken on any buildings on site offering bat roosting potential until Phase 2 surveys have been undertaken and the appropriate licences and forms of mitigation have been put into place following the survey findings. For buildings considered to be of 'high' bat roosting potential (B1, B3, B4 and B8) these will require a minimum of three (3) activity surveys undertaken between May – August 2019. At least one (1) of these surveys must be a dawn re-entry survey. Buildings considered to be of 'low' bat roosting potential (B11) will require a minimum of one (1) activity survey to be undertaken between May – August 2019. Phase 2 bat surveys will help to determine the type and size of a bat roost and the species involved. They will also assist in determining the type of mitigation (or enhancements) which may be required for each individual roost. Mitigation considerations will include any loss / impact upon known bat roosts and foraging / commuting habitat, or any factors which may be likely to impact upon bats or their roosts, such as lighting and noise pollution.
- 4.8.3 A number of on-site enhancements are to be designed and implemented on site once development plans and timings are more clearly understood. As the current planning application does not impact the buildings identified above, no further survey work is required to support this proposal.
- 4.8.4 No direct impact upon badger setts is foreseen by the development, and no significant loss of foraging and commuting habitat will be lost due to the works. A pre-commencement check of any existing sett or mammal hole on site is to be undertaken by an ecologist. A site walkover will determine any change in status of badger setts on site. If any badger excavations are present within areas proposed for development then works may not take place within these localities until appropriate mitigation measures are put into place. If sett closure is required then a licence must be sought from Natural England.  
A badger Method Statement must be adhered to during the course of the works to mitigate any potential impacts upon badgers or their setts. All works taking place on site prior to a badger development licence (if necessary) must remain a minimum of 20m from the nearest badger sett entrance.  
Any artificial lighting during or post-development is to be directed away from any vegetated boundaries/ hedgerows and all future external lighting will be of the Passive Infra-Red type, set on a short timer and orientated towards the ground, or be the low level pole led pathway lighting.  
During development, an Ecological Clerk at Works (ECW) will make regular compliance visits to the site to ensure that no badgers are excavating new setts in the development area, no badger(s) or setts are impacted upon, and the badger method statement is being adhered to.
- 4.8.5 The site is considered to offer a variety of terrestrial habitats which offer low-to-high suitability for GCN. No significant terrestrial habitat loss is foreseen by the development, including commuting / foraging habitat, refugia opportunity or water

sources. There is potential for minimal disturbance during the construction phase of the development, including potential hazards such as trenches and bore holes. Reasonable Avoidance Measures are detailed within the great crested newt report by Pearce Environment Ltd which are to be strictly followed throughout the works to mitigate potential impacts upon newts on the site.

- 4.8.6 The following mitigation strategy is considered the most pragmatic approach to mitigate against potential negative impacts upon GCN during and post-development, negating the need for a development licence from NE, and must be strictly adhered to:
- Any works likely to impact upon GCN (such as ground works in any areas considered to offer good terrestrial habitat for GCN) are preferably to start no earlier than 30th September and finish no later than 1st March and when night time temperatures do not exceed 5oC (when newts are least active and unlikely to commute across the application site) – should this be unfeasible, an Ecological Clerk of Works (ECW) must be present to supervise any sensitive works outside of this timeframe;
  - The removal of any scrub/ tall ruderal vegetation/ rough grassland is to be minimised, wherever possible – where required, it must be undertaken when temperatures exceed 5oC (when newts are least likely to be hibernating) and under supervision from an ECW following a detailed hand search;
  - The removal of any potential artificial refugia (such as fencing materials) must be done so under supervision from a an ECW following a detailed hand search;
  - Monitoring visits by an appointed ecologist will ensure compliance with this strategy.

Should this mitigation strategy become unworkable, impractical or insufficient (in the opinion of the appointed ecologist) at any point during the development, an alternative must be designed and implemented.

- 4.8.7 The creation of a minimum of ten hibernacula throughout the application site is recommended as an enhancement (preferably located on/ near to favourable amphibian habitat and/ or near to suitable standing waterbodies/ appropriate SuDS), to be agreed upon between the appointed ecologist and the client/ developer.
- 4.8.8 Sustainable Drainage Systems are proposed for the development, to afford drainage to each cluster of lodges. This will, in turn, provide additional green areas for wildlife, including detention basins, ponds and wetland/ marshy areas, which are anticipated to provide enhanced habitat for amphibians and may create suitable habitat for breeding. Appropriate management of any existing ponds on the site would also be a welcome enhancement.
- 4.8.9 A female slow worm was recorded in shaded ride close to the Mor Brook watercourse at a location south east of the Astbury Hall. A reptile survey was undertaken. Pearce Environment Ltd recommend that sensitive works are to be supervised by an ecologist throughout their duration. All development works are to adhere to Reasonable Avoidance Measures detailed in a method statement for herptiles of this report, to reduce the likelihood of killing, injuring and/ or disturbing any reptiles (if present) and/ or common amphibians on the site during the

development, as a precautionary measure. Habitat enhancement prescribed as part of the pre-existing landscaping design for the whole application site, which includes the incorporation of heathland areas into the plans, will provide enhancement for reptile species, particularly within the northern portion of the site.

- 4.8.10 Otter spraint was confirmed in 2 locations along Mor Brook. An otter report has been undertaken. Pearce Environment Ltd recommend that works on or with 20m to Mor Brook are to be supervised by an ecologist throughout their duration. A Method Statement detailing RAM's are to be strictly adhered to during the works. Further enhancements include the creation of a dedicated artificial otter holt. Although the habitats associated with the southern half of the section of Mor Brook surveyed offer holt-building opportunities for otters, none were found during the survey. The whole stretch of Mor Brook present on the site provides a 'dark corridor'. Various other habitats suitable for shelter, commuting and foraging otter(s) exist throughout the local landscape, and are well-connected with the site.
- 4.8.11 A 20m development buffer around Mor Brook must be established in order to mitigate against any potential negative impacts upon otters. This buffer area is to be kept free of light pollution and any essential works required within this area are to be supervised by an Ecological Clerk of Works (ECW) and/ or may require further mitigation to be put in place, where necessary. Reasonable Avoidance Measures (RAM's) detailed in an otter method statement in of this report must be adhered to. Further enhancement of the site for otters is recommended, by way of artificial otter holt creation.
- 4.8.12 Brown Hare have been recorded on the golf course, works should following a method statement to protect hares during and post development.
- 4.8.13 The likely absence of water voles along the stretch of Mor Brook bisecting the application site was confirmed following a Phase 2 water vole survey undertaken by Pearce Environment Ltd during 2018. No field signs pertaining to this species were found during the survey and the habitat suitability is deemed as being sub-optimal. Given the likely absence of water voles within the stretch of Mor Brook present upon the application site, and considering the sub-optimal water vole habitat suitability this watercourse is deemed to offer, negative impacts upon water voles as a result of the proposed development are highly unlikely.
- 4.8.14 Phase 2 dormouse surveys were undertaken by Pearce Environment Ltd during 2018 where it was concluded that although no evidence was obtained indicating dormouse presence on site, their presence should be assumed owing to the large areas of excellent suitable habitat on site and extensive connected habitat in the wider landscape. Pearce Environment Ltd recommend that sensitive works are to be supervised by an ecologist throughout their duration. A number of potential habitat enhancements may be viewed within the dedicated dormouse report by Pearce Environment Ltd. Where suitable habitat features are likely to be impacted upon an ecologist must be present to oversee these works, to ensure dormice are unaffected.

Habitat enhancements are however recommended to increase the site suitability for dormice. Enhancements may include suitable woodland management regimes, the addition of dormouse nesting boxes and increased connectivity to the wider landscape.

All works are to cease immediately if a dormouse or dormouse nest is discovered on site at any point during the development.

Visitor pressure on the surrounding habitat is expected due to the development. To mitigate against these impacts, the following should be observed:

- A buffer strip of mixed native fruiting tree species of local provenance should be planted between current woodland areas and proposed development to avoid impact on current woodland, where possible;
- A grassland buffer of minimum 10m should be implemented between areas of valuable habitat and new buildings and infrastructure to minimise disturbance to dormice, where possible;
- Positioning and design of artificial lighting installed throughout the site should; (a) Avoid glare and sky glow, (b) enable automatic switch off at 'quiet times' of the night when not needed, and (c) filter out blue and ultraviolet light.

An additional enhancement to the site will be to install 50-100 dormouse nest boxes across the site. These will provide additional nesting opportunities for dormice and will enable monitoring of the species throughout and beyond the development.

#### 4.9 SC Conservation – No Objection:

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, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2018, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

This application is one of four relating to the redevelopment of Astbury Hall and its associated land to form a holiday lodge park with associated infrastructure, landscaping, bar/restaurant and leisure facilities. This application in particular relates to the installation of 135 holiday let lodges with raised decked areas; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Valley Lodge Phase).

Astbury Hall itself is a fine residence, although not listed it would be considered to be a non-designated heritage asset worthy of protection under NPPF policies, particularly paragraph 197 which states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*



Due to the scale of the holiday lodge park proposed the application has the potential to impact upon wider heritage assets. A Heritage Impact Assessment and Landscape and Visual Impact Assessment have been submitted to accompany the application which is useful to identify key nearby heritage assets that could potentially be affected by the development and key landscape views. It is noted however that specific views from all nearby listed buildings and wider heritage assets including the registered park and garden at Dudmaston have not been included. These would be useful.

Having reviewed the above mentioned reports and undertaken a site visit to view the surroundings of the site it is concluded that in general the development would not have any significant direct visual impact upon the closest listed buildings. There may be some views from the edge of Chelmarsh conservation area, however due to the topography of the land, the proposed layout, landscaping and planting and due to the nature of the proposed lodges and their materials, in general the impact upon these views would be considered to be at the lower end of less than substantial. It is also noted that the wider setting of Astbury Hall itself would be impacted by the lodge development, however this would also be considered to be a level of harm that would be at the lower end of less than substantial. Any harm to the setting of nearby heritage assets should be weighed against the public benefits of the proposal which appear extensive in this instance.

Due to the scale of the proposed development it has the potential to impact upon wider landscape character and more distant views and assets, it may be appropriate to assess the visual and landscape impact of the application from further distances.

#### 4.10 SC Business Growth and Investment – Support:

In response to the economic impact assessment related to planning applications for the redevelopment of Astbury Hall, the Economic Growth Service are fully supportive of the redevelopment of the existing site to support a new fully developed leisure, hotel and community facility. The proposal signifies the ability to offer a provision that will not only rejuvenate a currently disused golf course operation, but create a facility that supports to drive new visitors to a rural part of the county and support businesses within both the wider visitor economy sector and those benefiting the broader local community.

The visitor economy sector is one of the most significant within Shropshire and with the broad range of attractions available, high visitor numbers and the value that this brings to the Shropshire economy, this application provides a significant opportunity to support in continued economic growth within this sector. This opportunity also has the potential to create a truly national and even international facility, supporting to develop Shropshire's position firmly on the map as a destination to visit and stay and delivering increased spend in this locality. Key to this is also the sites ability to support the delivery of jobs from across a range of skill sets, reducing the need for residents to commute outside of the Shropshire area for employment.

As outlined, consider that this opportunity should be fully supported on the basis

of its ability to deliver economic growth through the attraction of new inward investment, continued development of a key industry sector and the delivery of new jobs both for the site and the wider opportunities this will attract within the locality.

4.11 SC Archaeology – No Objection:

The proposed development involves the installation of 135 holiday let lodges with associated infrastructure including car parking areas, footpaths/cyclepaths and roadways, and foul water treatment plants on land to the southeast of Astbury Hall. The Valley Lodge Phase is sited on land that has previously been subject to some landscaping. A heritage impact assessment (Centre of Archaeology, October 2018, Project No. P18-07) has indicated that while there are no known archaeological features within the proposed development area there is a low possibility for preserved archaeological remains in areas unaffected by the late 20th century quarrying and landfill; however the heritage impact assessment does not identify the extent of the areas affected by these works. Vertical aerial photography from the 1980s (Cartographic Services Ltd) suggests that the southern part of the Plateau area may have been excluded from the quarrying and landscaping. The proposed development site therefore is considered to have a low archaeological potential.

RECOMMENDATION:

In the light of the above, and in relation to Paragraph 199 of the NPPF (Revised 2018) 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 programme of archaeological work should comprise a watching brief during ground works associated with the development. An appropriate condition of any such consent would be: -

Suggested Conditions:

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.

4.12 National Trust (19.12.18) – Object:

Astbury Hall is seen from the western side of the historic park at Dudmaston, which is owned and managed by the National Trust. Elements of the existing golf course can also be seen as can land on which the lodges and leisure facilities are proposed. The National Trust objects to the proposed development for the reasons set out below and in greater detail in a letter sent to the council. We would welcome the opportunity to meet with the council's planning officer and with the applicants and their consultants to discuss our concerns.

The proposed development potentially harms the setting of designated and undesignated heritage in National Trust ownership. These impacts have not been

assessed even though the assets are within the study area identified by the applicant's heritage consultant. We therefore object to the proposals on the basis of a failure to comply with the requirements of NPPF paragraph 189.

The proposed development potentially affects sensitive visual receptors at Dudmaston. These impacts have not been assessed in the application. We object to this lack of assessment of visual impacts.

The proposed development potentially has landscape effects at Dudmaston. These impacts have not been assessed in the application. We object to this lack of assessment of landscape impacts.

The National Trust is also concerned about the effects of the proposed development on the landscape character of the wider area, particularly considered cumulatively with the numerous caravan parks along the Severn Valley.

We are concerned at the potential night time light-polluting effects of lighting at the development. We consider that as a general issue this has not been addressed sufficiently in the submitted information. Like every other impact, it is not assessed at all in relation to Dudmaston.

4.13 Shropshire Wildlife Trust (20.12.18) – Comment:

The development could be considered a Schedule 2 project under the EIA regulations (Schedule 2, part 12 (c); (e) and (f) of the EIA Regulations 2017).

The numerous ecological reports appear acceptable and would concur with, and welcome, the recommendations including:

- ☐ A minimum 20m development buffer around the Mor Brook
- ☐ Creation of hibernacula for great crested newts
- ☐ Inclusion of barn owl nest boxes
- ☐ Management of grassland to enhance barn owl foraging resource
- ☐ Dedicated (and permanent) barn owl nesting space in the rebuilt stables
- ☐ Buffers between development and woodland habitat
- ☐ Introduction of woodland management
- ☐ Habitat creation to benefit dormice
- ☐ Dormice nest box scheme

However it would appear that the proposed development needs to be repositioned to enable even the minimum buffer distances to be met. The access road, a number of lodges, some proposed infrastructure and cut and fill operations all fall well within the minimum 20m buffer from the Mor Brook. A number of lodges also seem to be in close proximity to existing habitat suitable for dormice.

We would also suggest that, rather than the underground attenuation proposed, more natural SUDS solutions are considered. These could potentially be located within the recommended buffer zones and would certainly contribute more to biodiversity than the underground options. The new ponds shown in the landscape plan should be designed and managed to maximise biodiversity

benefit and provide newt habitat.

To ensure the desired biodiversity protection and gains are delivered a biodiversity management plan should be agreed, delivered and monitored. A qualified ecologist should provide compliance reports to confirm the actions (and conditions) have been suitably discharged.

4.14 Bridgnorth Town Council – Comment:

That Bridgnorth Town Council supports the application submitted and provides the following comment:

The development proposal appears to be of a high quality and fits with the locale. An increase in visitor accommodation to the area is seen as a positive.

There is the potential for some significant economic benefits to Bridgnorth through increased tourism and linked visits to the retail offering and attractions in and around Bridgnorth.

We note that the developer has taken the effort to meet with those parish councils (including Bridgnorth) that are either directly or indirectly affected in an attempt to understand difficulties (that are likely to arise with any development) as well as local interest groups (Severn Valley railway and the Chamber of Commerce.

Any development will require some mitigation or thoughtful consideration of the neighbourhood and its residents. A number of matters would benefit from thoughtful consideration:

- Enhancements to (or contributions towards) the footpath between the site and Bridgnorth to provide a sustainable transport link.
  - The opportunity for the developer to provide site based shuttle transport to and from the site to desirable local destinations (e.g. Bridgnorth/ Severn Valley Railway).
  - Improved cycle access to/ from and in close proximity to the site (the site is within easy reach of National Cycle Route 45).
  - The highways adjoining and leading to the site will need to be improved to cope with the increased volume of traffic expected.
  - The opportunity for the increased viability of public transport routes from rural communities.
  - Site access causing disruption to local residents during the construction phase.
- Bridgnorth Town Council has noted the comments of those parishes that are likely to be more directly impacted by the proposed development and is of the opinion that they each contain some reasonable comments that will need addressing by the local planning authority.

4.15 - Public Comments

6 Objections:

- Change our rural village completely
- Infrastructure of area will not support such a large development
- Create a major problem with volume of traffic and road surfaces with difficult narrow road conditions.
- Access on dangerous section of road and is hazardous to cyclists and road is

- part of the National Cycle Route 45 ; no street lights and no pavements
- Negatively impact on Knowlesands area even if traffic advised to use Bridgnorth by-pass
- Impact negatively on fragile River Severn Bridge and create major traffic problems in Low Town
- Will affect visual beauty of area as well as the eco system
- Not sustainable tourism – too large and out of character
- Visitors to the complex will use their own vehicles to visit local places of interest, impacting on traffic volumes
- Light pollution and noise pollution spoiling the quiet country life style
- Adverse impact on wildlife particularly within Eardington Nature Reserve and on Mor Brook wildlife corridor.
- Could lead increased footfall in the nature reserve and associated risks of wildlife disturbance and litter.
- Could potentially impact on nocturnal wildlife use of the reserve especially by bats and night flying birds.
- Increased noise and air pollution from additional traffic
- Little or no benefit to the surrounding area
- Would be the size of a small town
- Public right of way which runs from the lane close to Astbury Hall to the B4555 would be ruined by the proposed development; view from the north end is typical Shropshire landscape, a valley of woods and fields would be changed forever.
- B4555 road not fit for purpose for the transportation of hundreds of lodges.
- Land stability issues in area and the proposed drainage system feeding to the Mor Brook likely to exacerbate this instability.
- Suggest quarry entrance as an alternative to the current main entrance.

4.16

2 Letters of support.

- Some members of the older community have a totally different attitude to development and change compared to the younger generations.
- Believe that well over 80% of customers to the Bulls Head are greatly in favour of this dynamic, inspired and enterprising development that offers them, their families and their children opportunities for their future.
- Offers the promise of a great number of vary varied jobs within and outside of the estate with suppliers and sub-contractors.
- Anything which is to assist in reducing daily commutes to Wolverhampton, the Black Country and beyond should be encouraged.
- New jobs in the area must be greatly encouraged given present uncertainties.
- Continued success of own business depends very much on continuing to attract more visitors to Shropshire.
- Believes that existing visitor attractions in the wider area would benefit from this development.
- In line with the economic objective of the National Planning Policy Framework and proposal would meet all the Government stated criteria.
- Also meets Local Development Plan aim to deliver high quality, sustainable tourism, cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities.
- It could be a major turning point for the County in attracting further and totally new investment.

-Would make contributions in local business rates and taxes, enabling the local authorities to also make much more well needed investment in this area.  
This is an extraordinary once in a lifetime opportunity that should be welcomed by everyone.

4.17 Bridgnorth Chamber of Commerce – Support:

The development will have a positive effect on tourism generally in the area, and the Chamber believes this will be beneficial to its members and other businesses in Bridgnorth, providing a much needed boost to the local economy. The developers advise they believe £3.5 million per annum will be added to the economy in the area, the Chamber considers this will have a substantial impact.

The development will create up to 120 jobs which again will be beneficial to the local economy. The Chamber hopes many of these positions will be filled by local people in a rural area where job opportunities currently are limited.

The Chamber has taken note of the desire of the developers to use Eardington Halt as a means of access to the site for visitors travelling by train, so reducing the impact on the local road network, and sees this as a positive way to mitigate any negative impact from increased traffic, as well as being beneficial to our member, Severn Valley Railway Company Ltd.

4.18 Severn Valley Railway – Support:

The SVR are working with the development company and can see many ways in which the development will benefit the SVR and the local area.  
We will be looking to open the Halt to the guests at Astbury Estate and even offer the option that they can arrive by train.

4.19 The Ramblers – Object:

This Objection is to not only this Application but also to 18/05078 & 18/05079, and concerns the considerable change that these developments would cause to the view from footpath 0116/23A/4 which leaves the minor road close to Astbury Hall at SO72348934 at a height of 66 metres. At this point there are wide views over countryside to the east across the site to be developed as the 'Plateau', which will totally change the rural aspect of the view from this point. The footpath then crosses some 200 metres of rough grass, above further proposed development, to join the 'access track' through the site at about the same height at SO72398914. At this point there is a wide view to the south and south-east over falling ground (the Valley site), which will be considerably changed by the various aspects of this proposed development. Walkers will be in constant view of lodges until they have passed the old 'farm buildings' and turned west on footpath 0116/25A/2 across the Golf Course towards the climb up to Chelmarsh via one of the available Rights-of-Way. (Please note that footpath 0116/23A/3 leading towards bridleway 0116/8/3 across the B4555 has been omitted from the masterplan, which I think might be based on an out-of-date O. S. map). For a distance of at least 1 kilometre, probably 15 minutes walking time, walkers will have to pass through a landscape vastly different from what is currently available. It may not be completely unattractive, but it will be a considerable intrusion into what is currently attractive open countryside with far-ranging views. As a result, we object to the scale of this proposed development and the change it will cause

to the walking environment.

## **5.0 THE MAIN ISSUES**

Principle of development  
Siting, scale and design of structures  
Impact on visual amenity and rural character of area  
Impact of Heritage Assets  
Highway Safety  
Ecology  
Drainage  
Residential Amenity  
Rights of Way

## **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.

6.1.2 Core Strategy policy CS5 advises that within the countryside proposals will be supported in principle where they relate to sustainable and rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17. Policy CS16 seeks the development of high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. It specifies that in rural areas proposals must be of an appropriate scale and character for their surroundings and, if not close to or within settlements, be associated with an established and viable tourism enterprise where accommodation is required. Astbury Hall falls within the latter category. (CS17 is discussed in 6.2 below). Core Strategy policy CS13 relating to economic development, enterprise and employment is also supportive of rural enterprise and diversification of the economy, in a number of specified areas which include green tourism and leisure.

A further material planning consideration in this case is that the applicant could continue with hotel and holiday accommodation schemes under planning permissions 98/0829, 06/0435, 14/00794/FUL and 14/03609/FUL as those permissions have been implemented, securing those consents for all time.

6.1.3 The Site Allocations and Management of Development (SAMDev) Plan policy MD11 relates specifically to tourism facilities and visitor accommodation, advising that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements of other listed Development Plan policies and national guidance. With specific reference to visitor accommodation in rural areas, policy MD11.7

recognises that static caravans, chalets and log cabins can have a greater impact on the countryside and such schemes should be landscaped and designed to a high quality. The requirements of policy MD11.8 are met by this proposal because the holiday let development would conform to the legal definition of a caravan. The application site does not fall within the Severn Valley and therefore does not conflict with policy MD11.10 which resists new sites for visitor accommodation and extensions to existing chalet and park home sites in the Seven Valley.

- 6.1.4 The above Development Plan policies are wholly in accordance with the National Planning Policy Framework (2018) which advises at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. It is supportive of a prosperous rural economy and at paragraph 83 states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.1.5 There is, therefore, no in principle planning policy objection to the current proposal. The acceptability or otherwise of the proposed developments rests on the detailed planning considerations considered in turn below.

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

6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 127 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate an appropriate amount and mix of development.

6.2.2 The indicative design of the holiday lodges proposed, as described in paragraph 1.8 above, show an innovative approach to the design of caravan units. SAMDev Plan policy MD2 (Sustainable Design) expands on policy CS6 in seeking to ensure development contributes to locally distinctive or valued character and existing amenity value and advises at MD2.3 That development proposals should:

“Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”

It is considered that the proposed built form of the holiday lodges would achieve these design objectives. While the drawings of the holiday lodges are labelled as indicative they demonstrate the design ethos for the development. The precise



details of the holiday lodges installed, in the event of planning permission being given, may change. This is a matter on which a planning condition attached to any approval would specify that the holiday lodges stationed on the land would be of the form and appearance shown on the submitted drawings, or any alternative drawings which have first been approved in writing by the Local Planning Authority. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11.

6.2.3 The proposed design for the vehicular bridge, with brick parapet walls and central pedestrian refuge features, would be simple, unobtrusive and appropriate to this rural setting. The design of the bridge would ensure that there would be no obstruction to flows in the brook. (This bridge is also included in application 18/05078/FUL and is repeated in this application due to it being required to connect the current application site to the main Hall access road).

6.2.4 No objections have been raised to the designs by the Council's Conservation Team and the approach taken accords with pre-application advice that was given.

### **6.3 Impact on visual amenity and rural character of the area**

6.3.1 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors.

6.3.2 SAMDev Plan policy MD11.2 states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) and a Heritage Impact Assessment (HIA) to address these matters. The latter is considered in section 6.4 of this report below. Both these documents have been amended in response to comments from The National Trust that the original documents did not take account of the Dudmaston Estate situated to the east of the River Severn.

6.3.3 The amended LVIA submitted has considered the impact of all four applications together as it is the intention, in the event of planning permission being given, for the works contained in them to be delivered as a single build programme and the cumulative impact of all elements has to be taken into account. It contains a contextual description of the features that form the landscape; identifies landscape character areas making up the applications sites and the wider site context as being the Mor Brook Valley; Former Quarry Plateau, Astbury Hall and Golf Course; Western Farmland Escarpment; Chelmarsh; River Severn Valley; Eardington; Quatford Escarpment and the Dudmaston Estate. The main landscape receptors identified in the document comprise of the Mor Brook valley; the plateau; the mature woodland; the golf course/Astbury Hall/Astbury Hall Farm/residential buildings; Chelmarsh/western farmland; Severn Valley; and Dudmaston Estate.

It is considered that this basis for the analysis is sound.

- 6.3.4 The measures that would be incorporated in the proposed development as a whole, to minimise or mitigate landscape/visual impact would include not just a reliance on screen planting (Which would take time to establish) but also through the creation of a gently rolling landscape by balanced cut and fill contouring. The chalet clusters on the plateau area would be set within sinuous mounding and the eastern boundary would be gently built up to provide further screening. The associated car park areas would also be cut into the ground and/or screened with “Devon Banks” and planting. In addition to the grading works native tree, shrub and wildflower meadow planting would create further screening and assimilation of the lodges into the landscape. The lodges would be cut into the ground where possible; would not go into the woodland along the Mor Brook.
- 6.3.5 From this context the LVIA carries out an assessment of the construction effects on landscape character, and an assessment of operational effects on landscape character. The receptors of potential visual impact assessment includes footpath and road users in addition to those listed in 6.3.4 above, with distant views (>1km); middle-distant views (0.25 – 1km); close views (0.25km) and important buildings. The viewpoints selected for the assessment are detailed and, with the amended LVIA taking account of the Dudmaston Estate, are considered to be appropriate with no significant omissions.
- 6.3.6 The LVIA concludes that some two thirds of the existing site can be considered “semi artificial” (golf course, former quarry, Astbury Hall/car park) with only Mor Brook Valley being regarded as landscaper and visually sensitive. The existing leisure amenity golf course and flat reinstated quarry field means that the significance of effect on landscape character during the construction period would be temporarily ‘minor adverse’, mainly as a consequence of topsoil stripping and the movement of earthworks equipment. The significance of effect on landscape character during the operational stage of the project is predicted to be ‘minor adverse to negligible’. The character of the landscape would not change from that of a semi artificial golf course and protection of the key landscape elements (The Mor Brook Valley and the woodlands) would ensure no detrimental impact on the overall character. Sensitive receptors of the Dudmaston Estate would not be affected. It comments that the mitigation measures would, in time, see a slight beneficial impact on landscape character in the form of greater biodiversity and ecological protection/management. The location and design of the leisure facility building would not be intrusive from the landscape impact perspective. Visual impact during construction would be essentially confined to sections of public right of way and the residents near Astbury Hall, and as a consequence the significance of visual impact during construction is considered ‘minor adverse’. Visual impact following completion of the project would be limited to the same receptors, and would in time be further diminished with the establishment of mitigation planting. The significance of effect on views is predicted to be ‘minor adverse’.
- 6.3.7 The term ‘minor adverse’ used in the landscape impact analysis means that *“the proposals would be slightly at variance with the existing landscape character; can be largely mitigated with only small residual adverse effect.”* The residents of

Astbury Lane would experience a moderate deterioration in existing view which, with mitigation over time would shift to a 'moderate adverse' effect. From the Dudmaston Estate the verifiable montages supplied show that the lodges would be almost entirely unseen from this receptor. Due to the distances involved, existing and proposed topography and the lodges/landscape design the LVIA concludes that the proposals would be invisible from Dudmaston Hall and parkland, and barely visible (glimpsed views) from Lodge Farm. The impact on Lodge Farm is judged to be 'minor adverse' changing to 'negligible' with the establishment of planting. From all other locations whether off site footpaths, longer residential views or from Quatford the impact on views is defined as broadly negligible.

6.3.8 Observations made by the Case Officer during site visits and the Council's Conservation Officer concur with these conclusions of the revised landscape and visual impact assessment. Of particular significance with relation to the proposed holiday lodges on this plateau area is the associated land re-profiling. The creation of the earth bunds close the north eastern boundary of the site, beyond which the land slopes down into a cutting which contains the Severn Valley Railway line, and to the south east of the holiday lodge groups, would assist in blocking views of the development from the east/southeast, from both close up and afar. The landscape impact would be further softened by the proposed planting. At present the restoration of the land to a largely flat field appears out of place in the surrounding, undulating countryside. It is considered that the levels details provided show that an artificial appearance to the bunding can be avoided and the adjustments to the contours/topography would be an enhancement.

6.3.9 It is considered that a refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings contained in that landscape, could not be sustained.

#### **6.4 Impact on Heritage Assets**

6.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities in considering whether to grant planning permission which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Astbury Hall is not listed and constitutes a non-designated heritage asset. Consideration must be given to whether the setting of any listed buildings would be affected by the proposed development, and whether any park land settings would be harmed.

6.4.2 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors. SAMDev Plan policy MD13 advises that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that, wherever possible, proposals avoid harm or loss of significance to designated and non-designated heritage assets, including their settings. Where a proposal is

likely to affect the significance of designated or non-designated heritage assets, including their setting, policy MD13.2 requires applications to be accompanied by a heritage assessment. This policy accords with paragraph 189 of the NPPF which advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting. It explains “The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

- 6.4.3 The amended Heritage Impact Assessment (HIA) for land surrounding Astbury Hall submitted considers the impact of the development proposals as a whole, which have been split across the four planning applications. (The other planning applications being 18/05052/FUL; 18/05078/FUL and 18/05159/FUL which are also on this Committee agenda). It is to be read in conjunction with the Landscape and Visual Impact Assessment (LVIA) discussed in section 6.3 above in respect of the impact of the proposals on listed buildings and, in particular, those associated with the Dudmaston Estate.
- 6.4.4 The HIA has been conducted in accordance with the Historic England document ‘The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning 3’. It has established from the Historic Environment Record for Shropshire (HER) that very few monuments, events/activities and listed buildings within the 1000m buffer zone of the Astbury Hall study area. There are no listed buildings or scheduled ancient monuments within the study area, although several listed buildings are recorded just beyond the range of the 1000m buffer zone. All listed buildings and monuments, local find spots and archaeological reports listed in the HER in the wider study area beyond 1000m are recorded in the document.
- 6.4.5 The HIA concludes that the proposed development sits within an area of limited archaeological potential. The level of significance of the heritage value of the site is considered as low as categorised in the NPPF. There may be an effect on hitherto unknown archaeological remains or artefacts, of a similar nature those recovered in the local region. The location of the proposed elements of the development on recorded monuments in the area would be low, but the impact on Astbury Hall and its associated estate, which has historic origins would be considered a medium impact. The impact on views across the historic landscape would be mitigated by the cluster layout of lodges in bunded surrounds and the landscaping. From the heritage impact perspective the ‘plateau’ area is the least significant area of the site due to the previous quarrying and subsequent restoration. With regard to the proposed built form, the HIA concludes that the development would cause slight harm to the historic significance of the estate. This low level of harm has to be weighed against the benefits of creating leisure facilities that would have public benefits to the rural economy, creation of employment and the Development Plan aspirations to enhance the role of Shropshire as a tourist destination to stay.
- 6.4.6 In response to the specific concerns raised by the National Trust the HIA comments that Dudmaston Hall is over 1.6km from the closest point of the application site, and that one of the heritage assets within the Dudmaston Estate,

known as Lodge Farm, is around 940m from the closest point of the application site. It observes that there is no common border between the Astbury Hall Estate and the Dudmaston Estate, and that the latter is slightly raised in comparison with the former. It asserts that the impact on views from the listed buildings and parkland associated with the Dudmaston Estate by the proposed development can be considered to be of negative to low impact, due to the considerable impact and mitigation measures, as has been explored in detail in the Landscape and Visual Impact Assessment (LVIA.) discussed in section 6.3 of this report above.

- 6.4.7 The Council's Conservation Officer for the area concurs with the conclusions of the HIA. An archaeological watching brief would ensure the opportunity to record any matters of archaeological interest which may be uncovered by the leisure facilities proposals and associated works contained in this particular application. It is considered that there are wider public benefits from the proposed development which outweigh the limited harm identified to the historic significance of the Astbury Estate, in applying the balance required by paragraph 197 of the NPPF.

## **6.5 Highway Safety**

- 6.5.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It also seeks to secure safe developments. The NPPF, at paragraph 108, advises in assessing applications for development should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- b) Safe and suitable access to the site can be achieved for all users;  
and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.5.2 A Transport Assessment has been submitted with the planning application, which has been expanded upon in response to comments from the Council's Highways Team. The Transport Assessment considers the impact of the development proposals as a whole, which have been split across the four planning applications. (The other planning applications being 18/05052/FUL; 18/05078/FUL and 18/05159/FUL which are also on this Committee agenda).
- 6.5.3 The initial Transport Assessment references the 'fall back' position under which the hotel development, holiday lodges and holiday let barn conversions, together with an additional golf course, could be constructed without the need to obtain a further planning permission.

- 6.5.4 The Transport Assessment is based upon the number of chalets proposed, with a 5% uplift in traffic generation compared to the actual number of lodges proposed. (315). It also includes personal injury collision data, which shows there have been two collisions in the vicinity of the site in the last five years, approximately 200m and 500m east and west of the existing site access respectively, which were classified as slight in severity. With regard to access by sustainable modes the Transport Assessment acknowledges that there are no footways provided on the B4555 although there are a number of public footpaths in the vicinity of the site which could serve shorter leisure journeys. The 125 bus route passes the site which provides a service between Stourbridge and Bridgnorth via Kidderminster and Bewdley, which provides an hourly daytime service Monday to Saturday. (The applicants are also in negotiation with the Severn Valley Railway on improvements to Eardington Halt to provide access to services along the route and a mainline connection via Kidderminster railway station). The conclusion on the existing transport conditions is that the site is rurally located with limited opportunities for access by sustainable modes; with the hourly bus service passing the site there is the potential to provide new stops to serve new demand; and there are not considered to be any inherent highway safety issues on the local highway network.
- 6.5.5 Vehicular access to/from the site would be from the main access on the B4555 Road, with no use of the single track Astbury Lane for that purpose, and an underpass beneath that lane to access the land and golf course on the northern side forms part of this application. ATC traffic surveys were commissioned on the eastbound and westbound approaches to the main site access onto the B4555, which is subject to the national 60mph speed limit, and the data used to determine stopping distances for visibility splay purposes against national standards. This has established that the absolute minimum visibility splays (2.4 x 160m) sought by those standards are achieved within the extent of the adopted highway boundary, with the desirable splay to the west of the site (2.4 x 215m) also within the adopted highway, but crossing an embankment on the southern side of the highway.
- 6.5.6 The likely travel demand from the proposed development has split these into four categories comprising visitor arrivals and departures at the start and end of a stay; visitor excursions during the stay; staff arrivals and departures; and servicing and deliveries. The assumptions made include 100% occupancy; while it is likely that most arrivals would be in a single car, to provide a robust assessment it has been assumed that each lodge occupants will arrive and depart in an average of 1.5 vehicles. The assumption is also made that each lodge would have two sets of guests per week (i.e. Friday to Monday 3 night stay and a Monday to Friday 4 night stay).  $315 \text{ lodges} \times 100\% \text{ occupancy} \times 1.5 \text{ vehicles} \times 2 \text{ stays per week} = 945 \text{ arrivals and departures per week}$ . It is assumed that guests would undertake two excursions to the local area per visit, with each visit involving a single vehicle.  $315 \text{ lodges} \times 1 \text{ vehicle} \times 2 \text{ excursions} \times 2 \text{ stays per week} = 1260 \text{ arrivals and departures per week}$ . Staff arrivals and departures are calculated on the basis of 120 staff, split equally across seven days, with each employee working five days per week, which equates to 86 employees per day working on-site. No allowance is made for absences or holidays and it is assumed, for the purposes of trip generation, that all staff

commute by a single occupancy car journey. 86 staff per day x 7 days = 602 arrivals and departures per week. With regard to serving and deliveries an assumption of 10 arrivals and departures per day has been made, totalling 70 such movements per week. It is considered that the above assumptions are a sound basis for determining likely travel demand.

- 6.5.7 The result of the above would be a total of 2877 arrivals and departures per week (5754 two-way trips), with an average of 411 arrivals and departures per day (822 two-way trips) in periods of maximum occupancy. The periods when these movements would take place would be visitors arriving after a certain check in time; visitors departing after a certain check out time (Those times to be determined); staff arrivals and departures depending on shift patterns; and servicing which would be concentrated during the morning, but could be throughout the day.
- 6.5.8 The Transport Consultants have used TRICS Trip Generation data for residential holiday accommodation; surveys since 2001; have excluded sites in Greater London and Ireland; have excluded town centre or edge of town centre locations; only included sites with substantial leisure facilities (Typically at least swimming pool and bar/restaurant); and trip rates per unit of holiday accommodation. Both weekday and Saturday trip rates were extracted from that data. The resulting figures for the period between 07:00 – 19:00 of 614 two-way trips on a weekday and 661 two-way trips on a Saturday are lower than their first principles estimate of 822 two-way trips. The differences can be explained by a number of factors, including the TRICS data using a lower number of cars for unit of holiday accommodation; a lower staff ratio; staff arriving by means other than single occupancy journey; a lower number of off-site trips per unit of holiday accommodation and trips outside the 07:00 – 19:00 TRICS survey period. However, the Transport Consultants are of the view that the TRICS outputs are useful in determining trip generation during the network peak hours of 08:00 to 09:00 weekday am peak; 17:00 to 18:00 weekday pm peak and development peak (Saturday) of 13:00 to 14:00. While it is not intended that the proposed food and drink facilities would be used by the general public, in order to be robust the Transport Assessment has included an allowance for these areas of the proposed development. The existing golf course, used to its full potential, has also been taken into account. The total development trip generation figures when the holiday accommodation; potential external trade to the pub/restaurants and potential additional use of the golf course for the entire site would be 39 two-way trips in the AM peak hour, 105 trips in the PM peak hour and 134 trips during the Saturday development peak hour.
- 6.5.9 The Transport Assessment also includes the fall back trip generation should the hotel and other facilities in the extant planning permission 98/0829 be built out. It comments that the trip generation of the hotel would be slightly lower than that of the proposed use, but comments that it would generate a volume of traffic which is broadly similar in magnitude compared to the proposed development. This is therefore a factor for consideration in the assessment of the development proposals.
- 6.5.10 The capacity of the site access junction has been tested using the Junctions 9

software package with data gathered from traffic counts on 5<sup>th</sup> September 2018 and traffic surveys between the 5<sup>th</sup> and 11<sup>th</sup> September 2018. TEMPRO software has been used to provide a growth factor to account for background traffic growth for a five year period post application (2018-2023). Traffic arriving and departing from the site is split into three categories comprising holiday visitors from across the country; staff from the local area; and golfers from the local area. The three traffic assignments tested are 50%north/50%south; 75%north/25%south; and 25%north/75%south. The capacity assessment results demonstrate that the site access would operate well within capacity in all the scenarios considered.

- 6.5.11 With regard to the Highway Network Capacity, the Transport Assessment comments that the existing B4555 is a lightly trafficked road, with a two-way average daily flow of 3700 vehicles per hour and a maximum two-way hourly flow of 300 vehicles. It is estimated that the proposed development would result in an average of 822 additional vehicle trips per day on the local highway network. It states:

*“DMRB TD 46/97 provides advice on traffic flow ranges for use in the assessment of new rural roads. The document notes that a standard ‘S2’ single carriageway road is suitable for an Annual Average Daily Traffic (AADT) flow of up to 13,000 vehicles.*

*The proposed development would increase the AADT on the B4555 to approximately 4,500 vehicles, well below the suggested threshold for a single carriageway road. On this basis it can be concluded that the existing B4555 is a suitable standard or road to accommodate existing and future development traffic.”*

The Transport Assessment conclusions are that it demonstrates the proposed development would have a negligible impact on the operation of the local highway network, both at the site access junction and on the link capacity of the B4555.

- 6.5.12 The Council’s Developing Highways Area Manager raised a number of queries concerning the Transport Assessment. With regard to highway safety the area of search needs to be shown in the report; local concerns over the safety of the B4555 in the past, and given that most traffic generated by the development is likely to gravitate to/from the north, the search area should be extended to the edge of Bridgnorth town, and a brief description of the nature of all identified collisions included, before conclusions can be drawn. Other matters raised included the location of the monitoring point for determining traffic speeds from the east and visibility due to the road geometry at Hay Bridge; the need for visibility at the proposed construction access (Into the eastern part of the site for development on the eastern side of the Rea Brook) to be considered; the Travel Demand assumptions would be impacted on by the arrival/departure times and until they are set the first principles approach should be applied to a worst-case time period; similarly a worst–case approach to staff trips also needs to be considered until the nature and shift patterns of the jobs on site is known. The close proximity of some major visitor attractions could also affect the assumptions out the level of visitor excursions. The traffic growth 5 years after the application should be adjusted to the period after full opening. She advises that the approach



taken in the report is appropriate to determining the likely increase in traffic over a 24 hours period, but this is only relevant for the link capacity assessment. She does acknowledge however that the altered assessments requested would be unlikely to make any significant difference to the conclusion on the capacity assessment of the site access operating well within capacity with the more robust approach sought. The approach taken to consider traffic distribution is considered acceptable, but experience suggests that the proportion of traffic accessing the site from the north is likely to be higher than 75%.

6.5.13 With regard to Highway network capacity the Highways Area Manager comments that the TD46/97 document referenced is only applicable to a new road scheme built to the appropriate standards. The B4555 road does not comply with these standards and the Transport Assessment must consider this fact. It is requested that the report submitted considers potential improvements to the surrounding road network. The proposed underpass to Astbury Lane (In application 18/05052/FUL) is welcomed by the Council's Highways Team.

6.5.14 In response to the queries raised the applicant's highways consultants have submitted a Technical Note, which responds also to highway matters raised by the Parish Councils. A summary of the proposals under the topic headings are set out below:

6.5.14.1 Construction Traffic: Section 59 of the Highways Act allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic during the construction period. It would typically be expected that representatives of the highway authority and the applicant will carry out a joint road survey/inspection on the roads leading to the site, noting defects, with a further joint survey following completion and any remedial works completed within an agreed timescale.

A Construction Environmental Management Plan has been prepared. Two entrances would be provided for construction vehicles comprising:

- a )The existing in access for Astbury Hall from the B4555 for development on the western side of the Mor Brook.
- b )The existing former quarry access at the north eastern corner of the combined sites for these applications for development on the eastern side of the Mor Brook

Construction traffic routes would take account of the bridge carrying the Seven Valley Railway line, with a height restriction of 3.8m and the bridge carrying the B4555 over the railway which, although it does not have a weight restriction, is narrow. Articulated heavy goods vehicles, vehicles over 3.8m in height (Including transporting machinery or lodges) would arrive from north (via Bridgnorth) to the quarry access and from the south (via Highley) to the golf club access. Wheel washing facilities will be provided within both the eastern and western sides of the site; and the highway will be cleaned or swept at regular intervals to remove any mud or deposits on the carriageway. Any damage to the highway from turning goods vehicles will be repaired to the satisfaction of the highway authority following completion of the construction phase.

Any gate controls to access the site will be a minimum of 20 metres back from the

edge of the highway to allow vehicles to wait off carriageway, and circulation space provided to allow vehicles to enter and leave in a forward gear.

Deliveries by articulated vehicles or abnormal loads will be restricted to the periods 09:30 – 15:00 during school term time and 09:30 - 16:30 outside term time.

A Construction Access Speed Survey has been carried out and the required minimum visibility standards can be achieved in both directions. In addition, to improve the safety of the construction access vegetation would be cut back as far as possible on either side and it will be manned to allow site personnel to assist large vehicles entering/exiting as necessary.

- 6.5.14.2 Site Access Visibility: In response to the query raised by SC Highways, the Transport Consultant has carried out an additional automated traffic survey (ATC) some 140m to the east of the main site access. The data recorded an 85<sup>th</sup> percentile westbound traffic speed of 38mph and with allowance for the downhill gradient, the desirable minimum stopping distance would be 108m and the distance from where the access comes into view is 140m, which shows that adequate visibility is available.
- 6.5.14.3 Trip Generation and Site Access Capacity: In response to the SC Highways request for a more robust assessment of the development' peak trip generation based on the 'first principles' assessment previously undertaken, a re-assessment has been carried out on the basis that each lodge would make six excursions to the local area per week. (An uplift of 50% on the previous assumption). This would increase the total visitor excursions from 1260 to 1890 per week. A peak period 'worst case' trip generation assessment has been undertaken which combines the period when development trip generation would be at its maximum and the period during which traffic volumes on the B4555 are highest. The traffic growth allowance period has also now been extended to the period 2018 – 2026. An additional traffic assignment at the site access has also now been added which is 90% north/10% south. The results of the site access capacity, worst case assessment 2026 is that the site access would operate within capacity in all scenarios considered.
- 6.5.14.4 Link Capacity: The existing and proposed traffic flows between the site and Bridgnorth (based on the option of 90% of trips arriving from Bridgnorth) would, in the worst case scenario, increase the PM southbound traffic flow 275 to 488 vehicles. This equates to an increase from one vehicle every 13 seconds to one vehicle every 7 seconds. The Transport Consultants comment that this shows the traffic flows can be accommodated without having a severe impact on the capacity of the road.
- 6.5.14.5 Collision Analysis: The study area has been extended in response to comments by Highways for a distance of some 8km between the B4363 in the north and Chelmarsh/Sutton in the south and an analysis given of the route character. In the most recent five year period there have been 10 collisions on this stretch of the B4555, of which nine are classified as slight and one as serious. Between the B4363 and Eardington (Section1) there have been two slight collisions when vehicles lost control travelling through bends, with the recorded causation factors

being travelling too fast for conditions. None have occurred in Eardington (Section 2). Between Eardington and Chelmarsh (Section 3) there have been five slight collisions comprising of one where a car collided with a reversing tractor; two on the bridge over the SVR when a vehicle travelling south over the bridge lost control through the bend and collided with an oncoming vehicle; one at the bridge under the SVR when a vehicle lost control on mud/rain; and one on the southern section of this road length where one driver veered onto the wrong side of the road, where one driver was recorded as being impaired by alcohol. On the section between Chelmarsh and Sutton (Section 4) the serious collision occurred at the junction of Bakehouse Lane with the B4555 with a vehicle turning right into Bakehouse Lane crossing into the path of another vehicle. The two slight collisions comprised of a vehicle travelling north to the south of the 40mph zone losing control, and a vehicle waiting to turn right into a minor track being struck from behind. The care and the speed at which motorist travel is a contributory factor of most collisions.

6.5.14.6 **Mitigation Works:** A review of the existing highway has been undertaken in comparison with DMRB TA 85/01 'Guidance on Minor Improvements to Existing Roads'. The Transport Consultants comment that repairs to the carriageway would be a matter for Shropshire Council but it is proposed that the developer provide a number of measures as part of the implementation should planning permission be granted. These comprise:

Section 1 – B4363 to Eardington:

Replace existing 40mph signage with gateway feature, including 'dragon's teeth' and red road markings.

Add red surfacing to existing 40mph road markings.

Add red surfacing to existing SLOW road markings.

White line edge of carriageway markings where not already provided.

Section 2 – Eardington:

It is proposed that the developer would enhance and refresh the existing traffic calming measures.

Section 3 – Eardington to Chelmarsh:

At the bridges beneath and over the SVR it is proposed that the developer:

Replace existing 'SLOW' markings with red friction surfacing.

Resurface the carriageway with high friction surfacing to a specification to be agreed with Shropshire Council.

At the bridge beneath the SVR replace existing gravel laybys with full carriageway construction, allowing potential over-run by large vehicles, preventing observed deterioration of the edge of the carriageway, and reducing mud spillage onto the highway.

Section 4 – Chelmarsh to Sutton:

This section of road is subject to 40mph through Chelmarsh and Sutton, thereafter increasing to the national speed limit. It is proposed to replicate the existing traffic calming features provided through Eardington, notably:

Highlight centreline marking and ghost island junction to Bakehouse Lane in red and anti-skid surfacing.

Replace 40mph road markings with red anti-skid surfacing.

Edge of carriageway markings along route.  
Replace SLOW road markings with red anti-skid surfacing.

- 6.5.15 With regard to the Section 1 proposals (B4363 to Eardington) SC Highways have raised no objections, but comment that Shropshire Council has planned maintenance works along this section and some of the works may be included within the scope of those proposed works. Further details would be required on the location of the 40mph and SLOW road markings. This matter can be addressed through a condition on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This would provide an opportunity to full review the highway conditions at the time, and sufficient notice to get the works completed.
- 6.5.15.1 With respect to the Section 2 proposals the existing village traffic calming measures should be refreshed and enhanced as proposed. As with the Section 1 proposals, this matter can be addressed through a condition on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This would provide an opportunity to full review the highway conditions at the time, and sufficient notice to get the works completed. (The original proposal to provide 'chicane' traffic calming features at each end of the village was not supported by SC Highways due to the lack of street lighting).
- 6.5.15.2 For Section 3 (Eardington to Chelmarsh) SC Highways comment that all the above mentioned works are generally supported from a highways perspective, however further consideration will need to be given to the reconstruction of the gravel laybys to establish if the areas fall within the adopted highway. These details can be investigated and explored at technical approval stage, Shropshire Council as Highway authority have powers to adopt areas of highway, subject to any objections received from the land owner. As above, all works would be subject to a Section 278 agreement and It is recommended that further details are submitted to provide further information of the proposed works, A condition should be placed up on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This will provide an opportunity to full review the Highway conditions at the time, and sufficient notice to get the works completed.
- 6.5.15.3 For Section 4 (Chelmarsh to Sutton) All works are acceptable from a Highways perspective, however it should be noted that Shropshire Council have planned maintenance works along this section and therefore some of the works maybe included within the scope of the works. It is recommended that further details are submitted to provide further information of the proposed works. A condition should be placed up on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This will provide an opportunity to full review the Highway conditions at the time, and sufficient notice to get the works completed.

6.5.16 The application proposals have considered transport issues in terms of the potential impacts of the proposals on transport networks and the locality. By its very nature of being a form of tourism development that requires a rural location, the sustainable transport options to use of the private car are limited, but the site has direct access onto a B road, is relatively close to the market town of Bridgnorth and the services available in Highley, and has the potential to utilise public transport links and to establish a rail connection via the Severn Valley Railway. There would be onsite opportunities for the holiday lodge occupants to use local footpath networks. Taking account also of the established golf course and extant permissions for hotel and holiday chalet developments that these proposals would replace, it is considered that a refusal on transport grounds as being an unsustainable location would have no prospect of being upheld at appeal. The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation has been proposed to achieve net environmental gains, as may be sought under paragraph 102 of the National Planning Policy Framework (NPPF), even though the studies using nationally recognised standards and modelling have established that there would be no access junction or road network capacity problems resulting from the implementation in full of the package of applications currently under consideration. Safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 108 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.

## **6.6 Ecology**

6.6.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation.

6.6.2 The application is accompanied by an extensive set of ecological surveys relating to badgers, barn owls, dormice, great crested newts, otters, bats, reptiles and water voles, along with a habitat enhancement survey. Ecological Summary Reports have been provided which are specific to each application. The Report provided in connection with this application focuses on a large plot (~63.5 acres) forming the eastern portion of the Astbury Hall Estate, containing buildings (B19), hardstanding, a mosaic of semi-improved grassland and rank grassland, scrub, scattered/ continuous woodland and riparian habitats associated with Mor Brook – a running watercourse, the southern portion of which is situated within the application boundary. The report concludes that no adverse impacts are anticipated on habitats of ecological merit, that the development has been designed to be sympathetic to the landscape, and many features (woodland, watercourse, grassland) would be retained and enhanced. It recommends that trees with bat roosting potential be retained and enhancement measures introduced; a sensitive lighting scheme is provided; enhancement for kingfisher/dipper around suitable Mor Brook areas; that areas of rough grassland

throughout the site be retained and managed to provide enhanced foraging for barn owls ( There are no proposals to carry out works to the collapsed stable building B19 within the application site in this particular application); reasonable avoidance measures (RAM) detailed in method statement for great crested newts and reptiles be followed; hibernacula creation is recommended for amphibians; supervision by an ecological clerk of works; new native heathland planting be provided on suitable areas; a pre-commencement badger survey be carried out and method statement followed; a 20 metre buffer area be established around the Mor Brook, with the buffer area kept free of light pollution and any works needed in the area supervised by an ecological clerk of works; the creation of otter ledges in bridges and an artificial holt be considered; enhancements to provide habitat suitable for water vole and hazel dormouse be provided, and the eradication of invasive plant species. It comments that retention of the woodland and riparian habitats has the potential to support polecats and other small mammals.

6.6.3 The applicants have responded to the comments made by SC Ecology and the Shropshire Wildlife Trust by amending the proposed site layout to ensure that no holiday lodges would encroach within the 20 metre buffer zone to the Mor Brook. While the proposed bridges would require work in the buffer zone, the bridge designs with their wide spans and abutments outside the flood zone would ensure that the interference during their installation is minimised.

6.6.4 The Council's Planning Ecologist, whose comments are summarised at 4.8 above, is content that these proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. The applicants have subsequently submitted badger and otter pre-commencement report survey; a biosecurity protocol; brown hare method statement, details of the proposed bran owl provisions and a Construction Ecological Management Plan in response to the Planning Ecologists recommended conditions. The recommended conditions relating to ecology matters are set out in Appendix 1 of this report.

## **6.7 Drainage**

6.7.1 Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. Package treatment plants are proposed for the disposal of foul sewage, with the treated effluent directed to ground in the east of the site where the land is suitable for infiltration. Dichlorination units would be installed up stream of package treatment plants where hot tubs are installed. Surface water in the east of the site would also be discharged to ground. The FRA considers the impact on the Mor Brook. It comments that under low flow conditions, surface water flows from the site would be close to the existing greenfield rates. Additional treated flows from the foul systems would represent an increase of 0.7% at low flows and is therefore not significant. During storm events the flows from the foul system would be the same as during low flows. Surface water flows from the lodges would be restricted to greenfield rates by attenuation, and therefore the overall flow rate to the brook would be lower than normal for such events.

6.7.2 The Council's Drainage Consultants have confirmed that the FRA is acceptable in principle, and that the final foul and surface water drainage details, plan and calculations should be submitted for approval. This is a matter which can be addressed through a planning condition on any approval issued. The agents have advised that the full details of the drainage to the leisure facilities is currently being prepared for submission and approval, with the desire to achieve this prior to the Committee Meeting. They comment that the planning process requires that the principles of the drainage design is established and agreed, but the detailed design forms part of the Building Control and working drawings stage of works. Whilst this detailed design is close to completion, the applicant is happy to accept a pre-occupation condition should details not be forthcoming in this time frame. The extent of the land under the control of the applicant would not appear to limit the drainage options in this case. It is considered that, in this case, a condition requiring the drainage details to be approved prior to occupation, and for the works to be carried out in accordance with the approved details, would be an acceptable way to ensure that the development would not adversely impact on water quality and quantity, or on flood risk.

## **6.8 Residential Amenity**

6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest residential properties to the site are those to north on Astbury Lane. The separation distances between the proposed lodges and existing dwellings, coupled with the topography and proposed layout of the closest group facing into the Mor Brook valley would ensure no significant privacy or overbearing impacts on existing properties. The proposed landscaping scheme would also assist in reducing further the inter-visibility between the properties. The proposed on-site parking arrangements and use of electric golf buggies would also assist in reducing noise disturbance from vehicles. Any night time noise created by the occupants of the holiday lodges would be a site management issue and not grounds for a refusal of planning permission in this case.

6.8.2 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue is addressed by a recommended condition on the restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays, and a condition requiring the approval of a construction method statement to mitigate the temporary impact.

## **6.9 Rights of Way**

6.9.1 The proposals contained in this application would not affect the routes of existing rights of way. The Council's Rights of Way Team had noted that one section of public footpath and the alignment of others on the submitted drawings was not in accordance with the paths shown on the definitive map. The drawings have been corrected to accord with the definitive rights of way map.

## **7.0 CONCLUSION**

7.1 There is no in-principle planning policy objection to the proposals contained in this application. It is considered that the proposed built form of the holiday lodges would achieve these design objectives. While the drawings of the holiday lodges are labelled as indicative they demonstrate the design ethos for the development.

The precise details of the holiday lodges installed, in the event of planning permission being given, may change. This is a matter on which a planning condition attached to any approval would specify that the holiday lodges stationed on the land would be of the form and appearance shown on the submitted drawings, or any alternative drawings which have first been approved in writing by the Local Planning Authority. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. The proposed design of the bridge over the brook would be sympathetic to the surroundings. The proposed layout of the holiday lodges and their associated parking and road/paths network, coupled with the ground re-profiling and landscaping scheme, would result in a development which would not be obtrusive in the rural landscape.

- 7.2 A refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings contained in that landscape, could not be sustained. With regard to the heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified to the historic significance of the Astbury Estate, in applying the balance required by paragraph 197 of the NPPF.
- 7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation has been proposed to achieve net environmental gains, as may be sought under paragraph 102 of the National Planning Policy Framework (NPPF), even though the studies using nationally recognised standards and modelling have established that there would be no access junction or road network capacity problems resulting from the implementation in full of the package of applications currently under consideration. Safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 108 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.
- 7.4 These proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. Ecological interests and drainage can be safeguarded through the recommended planning conditions. The proposed development would not unduly harm the residential amenities of the locality.
- 7.5 This proposal, in combination with the three other related applications also on this agenda, would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural



economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 83 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

## 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  
 CS16 - Tourism, Culture and Leisure  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD2 - Sustainable Design  
 MD7B - General Management of Development in the Countryside  
 MD11 - Tourism Facilities and Visitor Accommodation  
 MD12 - Natural Environment  
 MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

BR/74/0254 Conversion of existing dwelling to a hotel GRANT 6th May 1974  
 11/01035/AMP Amendments to planning permission 98/0829 to incorporate the additional lavatory block and pay station within the building GRAMP 2nd June 2011  
 11/01774/VAR Variation of condition numbers 21 and 34 attached to planning permission reference 93/0829 dated 7th March 2000 to allow for the provision of outdoor functions and erection of temporary marquees GRANT 10th August 2011  
 11/04126/DIS Discharge of Condition No.3 (appearance of marquees) attached to planning permission 11/01774/VAR dated 10/08/11 - Variation of condition numbers 21 & 34 (93/0829) to allow for the provision of outdoor functions and erection of temporary marquees DISAPP 12th December 2011

BR/74/402 The erection of two lodged dwellings for staff occupation REFUSE 5th November 1974

BR/76/0305 The erection of two extensions to provide additional bedrooms at the front of two existing cottages GRANT 5th July 1976

13/03715/DIS Discharge of condition 4 (Materials) on planning permission 06/0435 for the use of land for the stationing of holiday lodges at Astbury Hall, Chelmarsh WDN 7th March 2014

13/04958/VAR Variation of condition 2 of planning permission 06/0435 for the stationing of holiday lodges GRANT 10th March 2014

14/00794/FUL Erection of 11 holiday retreats GRANT 14th April 2014

14/03609/FUL Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL GRANT 16th October 2014

16/00786/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (drainage), 10 (protective fencing) and 14 (Ecology) on planning permission 14/00794/FUL for the erection of 11 holiday retreats DISPAR 11th April 2016

16/00798/DIS Discharge of conditions 6 (external materials), 7 (drainage), 8 (protective fencing) and 11 (ecology) on planning permission 14/03609/FUL for the siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISPAR 11th April 2016

16/00800/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (protective fencing), 10 (habitat management plan) and 20 (construction method statement) on planning permission 14/04010/FUL for the erection of 28 residential units with a restriction for holiday use DISPAR 11th April 2016

16/04437/DIS Discharge of Condition 9 (drainage) relating to planning permission 14/00794/FUL - Erection of 11 holiday retreats DISAPP 2nd November 2016

16/04438/DIS Discharge of Condition 7 (drainage) relating to planning permission 14/03609/FUL - Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISAPP 17th November 2016

17/05426/VAR Variation of conditions 21 & 34 attached to planning permission 98/0829 dated 07/03/2000 (and 11/01774/VAR) to allow for continued use of marquee for a further five years GRANT 14th February 2018

18/05052/FUL Re-development of Astbury Hall Estate to provide; leisure and spa building comprising fitness suite, health spa, two swimming pools, farm shop, function room, restaurant and bar; external facilities comprising lido pool, tennis courts, bowls/croquet/petanque greens; landscaping scheme (removal of trees); formation of parking areas; terraced areas; amendments to existing golf course; formation of 9-hole golf course and 18-hole putting green; demolition of two dis-used outbuildings and re-build to form service buildings; with all associated works PDE

18/05078/FUL Re-development of Astbury Hall Estate to include the installation of 135 holiday let lodges with raised decked areas; office reception lodge; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Valley Lodge Phase) PDE

18/05159/FUL Redevelopment of Astbury Hall Estate - Erection of bar/restaurant building with all associated works PDE

BR/APP/FUL/03/0337 Variation of condition number 7 on planning permission reference 98/0829, approved 7 march 2000 GRANT 10th June 2003

BR/APP/FUL/06/0435 Use of land for the stationing of holiday lodges GRANT 31st July 2006

BR/APP/FUL/06/0434 Variation of condition 16 attached to permission ref 98/0829 to substitute drawing no 03/49/11A for 90/107/53 with regard to car park layout GRANT 27th July 2006

BR/APP/FUL/06/0054 Variation of condition 28 on planning permission ref 98/0829 to allow the barn conversion and extension and the timber lodges to be used 12 months a year for holiday purposes only GRANT 6th March 2006

BR/98/0829 Renewal of planning permission 91/0586 for use of land as 18 hole and 9 hole golf courses; use of and extensions to Hall to provide hotel and ancillary facilities and temporary golf club house; use of and extension of pool house to golf clubhouse; use of and extension to barn to provide holiday lets; erection of 12 holiday lodges; installation of sewage treatment plant GRANT 7th March 2000

11. Additional Information

View details online:

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

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

Design and Access Statement

Heritage Impact Assessment

Landscape and Visual Impact Assessment

Ground Investigation Report

Ecological Reports

Transport Assessment

Arboricultural Report

Flood Risk Assessment and Drainage Strategy

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 more than 140 holiday let lodges shall be stationed on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

Reason: To define the permission for the avoidance of doubt and in the interests of the visual amenities of the area.

4. The construction of the holiday lodges shall comply with the definition of a caravan and shall comprise of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and shall not exceed the length, width and height of living accommodation limits set out in Part 3, Section 13 of the Caravan Sites Act 1968, as amended.

Reason: To define the permission for the avoidance of any doubt and to comply with SAMDev Plan policy MD11.8.

5. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the caravans hereby permitted shall be used to provide holiday accommodation only and shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

6. A register shall be maintained of the names of the occupiers of the caravan units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

7. Before the holiday lodges are first installed on the land details of their external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing

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

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of visual amenity.

8. Prior to the construction of the bridge details for the facing brick to be used for the vehicle shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of visual amenity.

9. The access road and parking areas shall be constructed and surfaced in the approved materials, before the holiday lodges they would serve are first occupied.

Reason: In the interests of visual amenity and public safety and to secure satisfactory surface water drainage.

10. The holiday lodges stationed on the land shall be of the form and appearance shown on the submitted drawing numbers 4180 and 4187, or as shown on any alternative drawings which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11.

11. Prior to any element of the development hereby approved being first brought into use, construction details of the improvements to the main site access shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within 3 months of the first element of the development hereby approved being brought into use.

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

12. The highways improvements shown on drawing numbers 03659-0102 and 3659-SK001 (Section 1); 3659-SK002 (Section 2); 3659-SK003 (Section 3) and drawing nos. 03659-0105 and 03659-106; and 3659-SK004 (Section 4) shall be fully implemented in accordance with details which have first been approved in writing by the Local Planning Authority within 3 months of any element of the development hereby approved being first brought into use.

Reason: In the interests of highway safety.

13. No development shall take place, including any works of demolition, until a Construction Environmental Management Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and should reflect the phasing of construction. 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
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives

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

14. Vehicular access to and from the facilities hereby approved shall (except in emergencies) shall be solely by means of the main driveway to Astbury Hall off the B4555 and not by means of Astbury Lane.

Reason: In the interests of highway safety and to safeguard the residential amenity of properties on Astbury Lane.

15. Before any holiday lodge is first occupied the foul and surface water drainage arrangements to the cluster of lodges in which it would be located shall be installed in full in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

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

16. The development shall be carried out in accordance with the Arboricultural Method Statement to BS 5837:2012 prepared by JCA Limited (ref: 14421b/TT) , the planting schedule and specification (ref.WD808\_3009 Rev B) and the Tree Pit Detail and Tree Protection Examples (ref.WD808D01).

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.

17. All hard and soft landscape works shall be carried out in accordance with the approved landscaping scheme. The works shall be carried out in the first planting and seeding seasons following the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

18. The development shall be carried out in accordance with the approved ecological compliance and supervision procedures report (ref,140119) dated 14th January 2019; the biosecurity protocol (ref. 140219.BP); barn owl provision details and specifications (ref.14029.BOP); method statement (brown hare) (ref.14029.BH) dated 14th February 2019 and the badger and otter pre-commencement report (ref.180219.BOPC) dated 19th February

2019, and the Construction Ecological Management Plan (ref.190219/CEMP) dated February 2019.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

19. Prior to first occupation/use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the ecological Method Statements, Mitigation and Enhancement Strategies (Habitat Enhancement Summary report 221018JM and detailed in subsequent phase 2 ecological reports; 101018MM2 badger, 030918JM1 barn owl, 191018MMJM great crested newt, 190918MM2 bat, 030918JM2 reptile, 140918JM1 otter, 140918JM2 water vole, 101018MM dormouse). This shall include photographs of installed features such as bat and bird boxes, bat bricks/tiles, barn owl boxes and loft, dipper boxes, 10 hibernacula, otter holt, 50 dormouse boxes etc.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

20. Prior to the use of the buildings a habitat management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be created, restored, enhanced, and managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

21. Prior to the erection of any external lighting on the site associated with the development hereby approved, 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.



22. A minimum 20m buffer shall be temporarily fenced off parallel to the banks along the length of the watercourse, prior to any construction related work or activity taking place in the vicinity of the watercourse. No access, material storage or ground disturbance shall occur within the buffer zone, except in accordance with any details which are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure the protection of the watercourse, and associated wildlife, during construction works.

23. Construction works and/or demolition works shall not take place outside the hours 07:30 to 18:00 Monday to Friday; 08:00 to 13:00 Saturdays. No works shall take place on Sundays, or on bank or public holidays.

Reason: To safeguard the residential amenities of the area.

24. 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.

### **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. Other informatives as set out in the report on application 18/05052/FUL.

**This page is intentionally left blank**



Committee and date

South Planning Committee

12 March 2019

## Development Management Report

Responsible Officer: Tim Rogers

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

### Summary of Application

<b><u>Application Number:</u></b> 18/05159/FUL	<b><u>Parish:</u></b>	Chelmarsh
<b><u>Proposal:</u></b> Redevelopment of Astbury Hall Estate - Erection of bar/restaurant building with all associated works		
<b><u>Site Address:</u></b> Astbury Hall Astbury Bridgnorth Shropshire WV16 6AT		
<b><u>Applicant:</u></b> Mr John Steven (FCFM Group Investments III Ltd)		
<b><u>Case Officer:</u></b> Richard Fortune	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 372291 - 289217		



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

**Recommendation:- Grant Permission subject to receipt of a satisfactory Unilateral Undertaking relating to not implementing the unbuilt elements of planning permission BR/98/0829 should planning permission be granted for this development; retention of the facilities and holiday lodges in a single ownership and delivery of the proposed apprenticeship schemes and to the conditions set out in Appendix 1.**

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

- 1.1 This application is one of four related applications relating to Astbury Hall and surrounding land. Reports on the other three applications (18/05052/FUL; 18/05078/FUL and 18/05079/FUL). The background to the applications is set out in paragraphs 1.1 and 1.2 of the report on application 18/05052/FUL also on this agenda.
- 1.2 The proposals contained in this particular application relate to a bar/restaurant building which would be sited some 23 metres to the south west of the Astbury Hall building, and immediately adjacent to the proposed tennis courts contained in application 18/05052/FUL. The building would be partly single storey and partly two storey. The proposed internal layout of the building has been amended in response to the comments received from the Council's Regulatory Services Team to incorporate an internal lobby to the main entrance for patrons, the number of window openings to the west elevation has been reduced and the size of the kitchen and toilet areas have been increased. On the ground floor the central bar area would be flanked by a single storey kitchen/store and wash room area on the north eastern side, with that section of the building being single storey with the flat roof concealed by a parapet wall. On the south western side a similarly proportioned single storey element would contain the entrance lobby and toilets, with the roof of this element forming a terrace from which there would be views over two of the tennis courts, greens and lido area. The terrace would be accessed by a flight of external stairs and also from the first floor restaurant area, which would be in the form of a mezzanine that that would be above approximately half of the bar area. The gross internal floorspace of the proposed building would be 263sqm.
- 1.3 The building would be predominantly of brick to complement Astbury Hall and the dual pitched small plain clay tiled roof would feature a full gable to the north western end and a hip, with a small gable to the top of the apex at the south eastern end. The hipped roof area would be above a large bay that would have three sets of full height glazed doors at ground floor level with arched head openings, above which there would be full height, multi pane glazing giving views out over the existing golf course. A package treatment plant would be used for the disposal of foul sewage, with surface water being disposed of to a sustainable drainage system that would utilise an existing pond/lake and soakaways.
- 1.4 The bar/restaurant building would be for use by the occupants of the holiday lodges only, but the applicants have indicated that there would be a restricted membership scheme for local people which would enable them to use the facilities. The proposed hours of opening are stated to be 09:00 to 23:00 each day.
- 1.5 A Screening Opinion has been issued to the effect that an Environmental Impact Assessment was not required for the proposed works spread across the four associated planning applications. The application is accompanied by a Design and Access Statement; a Desk Study Report into ground conditions/geology;

Ecological Assessments; Landscape and Visual Impact Assessment; Heritage Impact Assessment; Landscape Design Report; Transport Assessment; Arboricultural Report; Flood Risk Assessment and Drainage Strategy; and an Economic Impact Assessment.

- 1.6 The applicants have engaged in pre-application meetings with local communities, as encouraged by the National Planning Policy Framework.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is situated in open countryside and comprises of land immediately to the south west of Astbury Hall. The proposed site for the building is open to the south but partly concealed from view from the north and west by the high brick walls which form part of a partly enclosed walled garden. The land falls away in a south westerly direction at this point, relative to the Hall building and its associated terrace.

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

- 3.1 The Parish Councils' have expressed views contrary to the Officer recommendation and Shropshire Council Ward Member has requested that the application be determined by Committee. The Chair and Vice-Chair of the South Planning Committee, in consultation with the Principal Officer and Area Planning Manager, consider that the material planning considerations raised by this group of planning applications warrant their determination by the South Planning Committee.

## **4.0 Community Representations**

- Consultee Comments

The full comments received may be viewed on the Council's web site. Some of the comments below are a summary of those submitted.

- 4.1 Chelmarsh Parish Council – Comment: Unwilling to support proposals unless the points raised on highway conditions are addressed prior to construction commencing. The proposed main access should be reconsidered as the proposal is considered unsafe and insufficient for the users of this facility. The Parish Council suggest the access from the North should use the Quarry site entrance and from the South to use the main drive to The Astbury.

Comments/concerns raised are as follows:

### 1. Site Access during Construction

- a. B4555 road condition is poor (potholes and breakdown of the road surface) and will be made much worse by construction traffic
  - i. Knowle Sands
  - ii. By bridge over SVR at Eardington
  - iii. Ingram Lane (Sutton Arms Corner)
  - iv. Ingram Lane (approach to Highley)
- b. Ingram Lane has tight narrow corners by Damson Cottage, unsuitable for low-

loaders with caravans on, also heavy road traffic is causing damage to property due to close proximity to the road

- c. Road crossing SVR near Eardington Halt very tight and turn over bridge for articulated vehicles
- d. Low Bridge under SVR hazard to high sided vehicles/Diggers/Earth movers
- e. Junction of B4555 with B4363 at Oldbury is difficult for long vehicles and would cause issues at peak traffic flows
- f. Large vehicle traffic over Bridgnorth low town bridge and Underhill Street

## 2. Site Access Operational

- a. Current condition of B4555 and further damage by construction traffic will require significant investment
- b. Visitors are presumed to all access site via cars currently, but future could be coaches and the site may employ coaches to take residents to offsite facilities/attractions. B4555 is not wide enough in many places for significant coach traffic, eg issues with school buses and 125 Bus service
- c. Queuing traffic on B4555 awaiting site access □ only 70 yards drive
- d. Site access in winter B4555 is susceptible to closure in periods of snow with vehicles stranded on the hill up to Chelmarsh
- e. Site access from south
  - i. Sat Nav will send traffic via Borle Mill, Highley single track road unsuitable for traffic proposed
  - ii. Traffic speed and overtaking by Bakehouse Lane is already a major issue for Chelmarsh residents, 22% traffic increase by this development will make things considerably worse if traffic speed is not addressed
  - iii. Proposed site access is from B4555 on a steep bank, with high average vehicle speed and minimum splay view angle only
- f. Site access from north
  - i. Blind access via bridge under SVR into potential queuing traffic waiting to make right turn into site
  - ii. Nature of bridge over SVR at Eardington means large vehicle including regular buses need to cross to opposing carriageway to make the turn (however also comment that this is a local historic feature which residents would not like to see demolished)
  - iii. Junction of B4555 with B4363 at Oldbury

## 3. Pollution

- a. Noise pollution concern for local residents at Astbury and properties around the site
  - i. outdoor activities bars/patio areas, leisure facilities and hot tubs at lodges.
  - ii. noise in evenings and at night is concern eg from events
- b. Light pollution from main buildings, lodges and access roads
- c. Can sewage systems cope with emptying of swimming pools and hot tubs?
- d. Rainwater drainage is proposed to soak a ways □ this will eventually drain to Hay Brook which is already susceptible to flooding in wet winters without this additional volume
- e. Spillage during construction phase
- f. Mud onto the road from construction traffic

## 4. Local Facilities

- a. Impact on medical and dental services in Bridgnorth and Highley
- b. Can emergency services cope with additional transient population?
- c. Chelmarsh pub is already very popular at weekends resulting in traffic parking

alongside B4555 considerations for overspill parking

d. Parking in Bridgnorth is already difficult especially Saturdays, increase in day trippers from the proposed development will make parking more difficult for residents

e. Chelmarsh/Astbury have a very poor broadband connection currently, can service for local community be improved when broadband is improved for proposed development

#### 5. General Issues

a. What happens to current planning permissions (hotel and permanent dwellings) for the site if this scheme is adopted, could these also be progressed?

b. Can lodges be converted to permanent dwellings in the future?

c. Could lodges be sold off as individual lots or small packages in future?

d. What guarantees can local residents have that the roads will be improved, traffic flows to the site will be managed and that noise and light pollution will be controlled by the site operators?

e. How can agreements made by current developers be enforced if the site is sold on?

f. How many lodges are proposed in the scheme? John Steven said it was 302 reduced from 315, however the planning applications are for 135 (Valley Lodge) and 140 (Plateau Lodge) = 275

g. Traffic report has only used data from accidents reported to police, there have been numerous accidents on the road coming down from Chelmarsh village with cars on roof and around the bridge under the SVR which have not been reported, but are known to local residents

#### 6. Suggestions made at the meeting

a. Park and ride be established at the development for visitors travelling to Bridgnorth

b. Operational site access should be via the quarry entrance for traffic coming from north, this alleviates issues at both SVR bridges and right turn into site

c. Traffic calming measures on B4555 coming downhill from village

d. Speed control measures in Chelmarsh village and right turn island for Bakehouse Lane entrance

e. Curfew for noise and light on site, especially outdoor activities

f. Right turn reservation on the B4555 for traffic turning right into entrance

g. Access to site

h. Damage to properties close to road  any compensation for owners of properties?

i. Provision to control traffic speed through Chelmarsh Village especially turning to Bakehouse Lane

j. Work on the road needs to be carried out before the construction work starts and then repaired prior to the opening of the site

#### 4.2 Eardington Parish Council – Object:

The Council is unable to support either the scheme as a whole or any of the individual planning applications for the following reasons:

a) The proposed development is out of character and scale for the local area;

b) It is contrary to the SAMDEV designation of ‘Countryside’;

c) The proposal is contrary to Local Plan policies CS5, C16 and C17,



MD2, MD11, MD12 & MD13 and national guidance contained within the NPPF which aims to improve the character and quality of an area and the way it functions and conserve and enhance the natural and historic environment by protecting and enhancing valued landscapes and the historic environment;

- d) It does not bring any significant economic and social benefits to the area or local residents to justify its development;
- e) It will create significant long and short-term disruption in the form of traffic generation during the construction phase and when operational;
- f) The increase in traffic will cause further deterioration to the already poor local road infrastructure;
- g) The potential increase in traffic accidents along the B4555 and adjacent roads;
- h) The generation of significant environmental, noise and light pollution which will affect the residents of Astbury Falls, Lower Forge, Eardington and Knowle Sands, which is incompatible with Article 8 of Human Rights Act 1998 which gives the right to respect for private and family life and Article 1 allowing for the peaceful enjoyment of possessions;
- i) The generation of significant environmental, noise and light pollution which will have an adverse effect on local wildlife, particularly Eardington Nature Reserve which lies close to the edge of the development site;
- j) The adverse environmental impact on the Severn Valley's diverse, fragile and attractive eco system which lies on the edge of the South Shropshire Hills AONB;
- k) The suitability of the land for a development of this size without significant earthworks including piling, the formation of bunds and retaining structures;
- l) The lack of economic viability assessment to demonstrate there is sufficient demand for a development of this size and scope to support the proposed level of capital investment; and
- m) The additional pressure on already hard-pressed public services e.g. Bridgnorth Hospital, Northgate Medical Centre, West Mercia Police, Fire and Ambulance services and petrol filling station.

n) Landowner - human rights

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

o) SAMDev Policy MD11, 6 Proposals for new and extended touring caravan and camping sites should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site.

MD11, 7: Static caravans, chalets and log cabins are recognised as having a greater impact on the countryside and in addition (to 6), schemes should

be landscaped and designed to a high quality.

MD11, 10: New sites for visitor accommodation and extensions to existing chalet and park home sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites.

- 4.3 SC Highways – No Objection: Conditions recommended relating to details of improvements to the access; highway mitigation works; underpass construction; work in accordance with an approved Construction Environmental Management Plan.
- 4.3.1 It should be noted that the following comments have also taken into account the three other planning applications submitted reference 18/05052/FUL, 18/05078/FUL, and 18/05079/FUL. This approach has been taken to reflect the applicants approach to submitting one Transport assessment (Project code 3659-31<sup>ST</sup> October 2018 Rev D) that incorporates all four planning applications. Any additional or supporting information has also been submitted on the basis it should be considered for all planning applications. The submission of one Transport Assessment is generally supported, as it allows the cumulative impact of the whole of the Development to be assessed. However it is acknowledged that each application has to be assessed on its own merits, and not dependent upon requirements placed upon other applications. It is acknowledged that the Astbury Hall Estate currently has a number of existing extant Planning permissions and these have been partially implemented in terms of the golf course. Any further application has to be assessed on the basis that the site has extant planning permission that could be implemented if required.
- 4.3.2 It is proposed that the existing access to Astbury Hall is utilised. Additional information has been submitted by the applicant to demonstrate that the junction can operate well within theoretical capacity when fully occupied. The transport assessment is considered to be relatively robust, and presumes 100% occupancy throughout the year. It is considered that this scenario is extremely unlikely, and therefore the figures contained within the Transport Assessment are considered to be a worst case scenario.

Following the original submission of the Transport Assessment, Shropshire Council as Highway Authority raised queries with regard to vehicle approach speeds at the existing access. Subsequently, an additional Automatic Traffic Count was commissioned by the applicant to give an indication of approach vehicle speeds approaching the access from the east. It is considered in view of the average vehicle speeds recorded and that it is an existing access, it is considered that the proposed access and visibility splays are satisfactory for the proposed use and likely number of average vehicle movements that the proposed development could potentially generate. The existing access provide direct access of the B4555 and benefits from good forward visibility. This is considered to be a benefit because drivers can adapt their behaviour if they see a vehicle waiting or emerging from the access, but it is acknowledged is an opportunity for vehicles to overtake.

In terms of the existing access, whilst the applicant has not proposed any improvements, it is noted that the existing access has a flush kerb tie in across

the site access with the B4555, it currently has an upstand in excess of 25mm, and therefore as vehicles pull off the Highway, they will do so with caution. In addition, with an intensification of use of the access is likely to become damaged. Consideration should therefore be given to removing the existing kerb line and providing a junction directional sign opposite the access to increase awareness of the access point, so vehicles are able to adjust their speeds on the approach when turning into the site. It is noted that the applicant has subsequently submitted revised details of access that are contained within Version 3 of the Technical note. It is recommended that a condition is attached to any permission granted that requires construction details as contained within Drawing no. 3659 - 03-A to be submitted for approval and implemented within 3 months of the Development being brought into use, this will allow the majority of the demolition and construction to take place before any surfacing is carried out at the junction.

- 4.3.3 In response to initial Highway comments submitted regarding the contents of the Transport Assessment, the Applicants Transport Consultants undertook further analysis of the likely impact on the surrounding Highway network. They undertook a more robust assumptions based on external visitors and distribute the traffic more towards Bridgnorth. As stated above it is considered that the figures contained within the Transport Assessment are a worst case scenario.

The submitted automatic traffic data indicates that the existing two way flow on the B4555 within the vicinity of the site is within the region of 4000 vehicles per day. Table 3 below, contained within the technical note, version 3 provides an indication of the potential increase in vehicle flows (assuming 90% arrive from Bridgnorth). There are two figures given the likely flow if no Development takes place, and with Development. It indicates that the worst case scenario in the morning and afternoon peak there may be an additional 213 vehicles in each of the peak hours, which is an increase in the likely flows if the Development does not take place. However, as above it is considered that the transport assessment is relatively robust, and presumes 100% occupancy throughout the year, which is extremely unlikely, therefore the figures do not apply if the Development is fully operational. It also assumes that each lodge will make 6 excursions to the local area per week. Whilst the development will be a substantial development for the surrounding area, analysis shows that it will not generate a significant amount of trips compared to the existing number of vehicles already travelling along the B4555.

Whilst both application 18/05052/FUL and 18/05159/FUL seek to provide a number of facilities which could potentially generate a significant number of vehicle movements if delivered in isolation, the applications seek to compliment applications 18/05078/FUL and 18/05079/FUL for the Holiday lodges and potentially significantly reduce the number of visitor trips during the duration of visitors stay. Therefore whilst the cumulative impact of the whole development on the highway may lead to an increase in trips, from a Highways perspective we would be supportive of any application that create a self-contained development where visitors to the lodges leave the site infrequently.

- 4.3.4 Part 6 of the submitted Design and Access statement indicates that the Leisure facilities are intended to be for the exclusive use of holiday makers, and not open

to the general public. In terms of Highway impact, then we would recommend that further reassurance of this was provided to control the overall impact of the Development on the surrounding highway network. However it is acknowledged that in order to secure the future viability of the site, these facilities may need to be opened up to the public.

Section 5.3 of the submitted transport assessment provides an indication of the likely impact if the facilities were to be open to the public and assumes 50% of the trips generated would be external which is considered an acceptable level to form any assumptions upon. Analysis indicates that whilst the facilities would generate additional trips if opened to the public, there is unlikely to be any trips generated in the morning peak, only trips in the afternoon peak and weekends.

- 4.3.5 We are satisfied from a Highways perspective that if the facilities were open to the public the impact on the Highway network would not be significant, therefore we would not require any controls over the use of these facilities (i.e. private residents only) based on the information provided. Despite the above, we would seek clarification with regard to the likely scale of the ‘substantially reduced fee and usage by immediate locals’ it is assumed that this is a minimal number of properties in the local area that are impacted directly by the construction.

Concerns have been raised with regard to capacity on the surrounding network of the cumulative impact of the whole Development in particular the impact on the junctions in Bridgnorth, most notably B4555/B4363 and Oldbury Road/Hollybush Road. Whilst no specific analysis has been undertaken with regard to capacity at these junction, it is considered that the increase in trips generated by the proposed development compared to the number of existing vehicle movements will not be significant enough to reduce capacity at the junctions within Bridgnorth.

Automatic Traffic data indicates that the existing two-way average daily flow on the B4555 is within the region of 4000 vehicles, and approximately 2000 vehicles per day on the B4363. Underhill Street/Hollybush Road has a two way daily flow of approximately 12,000-14,000 vehicles a day. Based on the information submitted, it is acknowledged that the Development will increase the number of vehicles movements along the B4555, and the surrounding Highway network, however, the figures contained within the Transport Assessment and Technical note are worse-case scenarios when the Development is operating at full capacity. It is not considered that there is material grounds to consider a highways refusal for any of the applications submitted. Shropshire Council as Highway Authority would need to demonstrate that the B4555 and surrounding Highway network do not have the capacity to support a Development of this nature. It is not considered a Highway objection could be sustained on this basis.

- 4.3.6 Despite the above, it is acknowledged that the Development will attract an increase in the number of existing vehicle movements on the surrounding highway network and attract drivers that are not familiar with the highway network conditions. Therefore the proposed mitigation works are welcomed. The concern with regard to the delivery of the works if that they are intended to deal with the cumulative impact of all developments therefore consideration needs to be given

to the appropriate timing of these works, which will not significantly impact on the construction of the development, and deteriorate prior to occupation, and also unsure they are delivered in a timely manner, and are not dependant on the commencement of one of the four application. It will therefore be our recommendation that a condition is placed upon each application that requires the works to be completed prior to the occupation or opening of any of the facilities which forms part of the current applications.

It is the applicants intention to deliver these works themselves, through a Section 278 agreement (Highways Act 1980) the details of the works can be agreed through the Section 278 technical approval process. However, the applicant following a request has submitted draft details of the proposed improvements. It is considered that these proposals are acceptable in principle, with the exception of Section 2 proposals however the exact details of the works could be agreed and secured through the Section 278 agreement. The conditions of the Highway is constantly changing therefore whilst we can agree the scope of the works in order to determine the application maintenance works may be undertaken between the granting of permission and the delivery of the Section 278 works.

- 4.3.7 The proposed mitigation works are discussed in more detail at paragraph 6.5.15 of this report below.
- 4.3.8 Railway link: Section 4.6 of the submitted Transport Assessment and Section 3 of the Masterplan Concept indicates that the Developer is seeking to try and secure a direct link to the Severn Valley Railway line. It is considered that this will promote sustainable travel from the site and should be encouraged. However no details have been submitted as part of this application or other applications, therefore has not been taken into account when assessing the impact of this Development on the surrounding Highway network. It is assumed that if this addition to the Development were to come forward then details would form part of a separate planning application and assessed on its own merits. As above, Shropshire Council as Highway Authority would not have any objection in principle however we would want to seek reassurance that any impact was contained within the site.
- 4.3.9 Construction traffic: It is acknowledged that the current state of repair of some of the existing Highway network within the vicinity of the site has deteriorated, however Shropshire Council have planned Highways works programmed to address some of these issues, therefore the condition of the Highway is a evolving matter. As per Section 2.3 of the submitted technical note, Shropshire Council as Highway Authority have the powers under Section 59 of the Highways Act 1980 to recover additional costs of road maintenance. It is therefore recommended that a planning condition is placed upon any permission granted that requires the applicant to undertake a joint road condition survey of all proposed construction routes prior to commencement to identify the existing condition of the Highway network and any works required to facilitate the level of construction vehicles using the routes. The Construction Environmental Management Plan should include, in addition to the measures identified in the submitted technical note, a contact responsible for community liaison, point of contact for residents experiencing any disturbance during construction and a

banksman stationed at the construction access to assist heavy vehicles in entering and leaving the site.

4.4 SC Drainage – No Objection:

The proposed drainage strategy in the Flood Risk Assessment is acceptable in principle. The final drainage details, plan and calculations shall be submitted for approval. Full details, plan and sizing of the proposed package sewage treatment plant including percolation tests for the drainage field should be submitted for approval.

Recommend pre-commencement planning condition requiring a scheme of the surface and foul water drainage to be submitted and approved.

4.5 SC Regulatory Services – Comment:

Having considered the proposal it is noted that lobby doors have not been incorporated to all access points into the buildings for patrons. This is a necessity to stop noise break out and should be given additional thought. This would include lobby door onto Terrace on the first floor.

Glazing and doors will need to be able to be closed when there is significant noise inside e.g. music. As a result alternative means of ventilation may be necessary to avoid patrons being uncomfortably hot. Keeping people cool indoors is a good way of removing noise concerns and would make management of this aspect easier for the applicant going forwards. In addition details of the noise attenuation qualities of the glazing is required. The better the glazing the more confidence that noise will not break out and impact on those in the locality.

(Case Officer comment: Amended drawings have been received following discussions with Regulatory Services to address noise break out).

4.6 SC Rights of Way – Comment:

There are various Public Footpaths that run over the grounds at Astbury Hall. It appears that they have been taken into consideration within the Design and Access Strategy and incorporated within the design, however the southern section of the rights of way will need to be checked as it appears that the lines of the footpaths that are shown on the masterplan do not correlate with the actual Definitive line of the footpaths and lodges could affect one of the footpaths.

The network of Rights of Way must be taken into consideration at all times both during and after development and the applicant also has to adhere to the following criteria:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

4.7 SC Trees – No Objection:

I have reviewed the information submitted in association with this application and I do not consider there to be any significant trees that may be affected with this particular part of the proposed scheme at Astbury Hall. Therefore I have no arboricultural concerns regarding this particular application and no comment to make, other than recommending opportunity be taken to enhance tree cover at the site through appropriate new planting in association with this development. I would therefore recommend attaching landscape conditions to any permission granted.

(Case Officer Comment: The extent of the application site in this case is restricted to that immediately around the proposed building. The landscaping scheme submitted with the three other related planning applications mean that it is not considered necessary to attach landscaping conditions to any approval of this particular proposal).

4.8 SC Ecology – No Objection: Recommend conditions relating to the appointment of an ecological clerk of works; reporting on compliance with method statements, mitigation and enhancement strategies, approval of any external lighting.

4.9 SC Conservation – No Objection:

Astbury Hall itself is a fine residence, although not listed it would be considered to be a non-designated heritage asset worthy of protection under NPPF policies, particularly paragraph 197 which states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

The proposed bar/restaurant building subject of this application is to be sited to the south west of the main hall building. The building is set away from the main elevation of the hall and is set down slightly in the landscape and so would not generally compete with the hall but would remain subservient to it in most views. Materials and design are proposed to reflect a traditional outbuilding style that would be appropriate to the estate. Generally this approach is considered acceptable and the proposed new bar building is not considered to create any significant undue harm to the setting of Astbury Hall as a non-designated heritage asset.

4.10 SC Business Growth and Investment – Support:

In response to the economic impact assessment related to planning applications for the redevelopment of Astbury Hall, the Economic Growth Service are fully supportive of the redevelopment of the existing site to support a new fully developed leisure, hotel and community facility. The proposal signifies the ability

to offer a provision that will not only rejuvenate a currently disused golf course operation, but create a facility that supports to drive new visitors to a rural part of the county and support businesses within both the wider visitor economy sector and those benefiting the broader local community.

The visitor economy sector is one of the most significant within Shropshire and with the broad range of attractions available, high visitor numbers and the value that this brings to the Shropshire economy, this application provides a significant opportunity to support in continued economic growth within this sector. This opportunity also has the potential to create a truly national and even international facility, supporting to develop Shropshire's position firmly on the map as a destination to visit and stay and delivering increased spend in this locality. Key to this is also the sites ability to support the delivery of jobs from across a range of skill sets, reducing the need for residents to commute outside of the Shropshire area for employment.

As outlined, consider that this opportunity should be fully supported on the basis of its ability to deliver economic growth through the attraction of new inward investment, continued development of a key industry sector and the delivery of new jobs both for the site and the wider opportunities this will attract within the locality.

4.11 National Trust (19.12.18) – Object:

Astbury Hall is seen from the western side of the historic park at Dudmaston, which is owned and managed by the National Trust. Elements of the existing golf course can also be seen as can land on which the lodges and leisure facilities are proposed. The National Trust objects to the proposed development for the reasons set out below and in greater detail in a letter sent to the council. We would welcome the opportunity to meet with the council's planning officer and with the applicants and their consultants to discuss our concerns.

The proposed development potentially harms the setting of designated and undesignated heritage in National Trust ownership. These impacts have not been assessed even though the assets are within the study area identified by the applicant's heritage consultant. We therefore object to the proposals on the basis of a failure to comply with the requirements of NPPF paragraph 189.

The proposed development potentially affects sensitive visual receptors at Dudmaston. These impacts have not been assessed in the application. We object to this lack of assessment of visual impacts.

The proposed development potentially has landscape effects at Dudmaston. These impacts have not been assessed in the application. We object to this lack of assessment of landscape impacts.

The National Trust is also concerned about the effects of the proposed development on the landscape character of the wider area, particularly considered cumulatively with the numerous caravan parks along the Severn Valley.



We are concerned at the potential night time light-polluting effects of lighting at the development. We consider that as a general issue this has not been addressed sufficiently in the submitted information. Like every other impact, it is not assessed at all in relation to Dudmaston.

4.12 Shropshire Wildlife Trust (20.12.18) – Comment:

The development could be considered a Schedule 2 project under the EIA regulations (Schedule 2, part 12 (c); (e) and (f) of the EIA Regulations 2017).

The numerous ecological reports appear acceptable and would concur with, and welcome, the recommendations including:

- ☐ A minimum 20m development buffer around the Mor Brook
- ☐ Creation of hibernacula for great crested newts
- ☐ Inclusion of barn owl nest boxes
- ☐ Management of grassland to enhance barn owl foraging resource
- ☐ Dedicated (and permanent) barn owl nesting space in the rebuilt stables
- ☐ Buffers between development and woodland habitat
- ☐ Introduction of woodland management
- ☐ Habitat creation to benefit dormice
- ☐ Dormice nest box scheme

However it would appear that the proposed development needs to be re-positioned to enable even the minimum buffer distances to be met. The access road, a number of lodges, some proposed infrastructure and cut and fill operations all fall well within the minimum 20m buffer from the Mor Brook. A number of lodges also seem to be in close proximity to existing habitat suitable for dormice.

We would also suggest that, rather than the underground attenuation proposed, more natural SUDS solutions are considered. These could potentially be located within the recommended buffer zones and would certainly contribute more to biodiversity than the underground options. The new ponds shown in the landscape plan should be designed and managed to maximise biodiversity benefit and provide newt habitat.

To ensure the desired biodiversity protection and gains are delivered a biodiversity management plan should be agreed, delivered and monitored. A qualified ecologist should provide compliance reports to confirm the actions (and conditions) have been suitably discharged.

-Public Comments

4.13 3 Objections:

- Change our rural village completely
- Infrastructure of area will not support such a large development
- Create a major problem with volume of traffic and road surfaces with difficult narrow road conditions.
- Access on dangerous section of road and is hazardous to cyclists and road is part of the National Cycle Route 45 ; no street lights and no pavements

- Negatively impact on Knowlesands area even if traffic advised to use Bridgnorth by-pass
- Impact negatively on fragile River Severn Bridge and create major traffic problems in Low Town
- Will affect visual beauty of area as well as the eco system
- Not sustainable tourism – too large and out of character
- Visitors to the complex will use their own vehicles to visit local places of interest, impacting on traffic volumes
- Light pollution and noise pollution spoiling the quiet country life style
- Increased noise and air pollution from additional traffic
- Little or no benefit to the surrounding area
- Would be the size of a small town
- Public right of way which runs from the lane close to Astbury Hall to the B4555 would be ruined by the proposed development; view from the north end is typical Shropshire landscape, a valley of woods and fields would be changed forever.
- B4555 road not fit for purpose for the transportation of hundreds of lodges.
- Land stability issues in area and the proposed drainage system feeding to the Mor Brook likely to exacerbate this instability.
- Suggest quarry entrance as an alternative to the current main entrance.

4.14 1 Letter of support:

- Some members of the older community have a totally different attitude to development and change compared to the younger generations.
  - Believe that well over 80% of customers to the Bulls Head are greatly in favour of this dynamic, inspired and enterprising development that offers them, their families and their children opportunities for their future.
  - Offers the promise of a great number of vary varied jobs within and outside of the estate with suppliers and sub-contractors.
  - Anything which is to assist in reducing daily commutes to Wolverhampton, the Black Country and beyond should be encouraged.
  - New jobs in the area must be greatly encouraged given present uncertainties.
  - Continued success of own business depends very much on continuing to attract more visitors to Shropshire.
  - Believes that existing visitor attractions in the wider area would benefit from this development.
  - In line with the economic objective of the National Planning Policy Framework and proposal would meet all the Government stated criteria.
  - Also meets Local Development Plan aim to deliver high quality, sustainable tourism, cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities.
  - It could be a major turning point for the County in attracting further and totally new investment.
  - Would make contributions in local business rates and taxes, enabling the local authorities to also make much more well needed investment in this area.
- This is an extraordinary once in a lifetime opportunity that should be welcomed by everyone.

4.15 Bridgnorth Chamber of Commerce – Support:

The development will have a positive effect on tourism generally in the area, and

the Chamber believes this will be beneficial to its members and other businesses in Bridgnorth, providing a much needed boost to the local economy. The developers advise they believe £3.5 million per annum will be added to the economy in the area, the Chamber considers this will have a substantial impact.

The development will create up to 120 jobs which again will be beneficial to the local economy. The Chamber hopes many of these positions will be filled by local people in a rural area where job opportunities currently are limited.

The Chamber has taken note of the desire of the developers to use Eardington Halt as a means of access to the site for visitors travelling by train, so reducing the impact on the local road network, and sees this as a positive way to mitigate any negative impact from increased traffic, as well as being beneficial to our member, Severn Valley Railway Company Ltd.

4.16 Severn Valley Railway – Support:

The SVR are working with the development company and can see many ways in which the development will benefit the SVR and the local area.

We will be looking to open the Halt to the guests at Astbury Estate and even offer the option that they can arrive by train.

**5.0 THE MAIN ISSUES**

- Principle of development
- Siting, scale and design of structures
- Impact on visual amenity and rural character of area
- Impact of Heritage Assets
- Highway Safety
- Ecology
- Drainage
- Residential Amenity
- Rights of Way

**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.

6.1.2 Core Strategy policy CS5 advises that within the countryside proposals will be supported in principle where they relate to sustainable and rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17. Policy CS16 seeks the development of high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. It specifies that in rural areas proposals must be of an

appropriate scale and character for their surroundings and, if not close to or within settlements, be associated with an established and viable tourism enterprise where accommodation is required. Astbury Hall falls within the latter category. (CS17 is discussed in 6.2 below). Core Strategy policy CS13 relating to economic development, enterprise and employment is also supportive of rural enterprise and diversification of the economy, in a number of specified areas which include green tourism and leisure.

- 6.1.3 Site Allocations and Management of Development (SAMDev) Plan policy MD11 states that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meet the requirements in policies CS5, CS16, MD7b, MD12, MD13 and relevant local and national guidance.
- 6.1.4 The above Development Plan policies are wholly in accordance with the National Planning Policy Framework (2018) which advises at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. It is supportive of a prosperous rural economy and at paragraph 83 states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.1.5 The facilities proposed in this application would be for the use of persons occupying the holiday let lodges contained in applications 18/05078/FUL and 18/05079/FUL, rather than being open for general public use. Consequently, for example, there would be no conflict with Development Plan retail policies with the inclusion of new build restaurants and farm shop within the development proposals. (The applicant's proposal to offer a restricted membership scheme to local people would not compromise the principle of the development, provided that the scale of such use would be very low).
- 6.1.6 It is considered therefore that there is no in-principle planning policy objection to the proposals contained in this application. The acceptability or otherwise of the proposals rest on the detail matters considered in turn below.

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

- 6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 127 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate and appropriate amount and mix of development.

6.2.2 The bar/restaurant building proposed in this application consists of a building with some contemporary design, particularly in the extensive glazing to the south east elevation and the shallow projection of curtain walling contained under the main roof on the north west elevation, but married to the use facing brick to the bulk of the elevations and a dual pitched, plain clay tiled roof and the arched heads to the ground floor openings on the south east elevation. The proposed building would be subservient in scale to the Hall building, with this effect being reinforced by the proposed building being at a lower level due to the topography. It would complement the built form of Astbury Hall as a non-designated heritage asset. SAMDev Plan policy MD2 (Sustainable Design) expands on policy CS6 in seeking to ensure development contributes to locally distinctive or valued character and existing amenity value and advises at MD2.3 That development proposals should:

“Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”

It is considered that the proposed built form of the bar/restaurant building would achieve these design objectives. No objections have been raised to the design by the Council’s Conservation Officer for the area, who considers that the materials and design proposed reflects a traditional outbuilding style that would be appropriate to the estate.

### **6.3 Impact on visual amenity and the rural character of the area**

6.3.1 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors.

6.3.2 SAMDev Plan policy MD11.2 states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) and a Heritage Impact Assessment (HIA) to address these matters. The latter is considered in section 6.4 of this report below. Both these documents have been amended in response to comments from The National Trust that the original documents did not take account of the Dudmaston Estate situated to the east of the River Severn.

6.3.3 The bar/restaurant building would be grouped closely with existing buildings which include Astbury Hall itself. From Astbury Lane to the north it would be partly hidden by the existing garden wall from some vantage points. In views from the southeast, south and southwest it would not appear as an isolated structure in the countryside due to its grouping with existing structures.

6.3.4 The amended LVIA submitted has considered the impact of all four applications

together as it is the intention, in the event of planning permission being given, for the works contained in them to be delivered as a single build programme and the cumulative impact of all elements has to be taken into account. It contains a contextual description of the features that form the landscape; identifies landscape character areas making up the applications sites and the wider site context as being the Mor Brook Valley; Former Quarry Plateau, Astbury Hall and Golf Course; Western Farmland Escarpment; Chelmarsh; River Severn Valley; Eardington; Quatford Escarpment and the Dudmaston Estate. The main landscape receptors identified in the document comprise of the Mor Brook valley; the plateau; the mature woodland; the golf course/Astbury Hall/Astbury Hall Farm/residential buildings; Chelmarsh/western farmland; Severn Valley; and Dudmaston Estate.

It is considered that this basis for the analysis is sound.

- 6.3.5 The measures that would be incorporated in the proposed development as a whole, to minimise or mitigate landscape/visual impact would include not just a reliance on screen planting (Which would take time to establish) but also through the creation of a gently rolling landscape by balanced cut and fill contouring. The chalet clusters on the plateau area would be set within sinuous mounding and the eastern boundary would be gently built up to provide further screening. The associated car park areas would also be cut into the ground and/or screened with “Devon Banks” and planting. In addition to the grading works native tree, shrub and wildflower meadow planting would create further screening and assimilation of the lodges into the landscape. The lodges would be cut into the ground where possible; would not go into the woodland along the Mor Brook and, with specific reference to this particular application, the bar/restaurant building would be immediately adjacent to the built up area of the existing Hall.
- 6.3.6 From this context the LVIA carries out an assessment of the construction effects on landscape character, and an assessment of operational effects on landscape character. The receptors of potential visual impact assessment includes footpath and road users in addition to those listed in 6.3.4 above, with distant views (>1km); middle-distant views (0.25 – 1km); close views (0.25km) and important buildings. The viewpoints selected for the assessment are detailed and, with the amended LVIA taking account of the Dudmaston Estate, are considered to be appropriate with no significant omissions.
- 6.3.7 The LVIA concludes that some two thirds of the existing site can be considered “semi artificial” (golf course, former quarry, Astbury Hall/car park) with only Mor Brook Valley being regarded as landscaper and visually sensitive. The existing leisure amenity golf course and flat reinstated quarry field means that the significance of effect on landscape character during the construction period would be temporarily ‘minor adverse’, mainly as a consequence of topsoil stripping and the movement of earthworks equipment. The significance of effect on landscape character during the operational stage of the project is predicted to be ‘minor adverse to negligible’. The character of the landscape would not change from that of a semi artificial golf course and protection of the key landscape elements (The Mor Brook Valley and the woodlands) would ensure no detrimental impact on the overall character. Sensitive receptors of the Dudmaston Estate would not be affected. It comments that the mitigation measures would, in time, see a slight

beneficial impact on landscape character in the form of greater biodiversity and ecological protection/management. The location and design of the bar/restaurant building would not be intrusive from the landscape impact perspective. Visual impact during construction would be essentially confined to sections of public right of way and the residents near Astbury Hall, and as a consequence the significance of visual impact during construction is considered 'minor adverse'. Visual impact following completion of the project would be limited to the same receptors, and would in time be further diminished with the establishment of mitigation planting. The significance of effect on views is predicted to be 'minor adverse'.

6.3.8 The term 'minor adverse' used in the landscape impact analysis means that *"the proposals would be slightly at variance with the existing landscape character; can be largely mitigated with only small residual adverse effect."* The residents of Astbury Lane would experience a moderate deterioration in existing view which, with mitigation over time would shift to a 'moderate adverse' effect. From the Dudmaston Estate the verifiable montages supplied show that the lodges would be almost entirely unseen from this receptor. Due to the distances involved, existing and proposed topography and the lodges/landscape design the LVIA concludes that the proposals would be invisible from Dudmaston Hall and parkland, and barely visible (glimpsed views) from Lodge Farm. The impact on Lodge Farm is judged to be 'minor adverse' changing to 'negligible' with the establishment of planting. From all other locations whether off site footpaths, longer residential views or from Quatford the impact on views is defined as broadly negligible.

6.3.9 Observations made by the Case Officer during site visits and the Council's Conservation Officer concur with these conclusions of the revised landscape and visual impact assessment. It is considered that a refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings contained in that landscape, could not be sustained.

#### **6.4 Impact on Heritage Assets**

6.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities in considering whether to grant planning permission which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Astbury Hall is not listed and constitutes a non-designated heritage asset. Consideration must be given to whether the setting of any listed buildings would be affected by the proposed development.

6.4.2 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors. SAMDev Plan policy MD13 advises that Shropshire's heritage assets will be

protected, conserved, sympathetically enhanced and restored by ensuring that, wherever possible, proposals avoid harm or loss of significance to designated and non-designated heritage assets, including their settings. Where a proposal is likely to affect the significance of designated or non-designated heritage assets, including their setting, policy MD13.2 requires applications to be accompanied by a heritage assessment. This policy accords with paragraph 189 of the NPPF which advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting. It explains “The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

- 6.4.3 The amended Heritage Impact Assessment (HIA) for land surrounding Astbury Hall submitted considers the impact of the development proposals as a whole, which have been split across the four planning applications. (The other planning applications being 18/05052/FUL; 18/05078/FUL and 18/05079/FUL which are also on this Committee agenda). It is to be read in conjunction with the Landscape and Visual Impact Assessment (LVIA) discussed in section 6.3 above in respect of the impact of the proposals on listed buildings and, in particular, those associated with the Dudmaston Estate.
- 6.4.4 The HIA has been conducted in accordance with the Historic England document ‘The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning 3’. It has established from the Historic Environment Record for Shropshire (HER) that very few monuments, events/activities and listed buildings within the 1000m buffer zone of the Astbury Hall study area. There are no listed buildings or scheduled ancient monuments within the study area, although several listed buildings are recorded just beyond the range of the 1000m buffer zone. All listed buildings and monuments, local find spots and archaeological reports listed in the HER in the wider study area beyond 1000m are recorded in the document.
- 6.4.5 The HIA concludes that the proposed development sits within an area of limited archaeological potential. The level of significance of the heritage value of the site is considered as low as categorised in the NPPF. There may be an effect on hitherto unknown archaeological remains or artefacts, of a similar nature those recovered in the local region. The location of the proposed elements of the development on recorded monuments in the area would be low, but the impact on Astbury Hall and its associated estate, which has historic origins would be considered a medium impact. The impact on views across the historic landscape would be mitigated by the cluster layout of lodges in banded surrounds and the landscaping. From the heritage impact perspective the ‘plateau’ area is the least significant area of the site due to the previous quarrying and subsequent restoration. With regard to the proposed built form, the HIA concludes that the development would cause slight harm to the historic significance of the estate. This low level of harm has to be weighed against the benefits of creating leisure facilities that would have public benefits to the rural economy, creation of employment and the Development Plan aspirations to enhance the role of Shropshire as a tourist destination to stay.



6.4.6 In response to the specific concerns raised by the National Trust the HIA comments that Dudmaston Hall is over 1.6km from the closest point of the application site, and that one of the heritage assets within the Dudmaston Estate, known as Lodge Farm, is around 940m from the closest point of the application site. It observes that there is no common border between the Astbury Hall Estate and the Dudmaston Estate, and that the latter is slightly raised in comparison with the former. It asserts that the impact on views from the listed buildings and parkland associated with the Dudmaston Estate by the proposed development can be considered to be of negative to low impact, due to the considerable impact and mitigation measures, as has been explored in detail in the Landscape and Visual Impact Assessment (LVIA.) discussed in section 6.3 of this report above.

6.4.7 The Council's Conservation Officer for the area concurs with the conclusions of the HIA. An archaeological watching brief would ensure the opportunity to record any matters of archaeological interest which may be uncovered by the leisure facilities proposals and associated works contained in this particular application. It is considered that there are wider public benefits from the proposed development which outweigh the limited harm identified to the historic significance of the Astbury Estate, in applying the balance required by paragraph 197 of the NPPF.

## 6.5 Highway Safety

6.5.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It also seeks to secure safe developments. The NPPF, at paragraph 108, advises in assessing applications for development should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.5.2 A Transport Assessment has been submitted with the planning application, which has been expanded upon in response to comments from the Council's Highways Team. The Transport Assessment considers the impact of the development proposals as a whole, which have been split across the four planning applications. (The other planning applications being 18/05052/FUL; 18/05078/FUL and 18/05079/FUL which are also on this Committee agenda).

6.5.3 The initial Transport Assessment references the 'fall back' position under which the hotel development, holiday lodges and holiday let barn conversions, together

with an additional golf course, could be constructed without the need to obtain a further planning permission.

- 6.5.4 The bar/restaurant building proposed in this application is proposed to serve the holiday lodges and would not be available for non-residents, although the applicants have advised that local residents would be able to use the facilities through a restricted membership scheme. The Transport Assessment is based upon the number of chalets proposed, with a 5% uplift in traffic generation compared to the actual number of lodges proposed. (315). It also includes personal injury collision data, which shows there have been two collisions in the vicinity of the site in the last five years, approximately 200m and 500m east and west of the existing site access respectively, which were classified as slight in severity. With regard to access by sustainable modes the Transport Assessment acknowledges that there are no footways provided on the B4555 although there are a number of public footpaths in the vicinity of the site which could serve shorter leisure journeys. The 125 bus route passes the site which provides a service between Stourbridge and Bridgnorth via Kidderminster and Bewdley, which provides an hourly daytime service Monday to Saturday. (The applicants are also in negotiation with the Severn Valley Railway on improvements to Eardington Halt to provide access to services along the route and a mainline connection via Kidderminster railway station). The conclusion on the existing transport conditions is that the site is rurally located with limited opportunities for access by sustainable modes; with the hourly bus service passing the site there is the potential to provide new stops to serve new demand; and there are not considered to be any inherent highway safety issues on the local highway network.
- 6.5.5 Vehicular access to/from the site would be from the main access on the B4555 Road, with no use of the single track Astbury Lane for that purpose, and an underpass beneath that lane to access the land and golf course on the northern side forms part of this application. ATC traffic surveys were commissioned on the eastbound and westbound approaches to the main site access onto the B4555, which is subject to the national 60mph speed limit, and the data used to determine stopping distances for visibility splay purposes against national standards. This has established that the absolute minimum visibility splays (2.4 x 160m) sought by those standards are achieved within the extent of the adopted highway boundary, with the desirable splay to the west of the site (2.4 x 215m) also within the adopted highway, but crossing an embankment on the southern side of the highway.
- 6.5.6 The likely travel demand from the proposed development has split these into four categories comprising visitor arrivals and departures at the start and end of a stay; visitor excursions during the stay; staff arrivals and departures; and servicing and deliveries. The assumptions made include 100% occupancy; while it is likely that most arrivals would be in a single car, to provide a robust assessment it has been assumed that each lodge occupants will arrive and depart in an average of 1.5 vehicles. The assumption is also made that each lodge would have two sets of guests per week (i.e. Friday to Monday 3 night stay and a Monday to Friday 4 night stay). 315 lodges x 100% occupancy x 1.5 vehicles x 2 stays per week = 945 arrivals and departures per week. It is

assumed that guests would undertake two excursions to the local area per visit, with each visit involving a single vehicle. 315 lodges x 1 vehicle x 2 excursions x 2 stays per week = 1260 arrivals and departures per week. Staff arrivals and departures are calculated on the basis of 120 staff, split equally across seven days, with each employee working five days per week, which equates to 86 employees per day working on-site. No allowance is made for absences or holidays and it is assumed, for the purposes of trip generation, that all staff commute by a single occupancy car journey. 86 staff per day x 7 days = 602 arrivals and departures per week. With regard to serving and deliveries an assumption of 10 arrivals and departures per day has been made, totalling 70 such movements per week. It is considered that the above assumptions are a sound basis for determining likely travel demand.

- 6.5.7 The result of the above would be a total of 2877 arrivals and departures per week (5754 two-way trips), with an average of 411 arrivals and departures per day (822 two-way trips) in periods of maximum occupancy. The periods when these movements would take place would be visitors arriving after a certain check in time; visitors departing after a certain check out time (Those times to be determined); staff arrivals and departures depending on shift patterns; and servicing which would be concentrated during the morning, but could be throughout the day.
- 6.5.8 The Transport Consultants have used TRICS Trip Generation data for residential holiday accommodation; surveys since 2001; have excluded sites in Greater London and Ireland; have excluded town centre or edge of town centre locations; only included sites with substantial leisure facilities (Typically at least swimming pool and bar/restaurant); and trip rates per unit of holiday accommodation. Both weekday and Saturday trip rates were extracted from that data. The resulting figures for the period between 07:00 – 19:00 of 614 two-way trips on a weekday and 661 two-way trips on a Saturday are lower than their first principles estimate of 822 two-way trips. The differences can be explained by a number of factors, including the TRICS data using a lower number of cars for unit of holiday accommodation; a lower staff ratio; staff arriving by means other than single occupancy journey; a lower number of off-site trips per unit of holiday accommodation and trips outside the 07:00 – 19:00 TRICS survey period. However, the Transport Consultants are of the view that the TRICS outputs are useful in determining trip generation during the network peak hours of 08:00 to 09:00 weekday am peak; 17:00 to 18:00 weekday pm peak and development peak (Saturday) of 13:00 to 14:00. While it is not intended that the proposed food and drink facilities would be used by the general public, in order to be robust the Transport Assessment has included an allowance for these areas of the proposed development. The existing golf course, used to its full potential, has also been taken into account. The total development trip generation figures when the holiday accommodation; potential external trade to the pub/restaurants and potential additional use of the golf course for the entire site would be 39 two-way trips in the AM peak hour, 105 trips in the PM peak hour and 134 trips during the Saturday development peak hour.
- 6.5.9 The Transport Assessment also includes the fall back trip generation should the hotel and other facilities in the extant planning permission 98/0829 be built out. It

comments that the trip generation of the hotel would be slightly lower than that of the proposed use, but comments that it would generate a volume of traffic which is broadly similar in magnitude compared to the proposed development. This is therefore a factor for consideration in the assessment of the development proposals.

6.5.10 The capacity of the site access junction has been tested using the Junctions 9 software package with data gathered from traffic counts on 5<sup>th</sup> September 2018 and traffic surveys between the 5<sup>th</sup> and 11<sup>th</sup> September 2018. TEMPRO software has been used to provide a growth factor to account for background traffic growth for a five year period post application (2018-2023). Traffic arriving and departing from the site is split into three categories comprising holiday visitors from across the country; staff from the local area; and golfers from the local area. The three traffic assignments tested are 50%north/50%south; 75%north/25%south; and 25%north/75%south. The capacity assessment results demonstrate that the site access would operate well within capacity in all the scenarios considered.

6.5.11 With regard to the Highway Network Capacity, the Transport Assessment comments that the existing B4555 is a lightly trafficked road, with a two-way average daily flow of 3700 vehicles per hour and a maximum two-way hourly flow of 300 vehicles. It is estimated that the proposed development would result in an average of 822 additional vehicle trips per day on the local highway network. It states:

*“DMRB TD 46/97 provides advice on traffic flow ranges for use in the assessment of new rural roads. The document notes that a standard ‘S2’ single carriageway road is suitable for an Annual Average Daily Traffic (AADT) flow of up to 13,000 vehicles.*

*The proposed development would increase the AADT on the B4555 to approximately 4,500 vehicles, well below the suggested threshold for a single carriageway road. On this basis it can be concluded that the existing B4555 is a suitable standard or road to accommodate existing and future development traffic.”*

The Transport Assessment conclusions are that it demonstrates the proposed development would have a negligible impact on the operation of the local highway network, both at the site access junction and on the link capacity of the B4555.

6.5.12 The Council’s Developing Highways Area Manager raised a number of queries concerning the Transport Assessment. With regard to highway safety the area of search needs to be shown in the report; local concerns over the safety of the B4555 in the past, and given that most traffic generated by the development is likely to gravitate to/from the north, the search area should be extended to the edge of Bridgnorth town, and a brief description of the nature of all identified collisions included, before conclusions can be drawn. Other matters raised included the location of the monitoring point for determining traffic speeds from the east and visibility due to the road geometry at Hay Bridge; the need for visibility at the proposed construction access (Into the eastern part of the site for development on the eastern side of the Rea Brook) to be considered; the Travel

Demand assumptions would be impacted on by the arrival/departure times and until they are set the first principles approach should be applied to a worst-case time period; similarly a worst-case approach to staff trips also needs to be considered until the nature and shift patterns of the jobs on site is known. The close proximity of some major visitor attractions could also affect the assumptions out the level of visitor excursions. The traffic growth 5 years after the application should be adjusted to the period after full opening. She advises that the approach taken in the report is appropriate to determining the likely increase in traffic over a 24 hours period, but this is only relevant for the link capacity assessment. She does acknowledge however that the altered assessments requested would be unlikely to make any significant difference to the conclusion on the capacity assessment of the site access operating well within capacity with the more robust approach sought. The approach taken to consider traffic distribution is considered acceptable, but experience suggests that the proportion of traffic accessing the site from the north is likely to be higher than 75%.

6.5.13 With regard to Highway network capacity the Highways Area Manager comments that the TD46/97 document referenced is only applicable to a new road scheme built to the appropriate standards. The B4555 road does not comply with these standards and the Transport Assessment must consider this fact. It is requested that the report submitted considers potential improvements to the surrounding road network. The proposed underpass to Astbury Lane (In application 18/05052/FUL) is welcomed by the Council's Highways Team.

6.5.14 In response to the queries raised the applicant's highways consultants have submitted a Technical Note, which responds also to highway matters raised by the Parish Councils. A summary of the proposals under the topic headings are set out below:

6.5.14.1 Construction Traffic: Section 59 of the Highways Act allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic during the construction period. It would typically be expected that representatives of the highway authority and the applicant will carry out a joint road survey/inspection on the roads leading to the site, noting defects, with a further joint survey following completion and any remedial works completed within an agreed timescale.

A Construction Environmental Management Plan has been prepared. Two entrances would be provided for construction vehicles comprising:

a )The existing in access for Astbury Hall from the B4555 for development on the western side of the Mor Brook.

b )The existing former quarry access at the north eastern corner of the combined sites for these applications for development on the eastern side of the Mor Brook

Construction traffic routes would take account of the bridge carrying the Seven Valley Railway line, with a height restriction of 3.8m and the bridge carrying the B4555 over the railway which, although it does not have a weight restriction, is narrow. Articulated heavy goods vehicles, vehicles over 3.8m in height (Including transporting machinery or lodges) would arrive from north (via Bridgnorth) to the quarry access and from the south (via Highley) to the golf club access. Wheel

washing facilities will be provided within both the eastern and western sides of the site; and the highway will be cleaned or swept at regular intervals to remove any mud or deposits on the carriageway. Any damage to the highway from turning goods vehicles will be repaired to the satisfaction of the highway authority following completion of the construction phase.

Any gate controls to access the site will be a minimum of 20 metres back from the edge of the highway to allow vehicles to wait off carriageway, and circulation space provided to allow vehicles to enter and leave in a forward gear.

Deliveries by articulated vehicles or abnormal loads will be restricted to the periods 09:30 – 15:00 during school term time and 09:30 - 16:30 outside term time.

A Construction Access Speed Survey has been carried out and the required minimum visibility standards can be achieved in both directions. In addition, to improve the safety of the construction access vegetation would be cut back as far as possible on either side and it will be manned to allow site personnel to assist large vehicles entering/exiting as necessary.

6.5.14.2 Site Access Visibility: In response to the query raised by SC Highways, the Transport Consultant has carried out an additional automated traffic survey (ATC) some 140m to the east of the main site access. The data recorded an 85<sup>th</sup> percentile westbound traffic speed of 38mph and with allowance for the downhill gradient, the desirable minimum stopping distance would be 108m and the distance from where the access comes into view is 140m, which shows that adequate visibility is available.

6.5.14.3 Trip Generation and Site Access Capacity: In response to the SC Highways request for a more robust assessment of the development' peak trip generation based on the 'first principles' assessment previously undertaken, a re-assessment has been carried out on the basis that each lodge would make six excursions to the local area per week. (An uplift of 50% on the previous assumption). This would increase the total visitor excursions from 1260 to 1890 per week. A peak period 'worst case' trip generation assessment has been undertaken which combines the period when development trip generation would be at its maximum and the period during which traffic volumes on the B4555 are highest. The traffic growth allowance period has also now been extended to the period 2018 – 2026. An additional traffic assignment at the site access has also now been added which is 90% north/10% south. The results of the site access capacity, worst case assessment 2026 is that the site access would operate within capacity in all scenarios considered.

6.5.14.4 Link Capacity: The existing and proposed traffic flows between the site and Bridgnorth (based on the option of 90% of trips arriving from Bridgnorth) would, in the worst case scenario, increase the PM a southbound traffic flow 275 to 488 vehicles. This equates to an increase from one vehicle every 13 seconds to one vehicle every 7 seconds. The Transport Consultants comment that this shows the traffic flows can be accommodated without having a severe impact on the capacity of the road.

6.5.14.5 Collision Analysis: The study area has been extended in response to comments by Highways for a distance of some 8km between the B4363 in the north and Chelmarsh/Sutton in the south and an analysis given of the route character. In the most recent five year period there have been 10 collisions on this stretch of the B4555, of which nine are classified as slight and one as serious. Between the B4363 and Eardington (Section1) there have been two slight collisions when vehicles lost control travelling through bends, with the recorded causation factors being travelling too fast for conditions. None have occurred in Eardington (Section 2). Between Eardington and Chelmarsh (Section 3) there have been five slight collisions comprising of one where a car collided with a reversing tractor; two on the bridge over the SVR when a vehicle travelling south over the bridge lost control through the bend and collided with an oncoming vehicle; one at the bridge under the SVR when a vehicle lost control on mud/rain; and one on the southern section of this road length where one driver veered onto the wrong side of the road, where one driver was recorded as being impaired by alcohol. On the section between Chelmarsh and Sutton (Section 4) the serious collision occurred at the junction of Bakehouse Lane with the B4555 with a vehicle turning right into Bakehouse Lane crossing into the path of another vehicle. The two slight collisions comprised of a vehicle travelling north to the south of the 40mph zone losing control, and a vehicle waiting to turn right into a minor track being struck from behind. The care and the speed at which motorist travel is a contributory factor of most collisions.

6.5.14.6 Mitigation Works: A review of the existing highway has been undertaken in comparison with DMRB TA 85/01 'Guidance on Minor Improvements to Existing Roads'. The Transport Consultants comment that repairs to the carriageway would be a matter for Shropshire Council but it is proposed that the developer provide a number of measures as part of the implementation should planning permission be granted. These comprise:

Section 1 – B4363 to Eardington:

Replace existing 40mph signage with gateway feature, including 'dragon's teeth' and red road markings.

Add red surfacing to existing 40mph road markings.

Add red surfacing to existing SLOW road markings.

White line edge of carriageway markings where not already provided.

Section 2 – Eardington:

It is proposed that the developer would enhance and refresh the existing traffic calming measures.

Section 3 – Eardington to Chelmarsh:

At the bridges beneath and over the SVR it is proposed that the developer:

Replace existing 'SLOW' markings with red friction surfacing.

Resurface the carriageway with high friction surfacing to a specification to be agreed with Shropshire Council.

At the bridge beneath the SVR replace existing gravel laybys with full carriageway construction, allowing potential over-run by large vehicles, preventing observed deterioration of the edge of the carriageway, and reducing mud spillage onto the highway.

Section 4 – Chelmarsh to Sutton:

This section of road is subject to 40mph through Chelmarsh and Sutton, thereafter increasing to the national speed limit. It is proposed to replicate the existing traffic calming features provided through Eardington, notably:

Highlight centreline marking and ghost island junction to Bakehouse Lane in red and anti-skid surfacing.

Replace 40mph road markings with red anti-skid surfacing.

Edge of carriageway markings along route.

Replace SLOW road markings with red anti-skid surfacing.

6.5.15 With regard to the Section 1 proposals (B4363 to Eardington) SC Highways have raised no objections, but comment that Shropshire Council has planned maintenance works along this section and some of the works may be included within the scope of those proposed works. Further details would be required on the location of the 40mph and SLOW road markings. This matter can be addressed through a condition on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This would provide an opportunity to full review the highway conditions at the time, and sufficient notice to get the works completed.

6.5.15.1 With respect to the Section 2 proposals the existing village traffic calming measures should be refreshed and enhanced as proposed. As with the Section 1 proposals, this matter can be addressed through a condition on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This would provide an opportunity to full review the highway conditions at the time, and sufficient notice to get the works completed. (The original proposal to provide 'chicane' traffic calming features at each end of the village was not supported by SC Highways due to the lack of street lighting).

6.5.15.2 For Section 3 (Eardington to Chelmarsh) SC Highways comment that all the above mentioned works are generally supported from a highways perspective, however further consideration will need to be given to the reconstruction of the gravel laybys to establish if the areas fall within the adopted highway. These details can be investigated and explored at technical approval stage, Shropshire Council as Highway authority have powers to adopt areas of highway, subject to any objections received from the land owner. As above, all works would be subject to a Section 278 agreement and It is recommended that further details are submitted to provide further information of the proposed works, A condition should be placed up on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This will provide an opportunity to full review the Highway conditions at the time, and sufficient notice to get the works completed.

6.5.15.3 For Section 4 (Chelmarsh to Sutton) All works are acceptable from a Highways perspective, however it should be noted that Shropshire Council have planned maintenance works along this section and therefore some of the works maybe



included within the scope of the works. It is recommended that further details are submitted to provide further information of the proposed works. A condition should be placed up on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This will provide an opportunity to full review the Highway conditions at the time, and sufficient notice to get the works completed.

- 6.5.16 The application proposals have considered transport issues in terms of the potential impacts of the proposals on transport networks and the locality. By its very nature of being a form of tourism development that requires a rural location, the sustainable transport options to use of the private car are limited, but the site has direct access onto a B road, is relatively close to the market town of Bridgnorth and the services available in Highley, and has the potential to utilise public transport links and to establish a rail connection via the Severn Valley Railway. There would be onsite opportunities for the holiday lodge occupants to use local footpath networks. Taking account also of the established golf course and extant permissions for hotel and holiday chalet developments that these proposals would replace, it is considered that a refusal on transport grounds as being an unsustainable location would have no prospect of being upheld at appeal. The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation has been proposed to achieve net environmental gains, as may be sought under paragraph 102 of the National Planning Policy Framework (NPPF), even though the studies using nationally recognised standards and modelling have established that there would be no access junction or road network capacity problems resulting from the implementation in full of the package of applications currently under consideration. Safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 108 of the NPPF. The safe developments, from as transport and highways perspective, sought by Core Strategy policy CS6 can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission for the works proposed in this application.

## **6.6 Ecology**

- 6.6.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation.
- 6.6.2 The application is accompanied by an extensive set of ecological surveys relating to badgers, barn owls, dormice, great crested newts, otters, bats, reptiles and water voles, along with a habitat enhancement survey. Ecological Summary Reports have been provided which are specific to each application. The Report provided in connection with this application focuses on the small plot (~0.3 acres) containing one (1) building (B5), hardstanding, amenity grassland and ornamental shrubs/ trees. It concludes that there is an absence of high quality habitat within the application site boundary which is largely managed as amenity

grassland/hardstanding/ornamental planting; no adverse impacts are anticipated on habitats of ecological merit. The greenhouse within the application boundary has negligible bat roosting potential. There are other buildings nearby that contain bat roosts and so a sensitive working methodology should be adopted.

Reasonable avoidance measures (RAMs) detailed in a method statement for great crested newts, and a precautionary method statement for reptiles/herpetiles should be followed, along with a pre-commencement badger survey being carried out.

- 6.6.3 The Council's Planning Ecologist, whose comments are summarised at 4.8 above, is content that these proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. The applicants have subsequently submitted badger and otter pre-commencement report survey; a biosecurity protocol; brown hare method statement, details of the proposed brown owl provisions and a Construction Ecological Management Plan in response to the Planning Ecologists recommended conditions.

## **6.7 Drainage**

- 6.7.1 Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. A package treatment plant is proposed for the disposal of foul sewage. In the west where the building proposed in this application would be situated, surface water would be directed to the Mor Brook with flows restricted by attenuation such that they would be no greater than the undeveloped run off rate for the same event, based on calculations including the 1 in 100 + 40% storm event. The FRA considers the impact on the Mor Brook. It comments that under low flow conditions, surface water flows from the site would be close to the existing greenfield rates. Additional treated flows from the foul systems would represent an increase of 0.7% at low flows and is therefore not significant. During storm events the flows from the foul system would be the same as during low flows. Surface water flows would be restricted to greenfield rates by attenuation, and therefore the overall flow rate to the brook would be lower than normal for such events.

- 6.7.2 The Council's Drainage Consultants have confirmed that the FRA is acceptable in principle, and that the final foul and surface water drainage details, plan and calculations should be submitted for approval. This is a matter which can be addressed through a planning condition on any approval issued. The agents have advised that the full details of the drainage to the leisure facilities is currently being prepared for submission and approval, with the desire to achieve this prior to the Committee Meeting. They comment that the planning process requires that the principles of the drainage design is established and agreed, but the detailed design forms part of the Building Control and working drawings stage of works. Whilst this detailed design is close to completion, the applicant is happy to accept a pre-occupation condition should details not be forthcoming in this time frame. The extent of the land under the control of the applicant would not appear to limit the drainage options in this case. It is considered that, in this case, a condition requiring the drainage details to be approved prior to occupation, and for the works to be carried out in accordance with the approved details, would be an

acceptable way to ensure that the development would not adversely impact on water quality and quantity, or on flood risk.

## **6.8 Residential Amenity**

6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are those to north east on Astbury Lane. The proposed bar/restaurant building siting and scale would have to overbearing impact on neighbouring properties and would not impact on sunlight/daylight reaching those properties. The terrace on the south western side of the building would have no outlook towards residential properties. The north and east elevations of the building would have limited openings and an internal lobby has been provided at the main customer entrance on the amended drawings, following discussions with Regulatory Services, The planning application form gives details of the anticipated opening hours, which would be daily from 09:00 to 23:00. A premises licence would be needed and it is considered that the proposed opening hours would be unlikely to cause undue harm to the residential amenities of the locality. In the event of any noise complaints arising from the operation of the facility, this would be matter that Regulatory Services would be able to investigate and require any necessary remediation.

6.8.2 No information has been provided of the equipment that would be installed in the kitchen area. A condition should be attached to any approval issued to require Local Planning Authority approval of external equipment and/or flues that may be required in connection with the operation of the bar/restaurant, in order to safeguard the residential amenities of the locality.

6.8.3 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue is addressed by a recommended condition on the restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays, and a condition requiring the approval of a construction method statement to mitigate the temporary impact.

## **6.9 Rights of Way**

6.9.1 The proposals contained in this application would not affect the routes of existing rights of way. The Council's Rights of Way Team had noted that one section of public footpath and the alignment of others on the submitted drawings for the whole proposed development was not in accordance with the paths shown on the definitive map. The drawings have been corrected to accord with the definitive rights of way map.

## **7.0 CONCLUSION**

7.1 There is no in-principle planning policy objection to the proposals contained in this application. The proposed built form of the bar/restaurant building would be visually acceptable adjacent to Astbury Hall and would not detract from the visual amenities of the area.

7.2 A refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings contained in that landscape, could not be sustained. With regard to the

heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified to the historic significance of the Astbury Estate, in applying the balance required by paragraph 197 of the NPPF.

7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation has been proposed to achieve net environmental gains, as may be sought under paragraph 102 of the National Planning Policy Framework (NPPF), even though the studies using nationally recognised standards and modelling have established that there would be no access junction or road network capacity problems resulting from the implementation in full of the package of applications currently under consideration. Safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 108 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.

7.4 These proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. Ecological interests and drainage can be safeguarded through the recommended planning conditions. The proposed development would not unduly harm the residential amenities of the locality.

7.5 This proposal, in combination with the three other related applications also on this agenda, would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 83 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

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  
CS16 - Tourism, Culture and Leisure  
CS17 - Environmental Networks  
CS17 - Environmental Networks  
MD2 - Sustainable Design  
MD7B - General Management of Development in the Countryside  
MD11 - Tourism Facilities and Visitor Accommodation  
MD12 - Natural Environment  
MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

BR/74/0254 Conversion of existing dwelling to a hotel GRANT 6th May 1974  
11/01035/AMP Amendments to planning permission 98/0829 to incorporate the additional lavatory block and pay station within the building GRAMP 2nd June 2011  
11/01774/VAR Variation of condition numbers 21 and 34 attached to planning permission reference 93/0829 dated 7th March 2000 to allow for the provision of outdoor functions and erection of temporary marquees GRANT 10th August 2011  
11/04126/DIS Discharge of Condition No.3 (appearance of marquees) attached to planning permission 11/01774/VAR dated 10/08/11 - Variation of condition numbers 21 & 34 (93/0829) to allow for the provision of outdoor functions and erection of temporary marquees DISAPP 12th December 2011  
BR/74/402 The erection of two lodged dwellings for staff occupation REFUSE 5th November 1974  
BR/76/0305 The erection of two extensions to provide additional bedrooms at the front of two existing cottages GRANT 5th July 1976  
13/03715/DIS Discharge of condition 4 (Materials) on planning permission 06/0435 for the use of land for the stationing of holiday lodges at Astbury Hall, Chelmarsh WDN 7th March 2014  
13/04958/VAR Variation of condition 2 of planning permission 06/0435 for the stationing of holiday lodges GRANT 10th March 2014  
14/00794/FUL Erection of 11 holiday retreats GRANT 14th April 2014  
14/03609/FUL Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL GRANT 16th October 2014  
16/00786/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (drainage), 10 (protective fencing) and 14 (Ecology) on planning permission 14/00794/FUL for the erection of 11 holiday retreats DISPAR 11th April 2016

16/00798/DIS Discharge of conditions 6 (external materials), 7 (drainage), 8 (protective fencing) and 11 (ecology) on planning permission 14/03609/FUL for the siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISPAR 11th April 2016

16/00800/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (protective fencing), 10 (habitat management plan) and 20 (construction method statement) on planning permission 14/04010/FUL for the erection of 28 residential units with a restriction for holiday use DISPAR 11th April 2016

16/04437/DIS Discharge of Condition 9 (drainage) relating to planning permission 14/00794/FUL - Erection of 11 holiday retreats DISAPP 2nd November 2016

16/04438/DIS Discharge of Condition 7 (drainage) relating to planning permission 14/03609/FUL - Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISAPP 17th November 2016

17/05426/VAR Variation of conditions 21 & 34 attached to planning permission 98/0829 dated 07/03/2000 (and 11/01774/VAR) to allow for continued use of marquee for a further five years GRANT 14th February 2018

18/05052/FUL Re-development of Astbury Hall Estate to provide; leisure and spa building comprising fitness suite, health spa, two swimming pools, farm shop, function room, restaurant and bar; external facilities comprising lido pool, tennis courts, bowls/croquet/petanque greens; landscaping scheme (removal of trees); formation of parking areas; terraced areas; amendments to existing golf course; formation of 9-hole golf course and 18-hole putting green; demolition of two dis-used outbuildings and re-build to form service buildings; with all associated works PDE

18/05078/FUL Re-development of Astbury Hall Estate to include the installation of 135 holiday let lodges with raised decked areas; office reception lodge; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Valley Lodge Phase) PDE

18/05079/FUL Re-development of Astbury Hall Estate to include the installation of 140 holiday let lodges with raised decked areas; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Plateau Lodge Phase) PDE

BR/APP/FUL/03/0337 Variation of condition number 7 on planning permission reference 98/0829, approved 7 march 2000 GRANT 10th June 2003

BR/APP/FUL/06/0435 Use of land for the stationing of holiday lodges GRANT 31st July 2006

BR/APP/FUL/06/0434 Variation of condition 16 attached to permission ref 98/0829 to substitute drawing no 03/49/11A for 90/107/53 with regard to car park layout GRANT 27th July 2006

BR/APP/FUL/06/0054 Variation of condition 28 on planning permission ref 98/0829 to allow the barn conversion and extension and the timber lodges to be used 12 months a year for holiday purposes only GRANT 6th March 2006

BR/98/0829 Renewal of planning permission 91/0586 for use of land as 18 hole and 9 hole golf courses; use of and extensions to Hall to provide hotel and ancillary facilities and temporary golf club house; use of and extension of pool house to golf clubhouse; use of and extension to barn to provide holiday lets; erection of 12 holiday lodges; installation of sewage treatment plant GRANT 7th March 2000

## 11. Additional Information

[View details online:](#)

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

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

Design and Access Statement

Heritage Impact Assessment

Landscape and Visual Impact Assessment

Ground Investigation Report

Ecological Reports

Transport Assessment

Arboricultural Report

Flood Risk Assessment and Drainage Strategy

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. 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 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.

4. Prior to any element of the development hereby approved being first brought into use, construction details of the improvements to the main site access shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within 3 months of the first element of the development hereby approved being brought into use.

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

5. The highways improvements shown on drawing numbers 03659-0102 and 3659-SK001 (Section 1); 3659-SK002 (Section 2); 3659-SK003 (Section 3) and drawing nos. 03659-0105 and 03659-106; and 3659-SK004 (Section 4) shall be fully implemented in accordance with details which have first been approved in writing by the Local Planning Authority within 3 months of any element of the development hereby approved being first brought into use.

Reason: In the interests of highway safety.

6. No development shall take place, including any works of demolition, until a Construction Environmental Management Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and should reflect the phasing of construction. 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
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives.

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

7. Vehicular access to and from the facilities hereby approved shall (except in emergencies) shall be solely by means of the main driveway to Astbury Hall off the B4555 and not by means of Astbury Lane.

Reason: In the interests of highway safety and to safeguard the residential amenity of properties on Astbury Lane.

8. The use of the bar/restaurant building hereby approved shall be restricted to the occupiers of the holiday lodges only (As contained in planning applications 18/05078/FUL and 18/05079/FUL) and to local residents in accordance with a membership scheme which as first been approved in writing by the Local Planning Authority.

Reason: To define the planning permission for the avoidance of doubt and to safeguard the planning policies for the rural area.

9. The bar/restaurant building hereby approved shall not to open to customers outside the hours of 09:00 to 23:00 daily.

Reason: To safeguard the amenities of the area.

10. Prior to the installation of any external plant or equipment associated with the bar/restaurant building details of its siting, external appearance and sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and shall thereafter be maintained for the lifetime of the development.

Reason: To safeguard the amenity of the area.

11. On completion and prior to the first use of the bar/restaurant building, foul and surface water drainage systems shall have been installed in full, in accordance with details which have first been approved in writing by the Local Planning Authority.

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

12. The development shall be carried out in accordance with the approved ecological compliance and supervision procedures report (ref,140119) dated 14th January 2019; and the method statement (brown hare) (ref.14029.BH) dated 14th February 2019, and the Construction Ecological Management Plan (ref.190219/CEMP) dated February 2019.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

13. Prior to first occupation/use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the ecological Method Statements, Mitigation and Enhancement Strategies (Habitat Enhancement Summary report 221018JM and detailed in subsequent phase 2 ecological reports; 101018MM2 badger, 030918JM1 barn owl, 191018MMJM great crested newt, 190918MM2 bat, 030918JM2 reptile, 140918JM1 otter, 140918JM2 water vole, 101018MM dormouse). This shall include photographs of installed features such as bat and bird boxes, bat bricks/tiles, barn owl boxes and loft, dipper boxes, 10 hibernacula, otter holt, 50 dormouse boxes etc.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

15. Prior to the erection of any external lighting on the site associated with the development hereby approved, 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.

16. Construction works and/or demolition works shall not take place outside the hours 07:30 to 18:00 Monday to Friday; 08:00 to 13:00 Saturdays. No works shall take place on Sundays, or on bank or public holidays.

Reason: To safeguard the residential amenities of the area.

### **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. Other informatives as set out in the report on application 18/05052/FUL.

**This page is intentionally left blank**



Committee and date  
 South Planning Committee  
 12 March 2019

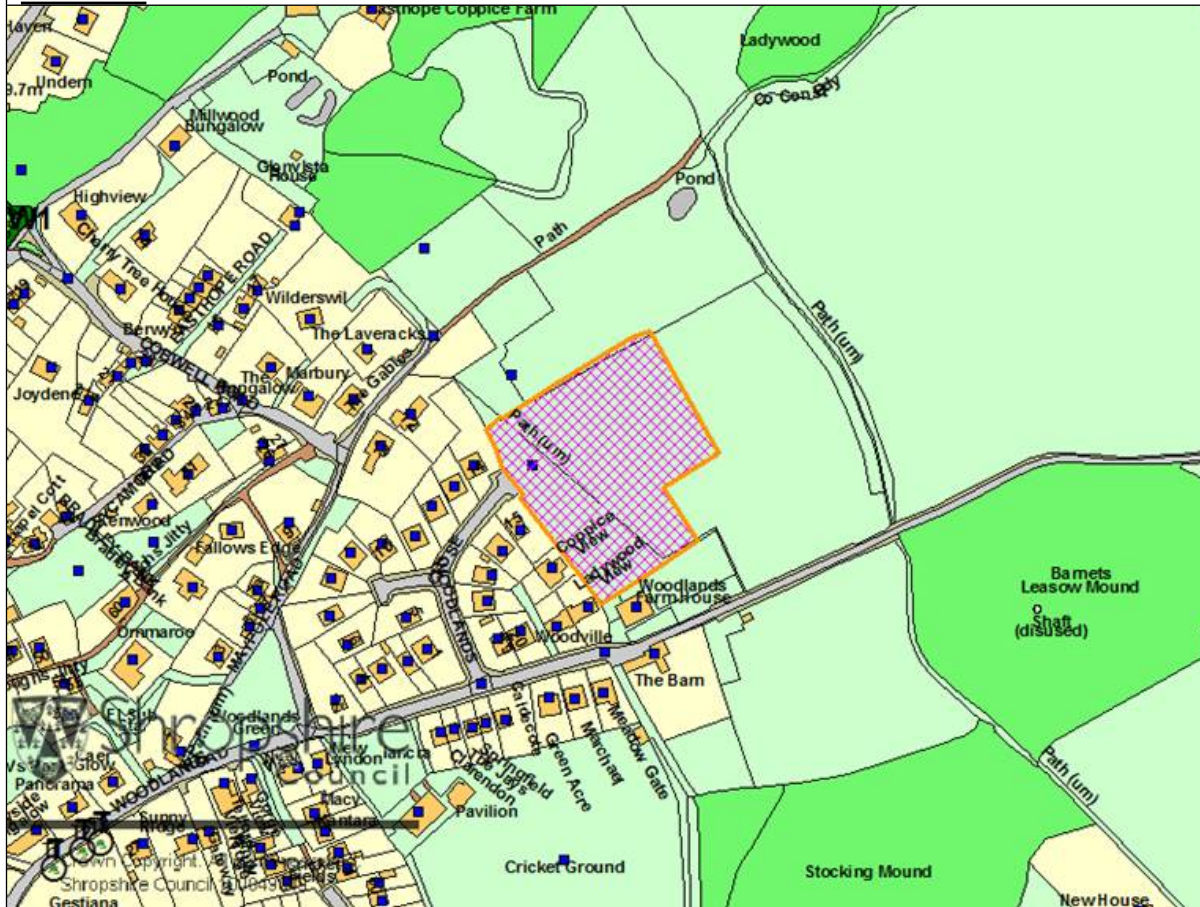
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 15/02877/OUT	<b>Parish:</b> Broseley
<b>Proposal:</b> Outline application for residential development (all matters reserved).	
<b>Site Address:</b> Land To The East Of Woodlands Close Broseley Shropshire	
<b>Applicant:</b> Messrs Duppa	
<b>Case Officer:</b> Lynn Parker	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>

**Grid Ref:** 367383 - 302805



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

**Recommendation:- Refuse**

## Recommended Reason for refusal

1. The proposed development is located outside of any development boundary and within open countryside, and therefore is in a location which is considered inappropriate for new housing development; as such the proposal fails to comply with adopted policies CS3, CS5, CS6, and CS17 of the Core Strategy; Policies MD1, and MD7a of the Site Allocations and Management of Development (SAMDev) Plan and the objectives of the National Planning Policy Framework. The Council has a robust five-year housing land supply within settlements designated for development and so the housing policies of the Development Plan must be attached full weight, and whilst the proposed scheme would deliver modest economic and social benefits there are no material considerations of sufficient weight to justify a departure from the Development Plan. The proposal is therefore contrary to the aforementioned policies.

2. The proposed site is within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Ironbridge Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations & Management Of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

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

1.1 This is an Outline Planning Application with all matters reserved for residential development on land to the east of Woodlands Close, Broseley. On the submitted application form it states that all matters are reserved, however within the Design, Access and Planning Statement it is stated that access is to be considered with the application as being from Woodlands Close, and that the visibility splay onto the road is already adequate. The site covers an area of approximately 0.49 hectares of Grade 3 agricultural land. It would provide public open amenity space. All existing boundary hedging would be retained and the site would be landscaped and planted with a reasonable amount of trees to soften and landscape the development.

1.2 Indicative information has been provided on a Proposed Site Plan showing the access into the site from the north east cul-de-sac end of Woodlands Close. Seven detached dwellings are indicated either side of a central access road with an area of public amenity space to the south east side. These would be 2 – 4 bedroom dwellings, each with their own curtilage containing drives and parking.

- 1.3 In addition to the Design, Access and Planning Statement, an Ecology Assessment by Churton Ecology dated May 2015 has also been submitted in support of the proposal. The agent has responded to the public representations in an email of 7<sup>th</sup> September 2015.
- 1.4 The proposal is for an open market residential windfall development outside the Broseley Development Boundary. However following advice from officers that such a proposal would be contrary to adopted planning policy, the agent has sought discussions with various housing associations, Broseley Town Council and the SC Housing Enabling Officer in order to amend the proposal to a 100% affordable site. The agent has been advised that such an amendment would require the submission of a new Planning Application following the Withdrawal of this one. To date there has been no resolution of this matter. The consideration time of this application has been extended since its submission in 2015 at the request of the agent.
- 1.5 Members should note that there is proposal for a single plot affordable dwelling immediately adjacent to the north west of this site under Planning Ref: 18/03001/FUL which is also on this agenda and has also been recommended for Refusal.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site falls within open countryside adjacent to the Development Boundary on the north east side of the Key Centre of Broseley. The proposed plot additionally falls within land which is designated in the Broseley Town Plan as 'Local Green Space'. There are public rights of way several metres to the north and east of the site. The Broseley Conservation Area boundary is approximately 10m to the west, and the Ironbridge Gorge World Heritage site is to the north east, approximately 160m away at its closest point.
- 2.2 The site itself is positioned on the east side of the dwellings which form Woodlands Close and to the north of Woodlands Farm House. A strip of land to north has been separated off by post and wire fencing and contains pigs and associated paraphernalia, and slopes steeply downwards to the north from a level shelf. The land within the plot is level open grass land with a perimeter defined by nature native hedging. There are informal paths across it, however formal public rights of way are located to the north and east of the wider field.
- 2.3 Land further to the east is agricultural up to the wooded side of the Ironbridge Gorge. Land to the west is the built environment of Woodlands Close characterized by detached bungalows constructed in the latter half of the 20<sup>th</sup> Century in red brick, cream render, white panelling and concrete roof tiles. The substantial, two storey Woodlands Farm House is adjacent to the southern boundary of the proposed site. Dwellings further to the north within the Conservation Area are set at a much lower level.

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

3.1 The Local Member at the time of submission of this application requested Committee determination. In view of the application for an affordable dwelling adjacent to this site which is also on this agenda (18/03001/FUL), and the exploration of whether this proposal would become a 100% affordable housing scheme, the Chair of the South Planning Committee, in consultation with the Principal Planning Officer, considers that material planning considerations are raised which warrant consideration by the South Planning Committee.

### **4.0 Community Representations**

4.1 - Consultee Comments

4.1.1 Broseley Town Council (28<sup>th</sup> August 2015) – Object

- a. A development on this site would be outside the Development Boundary in the Broseley Town Plan. This part of the SAMDev Plan, the Planning Inspector having made no modifications, is now recognised as ‘sound’ in principle and there should therefore be a presumption in favour of refusal. Councillors do not feel there are significant planning benefits to justify departing from this.
- b. Councillors believe this development would affect the setting of the Ironbridge Gorge World Heritage site (NPPF 129), being visible from the Madeley side of the gorge. Councillors do not feel this harm is outweighed by the public benefits of the proposed development (NPPF 134).
- c. The already acute problems of access in this area (there is a choice of 3 routes that in places are single track without any footway and there is no easy, safe access to timetabled public transport) make a further 7 houses in this area unsustainable, as was argued in relation to previous applications for this site. Councillors are also concerned that any further increase in traffic along Balls Lane will make the junction with the Ironbridge Road (in Telford and Wrekin) unacceptably dangerous.

4.2 SC Affordable Housing (15<sup>th</sup> August 2015) - If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a Full application or the Reserved Matters application.

4.3 SC Conservation - It is considered that the proposed site contributes to the character and setting of the adjacent Conservation Area by providing an open agricultural aspect and a buffer between the extent of the built form of Broseley and the dense woodland of the Ironbridge Gorge World Heritage site. This area is distinctively open in nature which contrasts to the enclosed wooded areas beyond and provides an attractive open view which contributes to the character of the area. It is considered that development in this location would harm this open aspect and



encroach into this designated greenspace. Therefore the proposal would not be considered to accord with policies, guidance and legislation.

4.4 SC Drainage – Conditions recommended in relation to the consideration of disposal of surface water from the site, its accesses and roads.

4.5 SC Regulatory Services - The area has been extensively mined in the past. As a result there may be pathways introducing ground gas associated with coal seams to the area. Therefore contaminated land conditions recommended including the pre-commencement approval of a Site Investigation Report.

4.6 SC Ecology – Conditions and informatives recommended in relation to nesting birds, reptiles and bats, including the pre-commencement erection of fencing along the northern boundary of the site to protect reptiles during construction work.

4.7 SC Highways – No objection. Pre-commencement conditions recommended in relation to the design and construction of new roads, footways, accesses and parking, and access details including layout, construction and sight lines.

4.2 - Public Comments

4.2.1 Site notice displayed 13<sup>th</sup> August 2015.

4.2.2 Thirty five public representations have been received from thirty two different people, twenty six raising objections, and nine expressing support. These can be viewed in full online, however are summarised below:

4.2.3 Objections:

- o The current housing policy in Broseley is already addressing the need for local social housing and this proposal serves only to financially benefit the owner of the land.
- o The site would extend beyond the town boundary and cause a sprawl.
- o The development appears to be designed so that there would be access to any future development in the rest of the field.
- o The field is of a size suitable for agriculture. What will become of the remainder once half of it has been developed?
- o 60% of Broseley residents responding to a recent survey voted that this field should be considered 'Valued Green Space'.
- o The site was put forward for inclusion in the 2001 and 2010 development plans and not included as being suitable for development.
- o In October 2014 proposals were put to the Ironbridge Gorge World Heritage Site Committee to extend the World Heritage Site to include important parts of Broseley and link up to the Conservation Area. Although rejected it was supported by Shropshire Council. The land proposed for development was included in this area, therefore planning decisions should

take into account its possible inclusion in the World Heritage Site.

- o This build would be visible from the Ironbridge World Heritage site.
- o As the area has seen extensive mining in the past, further development so close to the steep sides of the Gorge could destabilise it.
- o The field looks over the Severn Gorge and provides open views for those who walk along the public footpath.
- o Many local residents take advantage of this area to walk their dogs and it would be a loss to Broseley if yet another rural amenity is built on.
- o I am very concerned for the local flora/fauna, including Muntjac deer, which have been seen in this field and in local gardens. They have been displaced as a result of other building work in Broseley.
- o The destruction of this wildlife habitat seems unjustified for the end result. We have seen deer, owls, woodpeckers, buzzards, grass snakes and bats in the field proposed for building.
- o Balls Lane is inadequate to cope with further traffic as is Woodlands Close itself.
- o The road from the junction of Duke Street and King Street narrows as the site is approached. It is often difficult to pass parked cars in these streets.
- o The surrounding roads are popular with dog walkers and families with young children taking a stroll. The quiet nature of the roads and the absence of pavements will inevitably see higher rates of traffic bringing highway safety concerns.
- o Schools are not a 'safe walk' away for primary aged children. Neither is there a secondary school in the vicinity.
- o We have witnessed a number of near collisions at the intersection of Woodlands and Maypole Roads.
- o When all the lorries with building materials are travelling through the cul-de-sac to the site it will be a nightmare for residents.
- o Some residents already avoid trying to use their vehicles when the refuse lorry is due at the road is impassable.
- o The field currently holds a foul drainage pipe that was parallel with the hedge, which has overflowed on more than one occasion.
- o Water often runs off onto the Bridgnorth/Ironbridge Road and Balls Lane as it is.
- o There is I understand an underground stream running under Woodlands Close which may continue under the proposed field.
- o The size of the proposed houses looks to be disproportionately large in comparison with most of the existing bungalows in Woodlands Close.
- o Our property is likely to be subject to loss of privacy/overlooking from the new properties and their gardens.

#### 4.4 Support

- o There is a shortage of bungalows in Broseley and this could help this be reduced.
- o There is a need for small developments such as this to meet a national shortage of housing.
- o The applicant is hoping to use local builders which will bring some much needed work to Broseley.

#### 5.0 **THE MAIN ISSUES**

- o Principle of development
- o Impact on the adjacent historic environment
- o Affordable Housing

#### 6.0 **OFFICER APPRAISAL**

##### 6.1 **Principle of development**

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy, the National Planning Policy Framework (NPPF) has been published and revised in July 2018, and needs to be given weight in the determination of planning applications.
- 6.1.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.
- 6.1.3 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan, and a range of Supplementary Planning Documents.
- 6.1.4 The site is positioned in open countryside outside of the adjacent Broseley Development boundary or any other development boundaries designated under existing planning policies where open market housing would not normally be permitted. LDF Core Strategy Policy CS5 states that new development will be strictly controlled in accordance with National Planning Policies protecting the countryside. The policy goes on to state that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits.

6.1.5 In relation to new housing proposals, Policy CS5 identifies specific types of development that could be acceptable in the countryside including dwellings for agricultural, forestry or other essential countryside workers, or other affordable housing/accommodation to meet a local need, or conversion of a building of historic merit. Policy MD7a of the SAMDev Plan reinforces CS5. A proposal for new open market residential development on Land to the East of Woodlands Close would not fall within any of the exception development types which could be acceptable within the open countryside. This proposal is therefore intrinsically contrary to adopted policy.

6.1.6 The Broseley Town Plan provides for a limited amount of new housing to meet local needs. It will do this by:

1. Developing partnerships with one or more Housing Associations to bring forward affordable housing on exception and other sites;
2. Permitting a limited number of small scale developments within the Town;
3. Supporting the redesignation of some brownfield (previously used) sites from employment to mixed uses;
4. Ensuring that developments are sustainable.

Therefore the Town Plan does not support open market development outside its development boundary. Policy H.7 may support 100% affordable housing developments outside the development boundary provided that the amenity loss is acceptable, the proposed sites must be easily accessible to the main services in the town centre, and the existing infrastructure must be able to meet the needs of the development with little or minor modification.

6.1.7 Additionally, the site is designated on the Broseley Town Plan Map as being 'Local Green Space'. Policy ENV.1 of the Broseley Town Plan states that,

'In recognition of their special local and historic significance and importance to the community, the areas marked on the Town Plan Map are designated as Local Green Space. Proposals for development of any kind in relation to these valued green spaces will not be supported.'

The Local Green Space is described in the Plan as,

'an area of open farmland on the norther boundary of Broseley served by two well used footpaths. This area is of value because it is immediately adjacent to the Severn Gorge World Heritage Site and serves as a protective buffer zone preventing physical and visual encroachment'.

6.1.8 Therefore, the plot is also in Local Green Space and its development would result in the loss of this amenity. It is considered that the benefits of the proposal are unlikely to outweigh the loss of amenity in this case. The principle of the proposed development on this site within Local Green Space is not acceptable.

## **6.2 Impact on the adjacent historic environment.**

6.2.1 LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.2.2 From a conservation perspective it is considered that the proposed site contributes to the character and setting of the adjacent Conservation Area by providing an open agricultural aspect and a buffer between the extent of the built form of Broseley and the dense woodland of the Ironbridge Gorge World Heritage site. This area is distinctively open in nature which contrasts to the enclosed wooded areas beyond and provides an attractive open view which contributes to the character of the area. It is considered that development in this location would harm this open aspect and this encroachment into this designated local green space does not appear justified and would not be in accordance with policies, guidance and legislation.

## **6.3 Affordable Housing**

6.3.1 In order to meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, Policy CS11 seeks to ensure that all new open market housing makes appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target. An affordable housing contribution proforma has been submitted during the course of the application.

6.3.2 In a Written Ministerial Statement on 28 November 2014, Brandon Lewis MP, Minister of State for Housing and Planning, announced that the Government was making a number of changes to the national Planning Practice Guidance (PPG) with regard to Section 106 planning obligations. These included the introduction of a threshold beneath which affordable housing contributions should not be sought. The Ministerial Statement confirms that for sites of 10 units or less and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. Local authorities may choose to implement a lower threshold of five units or less in designated rural areas.

6.3.3 At paragraph 63, the NPPF (revised July 2018) confirms that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

6.3.4 Therefore as the indicative number of dwellings is seven on this proposed residential site and it does not fall within a designated rural area, the Council would not in this

instance seek provision of on-site affordable housing and/or and affordable housing contribution. Had it been possible to amend this application to a 100% affordable housing development the proposal would still be considered unacceptable due to the Loss of Local Green Space as discussed in sections 6.1 and 6.2 of this report.

## **7.0 CONCLUSION**

7.1 With consideration given to: the unresolved proposal to amend the scheme from open market to 100% affordable and which officers' have advised would require a new planning application; that new open market residential development in the countryside is intrinsically contrary to policy; the concerns of officers in relation to the implications for developing contrary to Broseley Town Plan Policy ENV.1, as well as to the impact of the development on the wider historic environment; taking into account both the public representations of objection and support; and with Planning Application Ref: 18/03001/FUL for a single plot affordable development on the adjacent site to the north in mind, which is as yet undetermined but is also recommended for Refusal, the proposed development is recommended for Refusal for the following reasons:

7.2 The proposed development is located outside of any development boundary and within open countryside, and therefore is in a location which is considered inappropriate for new housing development; as such the proposal fails to comply with adopted policies CS3, CS5, CS6, and CS17 of the Core Strategy; Policies MD1, and MD7a of the Site Allocations and Management of Development (SAMDev) Plan and the objectives of the National Planning Policy Framework. The Council has a robust five-year housing land supply within settlements designated for development and so the housing policies of the Development Plan must be attached full weight, and whilst the proposed scheme would deliver modest economic and social benefits there are no material considerations of sufficient weight to justify a departure from the Development Plan. The proposal is therefore contrary to the aforementioned policies.

7.3 The proposed site is within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Ironbridge Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations & Management Of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS5 Countryside And Green Belt

CS6 Sustainable Design And Development Principles

CS11 Type And Affordability Of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1 Scale and Distribution of development

MD2 Sustainable Design

MD7a Managing Housing Development In The Countryside

MD12 Natural Environment

MD13 Historic Environment

S4 Broseley

Supplementary Planning Documents (SPDs):

Type And Affordability Of Housing

Broseley Town Plan 2013-2026

### RELEVANT PLANNING HISTORY:

None for this specific plot

### Land adjacent to the north



18/03001/FUL – Erection of single plot affordable dwelling, formation of access. Recommended for Refusal

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NQXBDKTDLON00>

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

- Design, Access and Planning Statement dated July 2015
- Ecology Assessment by Churton Ecology dated May 2015.
- Agent Response To Representations dated 7<sup>th</sup> September 2015.

Cabinet Member (Portfolio Holder)  
Cllr R. Macey

Local Member  
Cllr Simon Harris

Appendices  
APPENDIX 1 - Informatives

## APPENDIX 1

### **Informatives**

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

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

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

LDF Core Strategy Policies:  
CS1 Strategic Approach  
CS5 Countryside And Green Belt  
CS6 Sustainable Design And Development Principles  
CS11 Type And Affordability Of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD1 Scale and Distribution of development  
MD2 Sustainable Design  
MD7a Managing Housing Development In The Countryside  
MD12 Natural Environment  
MD13 Historic Environment  
S4 Broseley

Supplementary Planning Documents (SPDs):  
Type And Affordability Of Housing

Broseley Town Plan 2013-2026

3. Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with paragraph 38 of the National Planning Policy Framework. However in this case the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.

-



Committee and date

South Planning Committee

12 March 2019

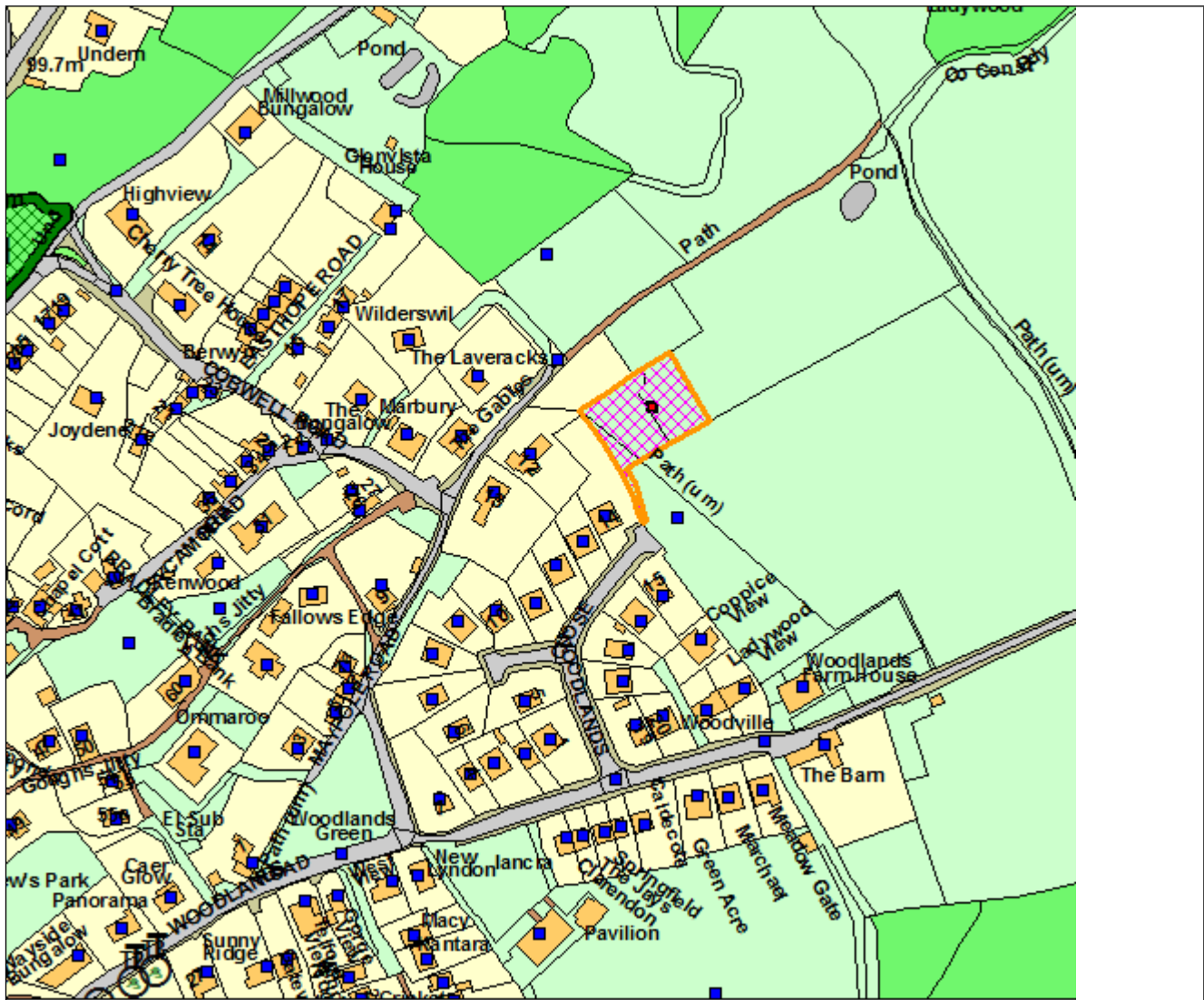
## Development Management Report

Responsible Officer: Tim Rogers

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

### Summary of Application

<b><u>Application Number:</u></b> 18/03001/FUL	<b><u>Parish:</u></b>	Broseley
<b><u>Proposal:</u></b> Erection of single plot affordable dwelling; formation of access		
<b><u>Site Address:</u></b> Proposed Affordable Dwelling North Of Balls Lane Broseley Shropshire		
<b><u>Applicant:</u></b> Miss L Owen		
<b><u>Case Officer:</u></b> Lynn Parker	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 367374 - 302845		



**Recommendation:- Refuse.**

**Recommended Reasons for refusal**

1. The proposed site is within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Ironbridge Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations & Management of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

2. Due to the position and size of the proposed plot in relation to the pattern of the adjacent built environment, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land.

The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is for the erection of a dwelling, detached garage and new vehicular access under the Council's single plot affordable scheme on agricultural land to the north of Balls Lane, Broseley. Certificate B has been completed confirming the applicant is not the owner of the site. The proposed plot covers approximately 950m<sup>2</sup> including an access drive and would have a gross internal floorspace of approximately 100m<sup>2</sup> with an additional balcony of 34m<sup>2</sup> and decking area of 13.25m<sup>2</sup>. Discounting the area covered by the balcony and decking it would measure approximately 9.85m wide x 11.2m in depth x 8m max height, 4.95m to eaves. The dwelling would accommodate 2 no. bedrooms and a bathroom at ground floor level, and a lounge/dining room, kitchen, larder, WC, entrance hall and porch at first floor level. The dwelling is proposed as a split-level structure to follow the steep downwards slope of the site and is designed as an Oak framed structure with brickwork at ground floor level and weatherboarding above. Features include an external chimney on the south west facing rear elevation, a balcony with glazed safety barriers around the north east facing front and north west facing side elevations and a large triangular window serving the kitchen.
- 1.2 Additionally, a detached, dual-pitched roof, single garage is proposed adjacent to the south east side of the dwelling which would measure approximately 4.95m wide x 6.5m in depth x 4.45m to ridge height, 2.35m to eaves. It too would have a north east facing front elevation onto a permeable gravel parking area of approximately 100m<sup>2</sup>. Access is proposed from a cul-de-sac end of Woodlands Close to the south of the site, forming a right angled, permeable gravel drive of approximately 60m in length extending into the parking area. It is indicated that the first 10m of the driveway would be surfaced in tarmac to prevent the transfer of loose materials onto Woodlands Close.
- 1.3 The dwelling is proposed with an Oak framed construction and brickwork to the ground floor with weatherboarding above, a tiled roof, timber windows and doors and a post and rail fencing boundary. Foul sewage is proposed to be disposed of via septic tank and surface water via SUDs and a soakaway.
- 1.4 In addition to the Supporting Statement dated June 2018, the following documents have also been submitted in support of the proposal:

Preliminary Ecological Appraisal (Incorporating an Extended Phase 1 Survey, Preliminary Roost Assessment and Habitat Suitability Index) by Salopian Consultancy Ltd dated 31<sup>st</sup> May 2018

Arboricultural Appraisal (Incorporating Arboricultural Impact Assessment and Tree Protection Measures in accordance with BS5837:2012: trees in relation to design, demolition and construction – recommendations) by Salop Consultancy Ltd dated 23<sup>rd</sup> July 2018.

Drainage Assessment dated July 2018

Access Arrangements dated July 2018

- 1.5 There is an outstanding Outline Planning Application ref: 15/02877/OUT on the parcel of land abutting the south east of the site. As submitted this application proposed residential development with all matters reserved. Having raised the same issues with the agent for that application which are expressed in this report, some negotiation between the agent, housing associations and Shropshire Council Local Housing Enabling Officer with regard to offering the site as a 100% affordable housing site was undertaken. This did not come to fruition and the recommendation for Planning Ref: 15/02877/OUT is also for refusal.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site falls within open countryside adjacent to the Development Boundary on the north east side of the Key Centre of Broseley. The proposed plot additionally falls within land which is designated in the Broseley Town Plan as 'Local Green Space'. There are public rights of way several metres to the north and east of the site. The Broseley Conservation Area boundary is approximately 10m to the west, and the Severn Gorge World Heritage site is to the north east, approximately 160m away at its closest point.
- 2.2 The site itself is positioned on the east side of no. 14 Woodlands Close and no. 12 Maypole Road but within an area of green space which is fenced off from the cul-de-sac end of Woodlands Close to the south. The plot is currently separated out from the rest of the green space by post and wire fencing and contains pigs and associated paraphernalia. The land within the plot is level with the remainder of the green space on its southern side, but slopes steeply down to the north from the middle. There is substantial native hedging and trees along the western boundary with the adjacent dwellings and to the north, otherwise the land is open grass land.
- 2.3 Land further to the east is agricultural up to the wooded side of the Ironbridge Gorge. Land to the west is the built environment of Woodlands Close, characterised by detached bungalows constructed in the latter half of the 20<sup>th</sup> Century in red brick, cream render, white panelling and concrete roof tiles. The substantial, two storey Woodlands Farm House is some 90m to the south of the site, and there are traditional cottages within Broseley Conservation Area to the north west in Maypole Road which is set at a much lower level than the site. A footpath extends to the east from the end of Maypole Road so that the 'Local Green Space' including the proposed plot is above it on its south side.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Town Council comments are at variance with the Officer view and the Local Member has requested Committee determination. The Chair of the South Planning Committee, in consultation with the Principal Planning Officer, considers that material planning considerations are raised which warrant consideration by the South Planning Committee.

**4.0 Community Representations**

4.1 - Consultee Comments

4.1.1 Broseley Town Council – Whilst Broseley Town Council is not opposed to the principle of the erection of an appropriate property on this site under the Single Plot Exception Site Policy, the comments made by the Planning Officer and Conservation Officer at Pre-Application Advice stage about the suitability of this particular proposal are noted. Object to the proposal to create an access from Woodlands Close and wish to see the existing access from Balls Lane retained. Support the request from the Local Member that this application be referred to the South Planning Committee for consideration.

4.1.2 SC Rural Enabler - I can confirm that Miss Lacy Owen has demonstrated strong local connections to the administrative area of Broseley Town Council. After considering her housing needs and personal circumstances, I can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

4.1.3 SC Drainage – Informative recommended in relation to a sustainable drainage scheme for the disposal of surface water from the development.

4.1.4 SC Highways – No objection. Pre-commencement condition recommended in relation to access layout, construction and sightlines details.

4.1.5 SC Conservation – The proposed dwelling, curtilage and access does not reflect the built form on this edge of the Conservation Area. It would appear as an encroachment into open countryside and from a Conservation perspective this encroachment into designated local green space does not appear justified and would not be in accordance with policies, guidance and legislation.

4.1.6 SC Archaeology – The proposed development site can be deemed to have archaeological potential. Pre-commencement condition requiring notification of Shropshire Councils Historic Environment Team not less than three weeks prior to the commencement of ground works.

SC Trees – No objection to the proposed development on arboricultural grounds. Pre-commencement conditions recommended in relation to work being carried out in accordance with the recommendations of the submitted Arboricultural Appraisal and landscaping.

SC Ecology – Prior to occupation conditions recommended in relation to a Great Crested Newt RAMMS Implementation Report, landscaping, bat and bird boxes, and external lighting.

4.2 - Public Comments

4.2.1 Site notice displayed on 15<sup>th</sup> August 2018. Nineteen letters of public representation received, fourteen objections and five of support. These are available to view in full online, however are summarised below:

4.2.2 13 Objections comments:

- o The proposed development is currently outside the Broseley Planning Boundary.
- o Building outside the local development boundary may compromise tourism growth. The growth of the outdoor leisure industry will attract visitors to the town and the lure includes the beauty of the surroundings, especially the fields and woodland views looking down into the Ironbridge Severn Gorge plus Broseley's unique history and heritage.
- o It is far away from local amenities and the centre of town 30 minutes away.
- o The proposed site is positioned in open countryside identified as a Local Green Space. The Broseley Town Plan states that Local Green Spaces will be 'afforded strong protection'.
- o Any intrusion into this protected space, a buffer between Broseley and the World Heritage Site, would create a precedent for further building.
- o The plot is near or on the line of a late 18<sup>th</sup> – early 19<sup>th</sup> Century tramway from Mines on Maypole Green to Barnetts Leasow furnaces in the gorge.
- o Planning Permission has already been refused on this site a number of times in previous years.
- o This could lead to an incremental approach to another application being submitted to build a larger number of houses on the field.
- o The proposed plan does not relate to the plot sizes of adjacent dwellings.
- o The proposed dwelling would sit well outside anyone's affordable budget, bungalows/housing in Woodlands Close are selling for around £200,000.
- o The one, exclusive detached property on a large plot in an enviable position with a detached garage, veranda and a high roof with windows in, is not like any other 'affordable' housing I have ever seen.
- o It would fetch in excess of 250K on the open market.
- o There is already a third floor to the building as roof lights are included.
- o When considering the applicant's statement that they cannot afford a property in Broseley, the Council should consider the build cost (including land cost) and the market price for this development and compare this with properties currently available locally. From this, a decision should be made if



this really constitutes affordable housing and if this justified development on designated green spaces.

- o How could someone on a low income who has stated she cannot afford to buy a house in Broseley afford to build such a house?
- o This proposed dwelling could never be sensibly described as an affordable dwelling.
- o We see no reason for further access to be granted when there is already access via a track on the opposite side of the field.
- o The roads in the area are largely single track or subject to high levels of parking and congestion issues. They are popular with dog walkers and families with young children. Any additional traffic even from one property should be discouraged.
- o The driveway would abut my garden and there is a significant difference in ground level so ground destabilisation could result.
- o The driveway could be re-orientated to make the exit on the centreline of the close, avoiding removal of the Ash tree.
- o The site plan does not show the side extension on our bungalow. Any traffic would pass within 2 metres of its kitchen window.
- o The footpaths that surround the site are in regular use. They will not be damaged by the proposal, but do not exist in isolation from their surroundings, so the enjoyment of the environment passed through would be affected.
- o Being on a bank, this development would require substantial ground works, foundation works and removal of a large amount of spoil.
- o It appears from the STWA sewer records that the proposed dwelling would be on top of the existing foul water sewer.

#### 4.2.3 5 Support comments:

- o Having seen this scheme work in Benthall, Nordley, Cross Lane Head and other rural areas, we see it as a fantastic opportunity to provide affordable rural housing to a resident of Broseley.
- o My partner and I were both born and grew up in Broseley, but sadly had to move to Bridgnorth to get a house we could afford.
- o I wish my children could experience the childhood I had within a tight nit community and family close-by.
- o I am currently in the process of building a home on this scheme without which it would not have been possible for me to stay in the local area.
- o The proposal will create an affordable home for someone in the future as well as now.
- o Should this scheme have been implemented years ago, local young people would not be in the situation where they cannot afford to buy a property in the area that they grew up in.
- o I strongly believe that we should be helping the younger generation to remain in Broseley as this can only benefit the town in the future.
- o Affordable housing can innovative without excessive costs.

- o The style of housing varies widely in Broseley.

## **5.0 THE MAIN ISSUES**

- o Principle of development
- o Design, scale and character
- o Impact on the adjacent historic environment
- o Impact on neighbours/residential amenity
- o Access
- o Impact on the surrounding natural environment

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and revised in July 2018, and needs to be given weight in the determination of planning applications.

6.1.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.

6.1.3 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan, and a range of Supplementary Planning Documents.

6.1.4 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.

6.1.5 The site is positioned in open countryside outside of any development boundaries designated under existing Planning Policies. LDF Core Strategy Policy CS5 states that new development will be strictly controlled in accordance with National Planning Policies protecting the countryside. The policy goes on to state that proposals on appropriate sites which maintain and enhance countryside vitality and

character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. In relation to new housing proposals, Policy CS5 identifies specific types of development which may be acceptable, including dwellings for agricultural, forestry or other essential countryside workers, or other affordable housing/accommodation to meet a local need, or conversion of a building of historic merit. Policy MD7a of the SAMDev Plan reinforces CS5.

- 6.1.6 As noted above under LDF Core Strategy Policy CS5 new development in the countryside is strictly controlled, however, potentially acceptable development does include the erection of new dwellings which provide affordable housing/accommodation to meet a local need in accordance with Policy CS11. In support, SAMDev Policy MD7a states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirement.
- 6.1.7 LDF Core Strategy Policy CS11 supports the provision of affordable housing on suitable sites in recognisable named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity i.e. the completion of a Section 106 Legal Agreement to secure the dwelling as affordable, before an Approval Decision is issued for any such application.
- 6.1.8 The build your own affordable home on a single plot exception site scheme is detailed in Chapter 5 of the SPD Type And Affordability Of Housing beginning at paragraph 5.10. Applicants will normally be the prospective occupiers of the proposed single plot affordable dwelling and must qualify for the scheme by demonstrating the following points (summarised) to the satisfaction of the Housing Enabling Officer:
1. That they are in housing need and are unable to identify or afford a suitable alternative home currently available for sale on the open market in the local area or within 5km of the proposed site.
  2. That they have a strong local connection to the area. Applicants are expected to be proactive obtaining formal written confirmation of their 'strong local connection' from the relevant Parish Council.
  3. That their housing need should be met in the local area
- 6.1.9 The SC Housing Enabling Officer has confirmed that Miss Lacy Owen has demonstrated strong local connections to the administrative area of Broseley Town Council. After considering her housing needs and personal circumstances, it is also confirmed that the requirements of the Supplementary Planning Document in relation to the build your own affordable home scheme have been satisfied.

6.1.10 The Local Housing Need elements of this application were established as follows from information presented to the SC Housing Enabling Officer by the applicant in May 2018:

- o Miss Owen intends to construct a 100 sq m (max) affordable dwelling at the above site to occupy as her long-term family home. This dwelling will be subject to a Section 106 Agreement prescribing local occupancy criteria, limiting current/future size and restricting any potential future sale value.
- o Due to a change in circumstances Miss Owen and her son currently live with her mother in Broseley and have done so since the start of this year. Due to a limit on space they are sharing a room. As she has no home of her own this is deemed unsuitable for her long terms housing needs.
- o Broseley Town Council were able to confirm Miss Owens strong local connection to the town council area. Stating they were happy to confirm that she satisfies at least two of the criteria specified in Shropshire Councils definition of 'strong local connection' by reason of both residency and employment.
- o Miss Owen is employed in the hospitality and catering industry working unsociable hours. During this time her son is cared for by a family member who lives in Broseley. Without this care and support this would limit her ability to work. Details have been provided to support the level of care received.
- o Miss Owen has lived in Broseley all her life and has a close support network of family and friends who live locally. She has been employed in the local area for the last six years.

Miss Owen has therefore demonstrated housing need, strong local connections and a need to live in the local area. Furthermore, due to a lack of affordable accommodation she is unable to meet her own housing needs within the Town Council area without assistance through the Council's affordable housing policy. This is because her income and savings are insufficient to purchase or rent a suitable home available in the area.

6.1.11 Single plot affordable exception sites are permitted in locations that would not normally obtain Planning Permission for new open market residential development, as they are intended to engender additional community resilience and sustainability. However this does not translate as free rein to always allow single plot affordable dwellings wherever they are proposed. Policy CS11 permits exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and other Key Centres, Community Hubs, Community Clusters, and sites which are demonstrably part of or adjacent to recognised named settlements of all sizes. This proposed site for local needs affordable housing is adjoining the Key Centre of Broseley.

6.1.12 Policy H.7 of the Broseley Town Plan states that,

Affordable housing developments will be supported outside the development

boundary provided that:

- a) The affordable component is 100%;
- b) The amenity loss is acceptable;
- c) Proposed sites must be easily accessible to the main services in the town centre;
- d) The existing infrastructure must be able to meet the needs of the development with little or minor modification.

6.1.13 Additionally, the site is designated on the Broseley Town Plan Map as being 'Local Green Space'. Policy ENV.1 of the Broseley Town Plan states that,

'In recognition of their special local and historic significance and importance to the community, the areas marked on the Town Plan Map are designated as Local Green Space. Proposals for development of any kind in relation to these valued green spaces will not be supported.'

The Local Green Space is described in the Plan as,

'an area of open farmland on the norther boundary of Broseley served by two well used footpaths. This area is of value because it is immediately adjacent to the Severn Gorge World Heritage Site and serves as a protective buffer zone preventing physical and visual encroachment'.

6.1.14 Therefore, whilst the proposed single plot affordable dwelling site could be described as adjacent to the Key Centre of Broseley and the applicant may fulfil the qualifying criteria, the plot is also in Local Green Space and its development would result in the loss of amenity as per point b) of Policy H.7. It is considered that the benefits of the proposal are unlikely to outweigh the loss of amenity in this case. The principle of the proposed development on this site within Local Green Space is not acceptable.

## **6.2 Design, scale and character**

6.2.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built, natural and historic environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. For a development to be considered acceptable it is required to contribute to and respect locally distinctive or valued character and existing amenity value by:

- i) Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale density, plot sizes and local patterns of movement; and
- ii) Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and

- iii) Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv) Enhancing, incorporating or recreating natural assets in accordance with MD12.

6.2.2 The proposed site does not exceed the 0.1 hectare limit imposed by the SPD Type and Affordability of Housing and the gross internal floor space is close enough to 100m<sup>2</sup> allowing for any minor measuring inaccuracies. The dwelling would be a split level, two bedroom property which includes external non-enclosed balcony and decking areas. The scale of the proposed dwelling and its plot are therefore commensurate with policy expectations for single plot affordable dwellings.

6.2.3 The design of the proposed dwelling does not respond to the local context as it is neither commensurate with the appearance of the bungalows in Woodlands Close, the dwelling at Woodlands Farm House, or the traditional cottages in Maypole Road to the north west. The SPD Type and Affordability Housing requires that for single plot affordable dwellings standardised 'off the peg' designs of the type found on large estates will not be accepted. Design elements – chimneys, eaves, dormers, doors and windows for example – will be expected to reflect the site's unique context. However, it also requires that materials of construction and external finishes should be sympathetic to those in use locally.

6.2.4 The design and materials of the proposed dwelling are considered to be acceptable for several reasons, although its appearance would significantly differ from the adjacent properties. Firstly, the south side of the proposed dwelling facing towards Woodlands Close has a single storey appearance as the bulk of the property is set downhill to the north into the sloping landscape. It would therefore be in accordance with the scale of the dwellings in Woodlands Close which are bungalows. Secondly, some features have been included which are common to Broseley. Lower windows within the brickwork element have decorative brick cills, and in particular the external chimney would be typical within Broseley. Thirdly for this plot in the countryside on the edge of the town, the mix of materials utilising brickwork, roof tiles, Oak framing and areas of weatherboarding would marry the characteristics of these two environments.

6.2.5 The proposed plot is not located where it would respect the pattern of development in Woodlands Close as the alignment of the dwelling is closer to that of the adjacent properties in Maypole Drive to the north west. As the access is proposed from Woodlands Close. This positioning additionally means that its long right angled drive is an alien feature and furthermore its front elevation would face east unlike any of the other dwellings in the vicinity. Contrarily, it could be argued that the proposed position echoes that of Woodhouse Farm House to the south which projects out from the build environment formed by the Woodlands Drive estate. A further issue is the size of the proposed plot at approximately 943m<sup>2</sup>. Whilst this size of plot is in accordance with single plot affordable dwelling policy, it is significantly larger than adjacent plots. The average plot size in Woodlands Close is 392m<sup>2</sup>, the largest being 685m<sup>2</sup> at no. 14, the smallest 186m<sup>2</sup> at no.2. The average

plot size of the other 8 dwellings in the vicinity is 614m<sup>2</sup>, the largest being no. 13 Maypole Road at 1,077m<sup>2</sup>, the smallest Woodville at 317m<sup>2</sup>. Therefore the overall average plot size would be 455m<sup>2</sup>. The substantial Woodhouse Farm House, clearly an older property around the built environment has developed, has a footprint of 1528m<sup>2</sup>, but also a footprint of 146m<sup>2</sup> and 4 no. bedrooms.

6.2.6 Therefore, whilst the design, materials and scale of the proposed dwelling are considered to be potentially acceptable, the position and size of the plot would not respond appropriately to the form and layout of the existing adjacent built environment.

### **6.3 Impact on the adjacent historic environment**

6.3.1 LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.3.2 From a conservation perspective it is considered that the proposed site contributes to the character and setting of the adjacent Conservation Area by providing an open agricultural aspect and a buffer between the extent of the built form of Broseley and the dense woodland of the Severn Gorge World Heritage site. This area is distinctively open in nature which contrasts to the enclosed wooded areas beyond and provides an attractive open view which contributes to the character of the area. It is considered that development in this location would harm this open aspect and encroach into this designated greenspace.

6.3.3 The proposed dwelling, its design, scale, siting and access does not reflect the existing built form on this edge of the Conservation Area. It is considered that the proposed dwelling, curtilage and access would appear as an encroachment into open countryside and does not relate well to the existing residential development in this area. From a conservation perspective this encroachment into this designated local green space does not appear justified and would not be in accordance with policies, guidance and legislation.

6.3.4 The proposed development site is located on land that appears to have been crossed by a tramway of 18th or early 19th century date (Shropshire Historic Environment Record [HER] No PRN 32879), associated with an ironstone mine on Maypole Green, Broseley Wood (PRN 32878). The tramway is noted as an earthwork in an aerial photograph from 1962 (together with possible mining remains now built on) running NE from the mine towards the River Severn, though it does not appear on the historic mapping or more recent aerial photographs. The proposed development site can therefore be deemed to have some archaeological potential, though archaeological remains on the development site are likely to have been damaged or removed by more recent activity. This aspect of the site could be

managed by a suitable condition requiring an archaeological inspection of ground works takes place prior to the commencement of development.

#### **6.4 Impact on neighbours/residential amenity**

6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity.

By its distance, orientation and relative levels in relation to the closest neighbouring properties, it is considered unlikely that there would be any significant adverse impact from overbearing, overshadowing or overlooking impact on them from the proposed development. The larger proportion of the proposed dwelling would be located on a lower level than the adjacent dwelling at no. 14 Woodlands Close and adjacent to the end of the rear garden. There is also a generous amount of native hedging containing some trees between the plot and no. 14. The aspect from the proposed north side balcony would be towards open countryside and forward of the rear garden of no. 12 Maypole Road.

#### **6.5 Access**

6.5.1 At Pre-Application Advice stage, the access for this proposal was indicated to be off Balls Lane rather than its current location from Woodlands Close. Access from Balls Lane was considered to be overly contrived in that it would be unnecessarily lengthy at over 100m and impractical to serve a single dwelling in the position proposed. For this reason officers advised that access from Woodlands Close would be considered preferable. SC Highways have no objection to the access now proposed from Woodlands Close provided that further details of the means of access, including the layout, construction and sightlines are conditioned. The proposed parking and turning are regarded as adequate.

#### **6.6 Impact on the surrounding natural environment**

6.6.1 Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.

6.6.2 Both SC Trees and Ecology are satisfied that sufficient information has been submitted in support of the application to allow management of these aspects through their recommended conditions.

#### **7.0 CONCLUSION**

7.1 The proposed site is within a 'Local Green Space' as designated on the Broseley Town Plan Map where under Policy ENV.1 of the Broseley Town Plan 2013-2026 proposals for development of any kind in relation to these valued green spaces are not supported. The benefits of the proposal would not outweigh the loss of this valued area which serves as a protective buffer zone preventing physical and visual encroachment between Broseley and the Severn Gorge World Heritage Site and is an unacceptable amenity loss contrary to Policy H.7 of the Broseley Town Plan 2013-2026. The adverse impact of the loss of this 'Local Green Space' on the adjacent historic environment is contrary to the Shropshire Council Local Development Framework Policies CS6 and CS17, and Site Allocations &



Management Of Development Plan Policy MD13 in addition to the objectives of the National Planning Policy Framework.

7.2 Due to the position and size of the proposed plot in relation to the pattern of the adjacent built environment, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

First Protocol Article 1 requires that the desires of landowners must be balanced

against the impact on residents.

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

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

LDF Core Strategy Policies:  
CS1 Strategic Approach  
CS5 Countryside And Green Belt  
CS6 Sustainable Design And Development Principles  
CS11 Type And Affordability Of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD1 Scale and Distribution of development  
MD2 Sustainable Design  
MD7a Managing Housing Development In The Countryside  
MD12 Natural Environment  
MD13 Historic Environment  
S4 Broseley

Supplementary Planning Documents (SPDs):  
Type And Affordability Of Housing

Broseley Town Plan 2013-2026

RELEVANT PLANNING HISTORY:

None for this specific plot.

11. Additional Information

View details online:

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

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

Supporting Statement

Ecological Appraisal

Arboricultural Appraisal

Drainage Assessment

Access Arrangements

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Simon Harris

Appendices

APPENDIX 1 - Informatives

## APPENDIX 1

### Informatives

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

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

LDF Core Strategy Policies:  
CS1 Strategic Approach  
CS5 Countryside And Green Belt  
CS6 Sustainable Design And Development Principles  
CS11 Type And Affordability Of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

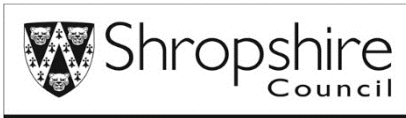
Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD1 Scale and Distribution of development  
MD2 Sustainable Design  
MD7a Managing Housing Development In The Countryside  
MD12 Natural Environment  
MD13 Historic Environment  
S4 Broseley

Supplementary Planning Documents (SPDs):  
Type And Affordability Of Housing

Broseley Town Plan 2013-2026

2. Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with paragraph 38 of the National Planning Policy Framework. However in this case the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.

-



Committee and date

South Planning Committee

12 March 2019

## Development Management Report

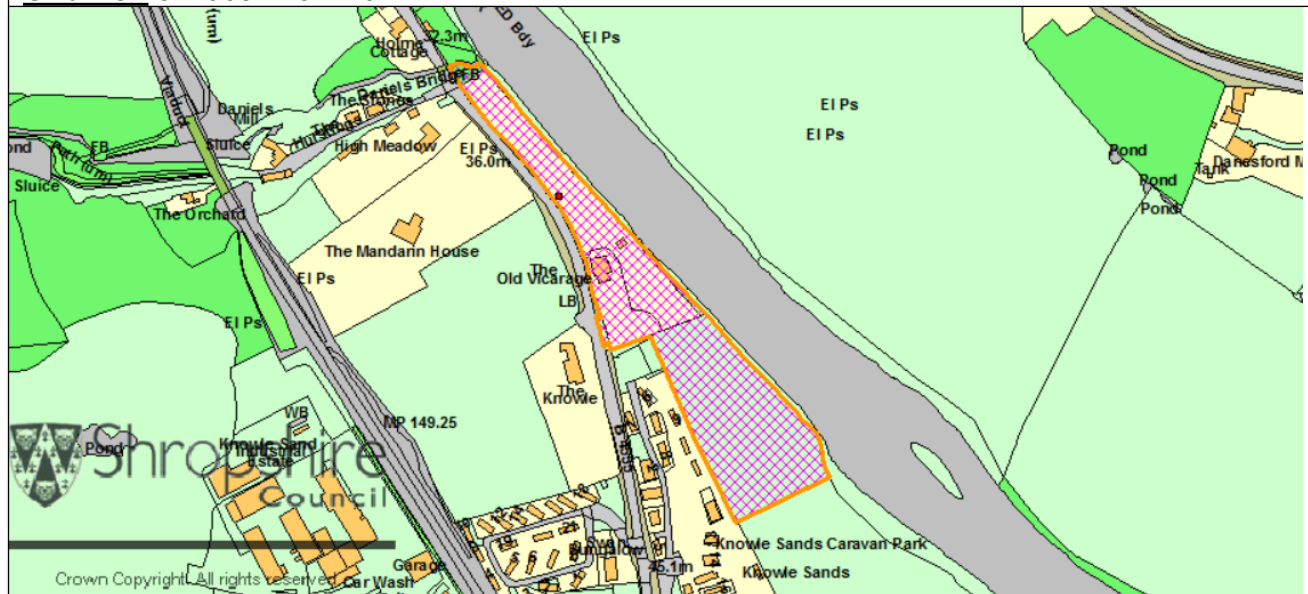
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 18/03509/FUL	<b>Parish:</b> Eardington
<b>Proposal:</b> Change of use of land and the siting of 10 glamping tents plus one staff tent; formation of car park area; conversion of building to shower/amenity block; use of land for residential activity courses for health and fitness training and outdoor activities (part retrospective)	
<b>Site Address:</b> Proposed Camping Site And Amenity Block Adj The Old Vicarage Knowlesands Bridgnorth Shropshire	
<b>Applicant:</b> Kirbycraft Ltd	
<b>Case Officer:</b> Emma Bailey	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>

**Grid Ref:** 371965 - 291719



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application seeks full planning consent for the change of use of land for residential health and fitness training and outdoor activity courses, the siting of 10 glamping tents plus one staff tent, the formation of a car parking area and the conversion of building to an existing shower/WC block (part retrospective).
- 1.2 The north-west of the site provides accommodation for visitors in the form of 'glamping tents', the central area of the site is the dwellinghouse known as The Old Vicarage, and the south-eastern area of the site is used for activities in connection with the outdoor recreational 'boot camp'. It is understood that when the boot camp is in use, participants use the bell tents as overnight on-site accommodation. When the boot camp is not in use, the bell tents are marketed to the general public.
- 1.3 It is pertinent to note that the agent has confirmed that a camping licence has been obtained from the Caravan and Motor Home Club in relation to this site. This is separate from the planning process and is governed by its own rules and regulations.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is located within the settlement of Knowlesands, an area defined by planning policy to be open countryside approximately 1 mile south of the market town of Bridgnorth. Knowlesands does not have its own development boundary.
- 2.2 The Old Vicarage is a large detached dwelling which sits centrally within a long narrow strip of land nearest to the river bank of the River Severn, and lies within the sensitive landscape of the Severn Valley. The site is accessed via the B4555, which is an important vehicular route linking Bridgnorth to the settlement of Highley. The site falls away from the roadside towards the river.

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

- 3.1 The Parish Council recommendation is contrary to the Officer recommendation. The Chair and Vice Chair of the Committee, in consultation with the Principal Officer, consider that material planning issues have been raised which warrant consideration by the South Planning 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**

##### Eardington Parish Council

##### Objection

Eardington Parish Council has discussed the amendments to the above application and would like to make the following comments –

1. The Proposed Site Plan does not show the public footpath alongside the River Severn which is shown on the Shropshire Council 'Definitive Map' legal record of public rights of way in Shropshire. The planning application does not indicate how the blocked footpath will be brought back into use. Interestingly this is the only section of footpath between Bridgnorth and Bewdley that is blocked.
2. The proposed use is inappropriate for the area.
3. The planning consent was granted for a replacement dwelling which falls within Use Class C3 from which there is no permitted change of use. The proposed change of use will create a business use which will be run from the house which due to the close proximity of the glamping operation will change the main use of the whole site.
4. In order to avoid the flood plain, the Proposed Site Plan shows the bell tents being confined to a narrow shelf directly alongside the road. As a result the proposed site layout shows the inappropriateness of the proposed use.
5. The proposed site layout shows an over intensification.
6. The Site is highly visible from the River Severn (a major tourist attraction) and from the other side of the River.
7. The planning history for the Property indicates a disregard to compliance with planning conditions and enforcement notices. Given Shropshire Council's depleted resources and inability to follow up notifications of planning breaches, the Parish Council has grave concerns that any conditions attached even consent for a reduced development would not be adhered to.

##### Cllr Robert Tindall

Request application is called to Committee on the basis of the history of the site, the nature of the development and its location.

##### Shropshire Council (Ecology)

Recommend the inclusion of conditions requiring that the development is undertaken in accordance with the submitted RAMMS, and that a lighting plan, a landscaping plan and a habitat management plan is submitted; and that informatives are placed on the decision notice if minded to approve.

Shropshire Council (Highways)

Recommend the inclusion of conditions relating to parking details and gates; and that informatives are placed on the decision notice if minded to approve.

Shropshire Council (Trees)

No objection.

Shropshire Council (Parks and Recreation)

No comments to make.

Shropshire Council (PROW)

No Public Rights of Way appear to be directly affected by the application.

Shropshire Council (Regulatory Services)

No Objection.

Shropshire Council (Drainage)

Confirms that the submitted FRA is acceptable.

Bridgnorth CPRE

Objection

CPRE Bridgnorth has grave concerns about the proliferation of glamping sites in the County that is causing increasing harm to the countryside. The proposal will exacerbate this problem

The views of the Parish Council are supported. There are concerns regarding noise pollution and the disturbing effect on privacy such a development will have on local residents. There is worries about fire and flood risks and the uncertainty of monitoring the site to ensure health and safety is adequately covered. This proposal will increase the level of traffic and create unacceptable enhanced road accident risks. The damage to flora and wildlife in general is just too great to allow such a development.

On these grounds CPRE Bridgnorth object.

In addition to the comments made on 23rd October it should be taken into



account that approaching Bridgnorth on the A442 the Yurts stand out like a sore thumb and obtrusive. They can be seen from as far away as Quatt. The public footpath must be kept clear and protected. With the removal of trees and hedges the screening of the site development will be inadequate.

#### Shropshire Wildlife Trust

The application site is immediately adjacent to the River Severn Local Wildlife Site and there appears to have been no assessment of potential ecological impacts.

While the proposals may provide some benefits to those engaged in boot camp activities, they are likely to detract from the enjoyment of those using the Severn Way, the public footpath on the opposite bank and for river users.

The River Severn provides an important wildlife corridor through the county and we would like to see a minimum buffer zone of 20m applied to restrict any development in close proximity to it.

#### Environment Agency

Recommend the inclusion of conditions relating to finished floor levels, minimising the risk of flooding elsewhere and a flood evacuation plan; and that informatives are placed on the decision notice if minded to approve.

#### Canal & River Trust

No requirement to consult the Canal & River Trust.

#### Shropshire Ramblers

No objection provided that footpath 0123/7A/2 (the Severn Way) is retained for public use at all times.

## 4.2 **Public Comments**

A site notice was displayed on the 10 August 2018 on the site boundary and neighbours were notified.

A total of thirteen contributors have made written representations to the Council at the time of writing this Report. Of these, seven letters object to the development, 3 support it and 3 neither support nor object.

The key points raised by objectors which are material planning considerations are listed as follows:

- Cars/quad bikes are driven around the field, there is a road access to the field via the BAA car park and associated track, which was resurfaced in 2017
- Proximity of the development to Knowlesands Caravan Park/Loss of privacy/Anti-social behaviour/Noise/disturbance during the day until late at night
- Activities should take place in front of the Old Vicarage to the north
- Development should be sited to the south side of the Old Vicarage, a seasonal tented camping site was in use here from the 1940s-2001
- Campers leave litter
- The development commenced on 12 June 2017 and no planning permission has been granted
- Highly visible/prominent in the landscape, not in-keeping with surroundings, detracts from the natural beauty of the Severn Valley
- Detrimental to ecology, character, appearance and function of the river
- Loss of privacy, the site lies within very close proximity to the Knowlesands Caravan Park
- A licence has been obtained from the Camping and Caravanning Club for five camping pitches. More than five tents have been pitched.
- Campers pitch their tents and park over the Severn Way
- The development is both a private and public statutory nuisance
- Will lead to further applications in order for the business to expand and survive
- Object to the use of the field for boot camp activities
- Suggest that participants in the field and woodland activities confine their movements to the footpath of the Severn Way when going to the activities at the far end of the field, that vehicular traffic in the field cease completely and use the road access, and that there should be no activities at all in front of the caravan park
- Fires have been observed in the woods above the meadow where there was a caravan fire the year before
- Rifle shooting witnessed last year by campers

#### Neutral comments

- The route of the existing right of way should be clearly marked to discourage camping, driving and parking on it

- The diversion of the Severn Way from the riverbank onto the road and around the new build Old Vicarage should be actioned via an official Diversion Order, understand this has never been done
- A fence has been erected along the roadside with a row of leylandii trees next to it. The fence has reduced the width of the pavement and is now dangerous for pedestrians. The trees are fast-growing and within close proximity to the road.
- There is a history of accidents on this stretch of road; recently a vehicle travelling from the Highley direction veered off the road and went straight through the fence, rolled and ended up on the riverbank. Had the tents been occupied at the time, there could have been a serious incident.
- The 40-mile an hour signpost is now obscured as the fence has been erected in front of it.
- The painted 40mph sign on the road is no longer visible
- This section of the B4555 carries a high volume of traffic, not only with cars but also lorries from the nearby quarry.
- Speeding along this road is a serious issue and therefore I am concerned about any increase in traffic and also the siting of the tents from a safety point of view.
- Severn Way provides a vital route for the public to enjoy our outstanding countryside and we need to ensure that we minimise disruption to the flora and fauna and also protect the habitants of the riverbank.
- If the application is approved could a height restriction to the trees and traffic calming measures be implemented

#### Support

- The tents are not intrusive
- Will bring additional visitors to the area
- Good for local businesses
- Good to see the fields being used for useful purposes

#### 5.0 THE MAIN ISSUES

- Principle of development
- Tourism considerations
- Design and visual impact 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 (2019) 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 Part 6 'Building a strong, competitive economy' of the NPPF states that the planning system should place 'significant weight' on the 'need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development' (Paragraph 80).
- 6.1.5 This is echoed within Policy CS1 'Strategic Approach' and CS13 'Economic Development, Enterprise and Employment' of the Shropshire Core Strategy. These policies seek to promote Shropshire as an attractive location for enterprises to establish themselves and subsequently grow and prosper for the benefit of the vitality of the local area and wider Shropshire county.
- 6.1.6 Paragraph 83 specifically encourages sustainable rural tourism and leisure developments which respect the character of the countryside, particularly:
- the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
  - the development and diversification of agricultural and other land-based rural businesses;
  - sustainable rural tourism and leisure developments which respect the character of the countryside; and
  - the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of

worship

- 6.1.7 This is expanded upon within Policies CS8 ‘Facilities, Service and Infrastructure Provision’ and Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Council Core Strategy. Policy CS16 ‘Tourism, Culture and Leisure’ and SAMDev Policy MD11 ‘Tourism facilities and visitor accommodation’ also recognises the importance of tourism, leisure and food and drink within the county.
- 6.1.8 Paragraph 91(c) of Part 8 ‘Promoting healthy and safe communities’ of the NPPF additionally emphasises that development should ‘enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.’
- 6.1.9 This is expanded upon within Paragraph 92 which encourages local planning authorities to:
- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
  - (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;
  - (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
  - (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 6.1.10 Shropshire Council’s Core Strategy also encourages development to enable ‘Access to new and improved facilities and services’ within the county and ‘Opportunities for local people of all ages to enjoy active, healthy, safe and secure lives’. Specifically, Policy CS6 ‘Sustainable Design and Development Principles’ states that development should amongst other matters ‘Contribute to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities’.

6.1.11 Policy CS8 'Facilities, Services and Infrastructure Provision' of the same document goes on to state that 'As well as the wider social and health benefits from taking part in cultural and leisure activities and active recreation such as walking, cycling and horse riding, interaction with Shropshire's assets can in turn promote an understanding and appreciation of the natural and built environment. This interaction is a two way process which can also help to protect these resources and produce community benefit.' This is generally repeated within Policy MD12 'Natural Environment' of the SAMDev Plan which seeks to encourage development that appropriately conserves, enhances, connects, restores or recreates natural assets.

6.1.12 The principle of the development is therefore acceptable, subject to further material planning considerations.

## 6.2 Tourism considerations

6.2.1 Policy CS5 'Countryside and Green Belt' of Shropshire Council's Core Strategy states that 'New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt'. However, Policy CS16 'Tourism, Culture and Leisure' of the same document explores the advantages of high quality, sustainable tourism and how development of this type should be seen to benefit local communities and visitors, and be sensitive to Shropshire's intrinsic natural and built environment; as well as benefitting the local economy.

6.2.2 The site lies around 1 mile south of the market town of Bridgnorth, which hosts a good range of facilities and amenities, and tourism attractions such as the Severn Valley Railway. Bridgnorth is accessible from the site by road and on foot, however the site also provides opportunities for visitors to engage with the wider open countryside through walking and other outdoor recreational activities.

6.2.3 Policy MD11 'Tourism Facilities and Visitor Accommodation' of the SAMDev Plan considers that there has to be an acceptable balance between the positive benefits and potential negative impacts of tourism development in the countryside. The design of any scheme for the purposes of tourism should be influenced by the character and special qualities of that site's immediate surroundings, and explicit reference and allowances must be made to the preservation and where appropriate enhancement of the visual quality of the area and natural on-site features - without constituting overdevelopment of the site.

6.2.4 Most pertinently, Point 10 of Policy MD11 makes it clear that 'New sites for visitor accommodation and extensions to existing chalet and park home

sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites’.

6.2.5 This application proposes the siting of ‘glamping tents’ within the Severn Valley, and not chalets or park homes. By virtue of their temporary nature this development cannot therefore be considered as unacceptable under this point of Policy MD11 of the SAMDev Plan. However, it is clear that the Severn Valley is regarded by local planning policy as an important and sensitive landscape where any development should be carefully designed and considered for its visual impact.

### 6.3 Design and visual impact of the development

6.3.1 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.

6.3.2 Part 12 ‘Achieving well-designed places’ of the revised NPPF (2019) emphasises good design as being a core aspect of sustainable development. Paragraph 127 requires new development to:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear

of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.3.3 This is discussed further within Policy CS5 'Countryside and Green Belt' of the Core Strategy and MD12 'Natural Environment' of the SAMDev Plan which seeks to protect, maintain and where appropriate enhance the local environment; and Policy CS17 'Environmental Networks' of the Core Strategy.
- 6.3.4 The tourism element of this application is focussed largely to the north-west of the site and at the time of writing is being actively marketed online to the general public. Due to the part-retrospective nature of this application, some works have already taken place including re-grading of the land to facilitate 10 bell tents and a 'staff tent'/communal area. These structures are set back from the immediate riverbank and on higher ground, on a similar level to that of The Old Vicarage. At the time of the Officer site visit, limited views of the tents could be seen from the B4555 owing to a dense hedgerow, however they were visible from a considerable distance on the opposite side of the riverbank, including from the A442 linking Bridgnorth and Kidderminster, around 370 metres north-east.
- 6.3.5 Despite this, the tents are of lightweight construction and it would be reasonable to assume that they would be removed when they are not required or when the weather was poor. It is also reasonable to expect that the River Severn would attract such camping ventures as this for the benefit of the tourism economy of Bridgnorth. Officers note that despite their prominence the bell tents are of the same design and scale, are neatly ordered and are confined to this section of the site only.
- 6.3.6 The extent of permanent features proposed as part of this development are limited to the formation of a car park for ten vehicles, and the re-use of an existing brick outbuilding into an amenity block. No additional permanent structures are proposed as part of this application. Officers consider the re-use of the brick outbuilding to be appropriate and would have a minimal impact upon the visual amenity of the wider site and the setting of the Severn Valley. The car parking area is similarly considered to cause minimal harm to the wider landscape by virtue of its nature and scale, and an appropriate landscaping plan could aid in softening the extent of hard surfacing and any vehicles parked here.
- 6.3.7 It is noted that Shropshire Council's Highways team have queried whether the provision of ten spaces are sufficient, however no objection has been raised from this perspective and a condition requiring details of the parking has been recommended should the application be minded for approval. If additional car parking is required here in the future this would need



separate planning consent and would be subject to the standard consultation process.

#### 6.4 Letters of representation

6.4.1 At the time of writing this Report, seven letters of objection have been received in relation to this 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.

6.4.2 Cars/quad bikes are driven around the field, there is a road access to the field via the BAA car park and associated track, which was resurfaced in 2017

This comment is noted. The supporting statement does not indicate any requirement for the use of quad bikes or any other motor vehicle to drive around the full extent of the site, however the formation of a car parking area as is proposed within this application should negate the need for vehicles to drive on the grass.

In any event, it is pertinent to note that the agent has confirmed that a camping licence has been obtained from the Caravan and Motor Home Club in relation to this site. This is separate from the planning process. Any noise or other disturbances which have occurred as a direct result of this camping licence are separate to this planning application and cannot be considered as part of this proposal.

Antisocial behaviour should be reported to the relevant authorities.

6.4.3 Proximity of the development to Knowlesands Caravan Park, Loss of privacy, Anti-social behaviour/noise/disturbance during the day until late at night

The agent has submitted a number of itineraries which demonstrate a typical day of activities undertaken by the boot camp element of the proposal. It is noted that a typical day would begin at 7am and cease at 7pm, however the activities would make full use of the site as a whole and would not be concentrated to one area. The nearest dwelling to the bell tents outside of the application site is The Knowle, which lies in excess of 60 metres to the south on the opposite side of the road. This is considered to be an acceptable separation distance.

In any event, as above, it is pertinent to note that the agent has confirmed that a camping licence has been obtained from the Caravan and Motor Home Club in relation to this site. This is separate from the planning process. Any noise or other disturbances which have occurred as a direct result of this camping licence are separate to this planning application and

cannot be considered as part of this proposal.

Antisocial behaviour should be reported to the relevant authorities.

6.4.4 Activities should take place in front of the Old Vicarage to the north

This comment is noted.

6.4.5 Development should be sited to the south side of the Old Vicarage, a seasonal tented camping site was in use here from the 1940s-2001

This comment is noted.

6.4.6 Campers leave litter

This comment is noted. It would be the responsibility of the land owner to keep the site clean and tidy.

6.4.7 The development commenced on 12 June 2017 and no planning permission has been granted

As above, it is pertinent to note that the agent has confirmed that a camping licence has been obtained from the Caravan and Motor Home Club in relation to this site. This is separate from the planning process. Any activity on site which has occurred as a direct result of this camping licence are separate to this planning application and cannot be considered as part of this proposal.

Notwithstanding this, Officers are aware that this application is part-retrospective and Shropshire Council's Enforcement team has been involved with this case. It has been agreed that as the works that have been undertaken directly relate to a live planning application it is not appropriate to enforce (if it is necessary to do so) until a decision has been issued.

6.4.8 Highly visible/prominent in the landscape, not in-keeping with surroundings, detracts from the natural beauty of the Severn Valley

This comment is noted and discussed further within this Report.

6.4.9 Detrimental to ecology, character, appearance and function of the river

Shropshire Council's Ecology team, the Environment Agency and the Canal and River Trust have been consulted as part of this application, who have raised no objection to the development subject to the inclusion of conditions and informatives or have no comment to make.

6.4.10 A licence has been obtained from the Camping and Caravanning Club for five camping pitches, more than five tents have been pitched

Matters that relate to a camping licence granted by the Caravan and Motor Home Club are separate to this planning application and cannot be considered as part of this proposal.

6.4.11 Campers pitch their tents and park over the Severn Way

This application proposes the siting and use of bell tents set back from any public right of way, and no objection has been raised to the development by Shropshire Council's Public Rights of Way team. The pitching of tents in an area granted consent by the Caravan and Motor Home Club is separate to this planning application and cannot be considered as part of this proposal.

6.4.12 The development is both a private and public statutory nuisance

Shropshire Council's Regulatory Services team have been consulted as part of this application, who have raised no objection to the development.

6.4.13 Will lead to further applications in order for the business to expand and survive

This is speculation only. It is pertinent to note that every planning application is considered on its own merits and as such an approval on this site would not necessarily set a wider precedent or result in subsequent approvals in the future. Amongst other matters, the Council must be satisfied that the site is appropriate for its use and that the benefits of the proposed development outweigh any material harm.

6.4.14 Object to the use of the field for boot camp activities

This comment is noted.

6.4.15 Suggest that participants in the field and woodland activities confine their movements to the footpath of the Severn Way when going to the activities at the far end of the field, that vehicular traffic in the field cease completely and use the road access, and that there should be no activities at all in front of the caravan park

This comment is noted, however this application is being considered on the details submitted by the agent at this time.

6.4.16 Fires have been observed in the woods above the meadow where there was a caravan fire the year before

Shropshire Council's Regulatory Services team have been consulted as part of this application, who have raised no objection to the development.

Antisocial behaviour should be reported to the relevant authorities.

6.4.17 Rifle shooting witnessed last year by campers

The agent has confirmed that air rifle shooting takes place on site, and at the time of writing this is being openly advertised on the applicant's website. Such an activity is strictly controlled by laws and legislation separate from the planning process.

Antisocial behaviour should be reported to the relevant authorities.

## 6.5 Other matters

### 6.5.2 Ecology

An Ecological Appraisal and bat activity surveys were carried out on this site in September 2018 by Salopian Consultancy.

#### Habitats

In relation to Habitats on site, the Appraisal breaks down the site into two separate compartments. Compartment A is described as 'a linear strip of shortly mown amenity grassland. In addition an existing three storey residential dwelling, parking and highway access is located within this area As well as brick built former shower block which is in a poor structural condition'. Compartment B is described as 'a subsection of a field of improved pasture which appears to have been topped/grazed this season'.

The site is defined as an Environmental Network corridor with the adjacent River Severn forming a core area and Local Wildlife Site. The appraisal states 'There is potential to cause direct impacts upon the LWS via the erosion of flora and contamination of the water course, potential indirect impacts may involved the increase of noise disturbance and illumination of dark corridors'.

Section 3.5 of the Report contains a reasonable avoidance measures method statement (RAMMS) which Shropshire Council's Ecology team state should be followed in full during the works. Specific enhancements have also been recommended to provide benefits to the River Severn LWS. Shropshire Council's Ecology team have stated that provided that these points are adhered to, the functions of the Environmental Network will be retained. Recommended conditions would be applied to any approval notice.

#### Bats

Emergence surveys were carried out on 7th, 19th and 28th September 2018 in relation to the existing brick built outbuilding. Common pipistrelles, soprano pipistrelles and noctules were seen foraging or commuting over the river during the surveys, however 'No bats were seen emerging from or entering the building'.

It has been recommended that any lighting scheme for the site must be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance, and that bat boxes should be erected on in suitable locations on the site to provide potential roosting opportunities for bats.

#### Great Crested Newts

The submitted Appraisal outlines that the suitability of habitats for Great Crested Newts is report. Shropshire Council's Ecology team are satisfied that the RAMMS in section 3.5 of the submitted report will ensure the protection of any amphibians that may enter the site during the works.

#### Birds

The outbuilding and surrounding trees are considered to provide potential nesting opportunities for birds, with the supporting Appraisal highlighting old vacant birds nests.

Shropshire Council's Ecology team consider that the demolition of the building and any vegetation removal should take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

They additionally recommend that bird boxes should be erected in suitable locations on the site to provide replacement and additional nesting opportunities for birds. Boxes suitable for starlings (listed as 'red' on the list of Birds of Conservation Concern), house sparrows (red), swifts (amber) and/or house martins (amber) would be most valuable.

#### Other species

The supporting Appraisal confirms that 'No historic records of reptiles were identified within 1km of the site during the desk study...Both habitats are considered unsuitable for species of reptiles and do not provide the necessary prey assemblage or refugia opportunities for these species.'

'The site does provide some foraging resources and opportunities for [badger] sett creation largely associated with the northern and eastern boundaries of the site...No evidence/fields signs of setts or scraps were identified on or immediately beyond the boundaries of the site, this species is therefore not deemed a constraint to the proposal.'

'The river banks on both sides of the River Severn provides potential opportunities for Otter to create holts. The length of the river banks adjacent to the site was walked on both sides to identify any evidence/field signs of otters with the aid of binocular. Whilst the vegetation on the river

bank is particular thick no signs, track, holts or spraints were identified.’

‘No evidence/habitats considered suitable to support other protected species such as dormice ... or water vole ... were identified on the site.’

Taking the above into consideration, Shropshire Council’s Ecology team recommend that provided that the development is undertaken in accordance with the RAMMS in section 3.5 of the report, and the conditioning of a lighting plan, a landscaping plan and a habitat management plan, to ensure that animals are protected from harm during the development and protected from disturbance in the long-term.

### 6.5.3 Response to neutral comments

While not specified as being objections to the development, it is noted that the points raised within neutral comments relate principally to the maintenance and legislation surrounding public rights of way, the condition of the highway, traffic calming measures and encroachment from the site onto the adjoining pavement. In this case, relevant consultees have been consulted who raise no objection to the development. In any event, such matters fall outside of what can be dealt with under this current planning application and would need to be resolved separately to it.

## 7.0 **CONCLUSION**

7.1 In this case, the harm that has been outlined within this Report is considered to be outweighed by the wider social and economic benefits of tourism for Bridgnorth and surrounding areas, and the provision of an important health and wellbeing facility for the local community. Critically, Officers consider that the extent of the harm to the visual appearance of this stretch of the River Severn would not be significant by virtue of the scale of the development and the lightweight and temporary nature of the bell tents, which can be removed as and when they are not needed.

7.2 It is pertinent to note that any camping licence held here granted consent by any camping and caravanning body remains separate to this planning application and the planning process as a whole, and would need to be managed accordingly by the land owner.

7.3 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 Council Core Strategy:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS13 - Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

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

MD2 - Sustainable Design

MD11 - Tourism Facilities and Visitor Accommodation

MD12 - Natural Environment

### RELEVANT PLANNING HISTORY:

09/01334/FUL Erection of a replacement dwelling following demolition of the Old Vicarage  
GRANT 10th September 2009



11/00677/DIS Discharge of Conditions relating to 09/01334/FUL for the erection of a replacement dwelling 11th April 2011  
 12/03818/DIS Discharge of conditions on planning application 09/01334/FUL for the erection of a replacement dwelling following demolition of the Old Vicarage DISPAR 7th August 2013  
 12/04439/FUL Extension to a retaining wall GRANT 18th December 2012  
 BR/APP/FUL/08/0705 Erection of a replacement dwelling WDN 21st October 2008  
 17/03924/FUL Use of land for siting of 10 glamping units, conversion of an outbuilding to create a shower/WC block and additional car park to provide 10 spaces WDN 22nd January 2018  
 BR/92/0890 Installation of a drainage system into existing septic tank WDN 23rd February 1993  
 BR/92/0474 Provision of car parking area GRANT 20th July 1992  
 BR/91/0830 Retention of and extension to existing mower shed GRANT 9th January 1992  
 BR/94/0105 Installation of new drainage system WDN 25th March 1994

11. Additional Information

View details online:

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

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

4. Finished floor levels shall be set no lower than 32.56mAOD (1% plus climate change flood level).

Reason: To protect the development from flood risk for the lifetime of the development.

5. There shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 32.56mAOD, within the 1% plus climate change floodplain, or within 8metres of the top of bank of the River Severn.

Reason: To prevent any impact on flood flows and flood risk elsewhere.

6. Any gates provided to close the proposed access shall be set a minimum distance of 5 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.

7. The existing adjacent dwelling (known as 'The Old Vicarage') on the land outlined in red on the submitted site location plan shall provide the requisite supervision and

management of the holiday accommodation and health and wellbeing enterprise hereby permitted. As such the two shall at no time be sold separately or otherwise severed.

Reason: To ensure the provision of adequate on-site supervision of the enterprise in the interests of sustainable tourism development and the protection of residential amenity.

8. The number of holiday accommodation units (glamping tents) stationed or erected on the site outlined in red on the approved plans shall not exceed ten, and shall not be used as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: To define the consent and avoid an over-intensive use of the site in the interests of visual amenity of the Severn Valley and residential amenity, in accordance with Policies CS5, CS6, CS16 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

9. No further development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) Description and evaluation of the features to be managed;
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
  - h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
  - i) Possible remedial/contingency measures triggered by monitoring;
  - j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

10. No further development shall take place (including demolition, 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:
- a) Planting plans, creation of wildlife habitats and features and ecological enhancements;
  - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
  - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved.

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

11. No further development shall take place until details for the parking of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

12. Prior to first occupation/use of the site, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the RAMMS, as set out in section 3.5 of the Ecological Appraisal (Salopian Consultancy, September 2018).

Reason: To demonstrate compliance with the RAMMS to ensure the protection of the adjacent Local Wildlife Site, and associated wildlife.

13. Prior to first occupation/use of the site, 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 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 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.

14. Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for

evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

### **Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required by the National Planning Policy Framework, paragraph 38.
2. 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:  
CS1 - Strategic Approach  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS8 - Facilities, Services and Infrastructure Provision  
CS13 - Economic Development, Enterprise and Employment  
CS16 - Tourism, Culture and Leisure  
CS17 - Environmental Networks

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan:  
MD2 - Sustainable Design  
MD11 - Tourism Facilities and Visitor Accommodation  
MD12 - Natural Environment

### 3. ECOLOGY INFORMATIVES

#### Nesting birds

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.

#### 4. ENVIRONMENT AGENCY INFORMATIVES

The Applicant/future occupiers should contact 08708 506506 to be set up on our flood warning system. In preparing the evacuation plan the applicant should have note to the FRA. Contact with the Environment Agency would enable the provision of the most up to date, best available, flood information.

Flooding from large rivers, such as the Severn, which exceed their capacity and/or from rising groundwater can often be of long duration, sometimes taking several days/weeks (or months, in the case of groundwater) to drain away, so that pumping may be required.

Mitigation measures may only delay the time before water enters a building to enable ground floor contents to be moved. In terms of the costs of damage, a limit of 12 hours can be used to differentiate between short and long floods. (Flood Hazard Research Centre, 2005).

#### 5. HIGHWAYS INFORMATIVES

##### Public rights of way affected

A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

##### 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

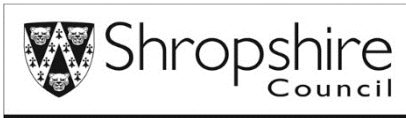
The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<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.

**This page is intentionally left blank**





Committee and date

South Planning Committee

12 March 2019

## Development Management Report

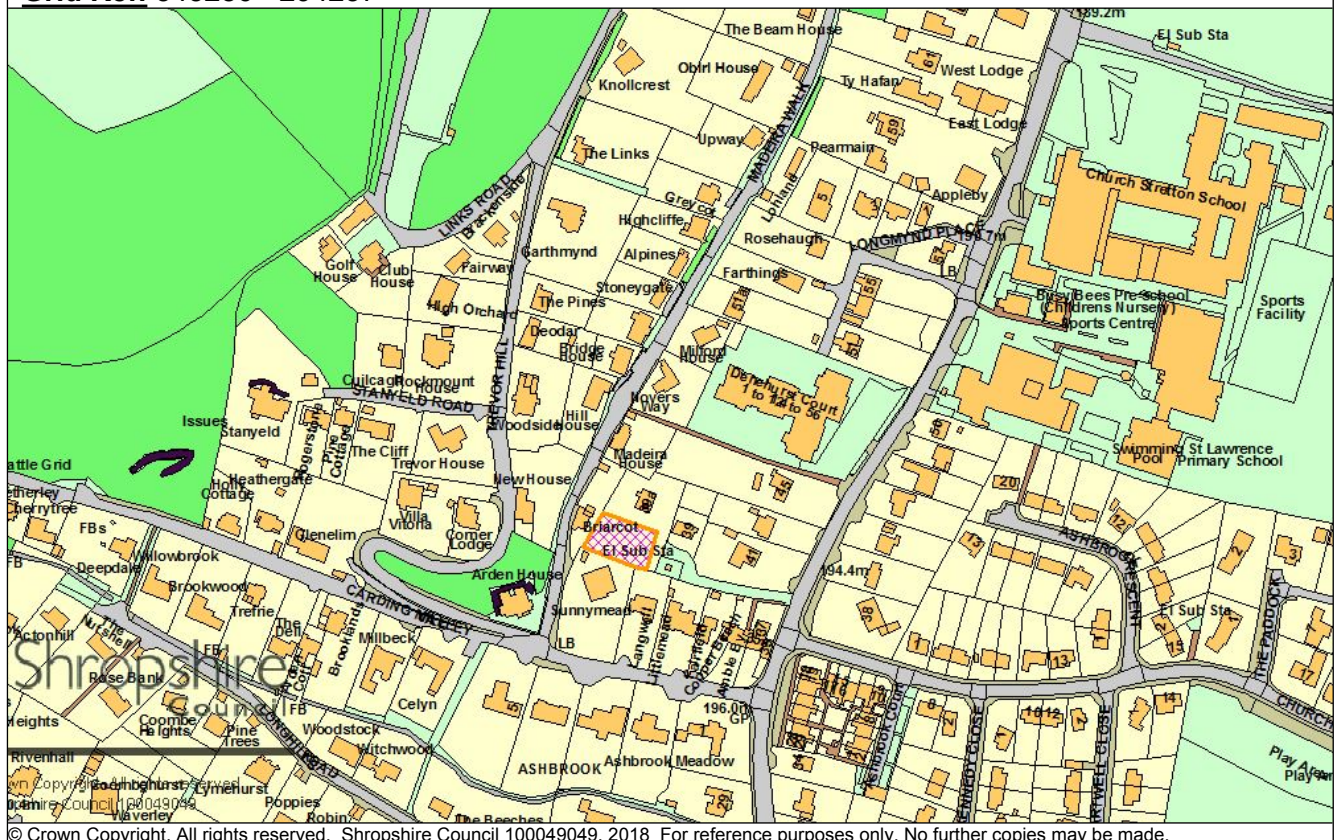
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 18/05492/FUL	<b>Parish:</b> Church Stretton
<b>Proposal:</b> Erection of dwelling (revised scheme)	
<b>Site Address:</b> The Patch, 39A Shrewsbury Road, Church Stretton, Shropshire, SY6 6JD	
<b>Applicant:</b> Mr & Mrs Beasley	
<b>Case Officer:</b> Trystan Williams	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>

**Grid Ref:** 345286 - 294237



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This full planning application presents a revised scheme to erect a two-storey open-market dwelling following the grant previously of permission No. 17/02494/FUL, which remains extant. In that case the dwelling combined a fairly traditional overall form and tiled main roof with more contemporary features including a zinc- or steel-clad projecting picture window, plus gable and box dormers roofed in the same material. Instead the current plans show a contemporary design throughout, with rendered and stone-faced sections featuring a variety of ‘punched’ window openings and covered with shallow, standing seam steel-clad pent roofs overlapping at an off-centre apex. Additionally the house is now shown realigned, with its south side parallel to the adjacent boundary, and its principal elevation facing almost due east rather than skewed to the northeast.
- 1.2 Further amended plans submitted during the course of the current application show some of the windows reconfigured, and provide an additional colour-rendered perspective view of the frontal aspect.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 No. 39A is a mid-20<sup>th</sup> Century, detached two-storey house of brown brick under a concrete pantile roof, set within a large (approximately 0.15 hectare) ‘backland’ plot off Shrewsbury Road in Church Stretton’s northwest suburbs and conservation area. The application site comprises much of the south side of its plot, though excludes the foremost part containing a garage (whose replacement with a slightly larger, asymmetrically gabled and metal-roofed one has been approved under application No. 18/04613/FUL).
- 2.2 In front of that is an electricity substation, whilst diagonally opposite lies No. 39, a red brick bungalow in the same ownership as 39A and served by the same long access drive. Beyond that are the rear gardens of the Shrewsbury Road frontage properties, whilst to the south is ‘Sunnymead’, a large rough-rendered and hipped roofed 1930s house facing the Carding Mill Valley road. To the west, meanwhile, is ‘Briarcot’, a c1900 half red brick and half rendered cottage which stands elevated on a wide but shallow plot alongside Madeira Walk.
- 2.3 The whole of Church Stretton is in the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council’s adopted ‘Scheme of Delegation’, the application is referred to the planning committee because the officer recommendation of approval is contrary to an objection from the Town Council and following discussion Shropshire Council’s Local Members and planning committee chairman and vice chair feel that the full committee should consider the issues raised in the context of

the site.

#### **4.0 COMMUNITY REPRESENTATIONS**

##### **4.1 Consultee comments**

###### **4.1.1 Church Stretton Town Council – objection:**

The proposed standing seam metal roof covering is totally out of keeping with the surrounding development, which consists mainly of substantial Edwardian houses with traditional tiled roofs in a conservation area. It would be visible in elevated views from Madeira Walk.

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

The submitted surface water soakaway details are acceptable, but the means of foul drainage should be identified and is subject to approval.

Any permission granted should include an informative encouraging the incorporation of flood resilience measures when redeveloping the garage, since that and the access road lie in the medium risk flood zone (2).

###### **4.1.3 Shropshire Council Highways Development Control – no objection:**

The proposed access, parking and turning arrangements are adequate. Informatives should advise on the need to keep the road clear of mud and surface/waste water from the site, and the requirement for a licence for any works on or abutting highway land.

###### **4.1.4 Shropshire Council Historic Environment (Archaeology) – No objection:**

No comments in respect of archaeological matters.

###### **4.1.5 Shropshire Council Historic Environment (Conservation) – no objection:**

There are no objections to this revised proposal, which follows the previous approval, and would impact negligibly on the overall character and appearance of the conservation area since the plot is set well back. Although extensive glazing and a standing seam metal roof are now featured, high quality contemporary design can be accepted on infill plots in conservation areas. Overall in this case the design is felt to be an enhancement over that approved previously, especially in terms of the reduced roof height which would lessen the development's visual impact, the revised fenestration and the introduction of stone, which adds visual interest and breaks up the massing.

Precise details of the external materials should be secured by condition, and in particular it should be ensured that the roof sheets would have a matt dark grey finish.

###### **4.1.6 Severn Trent Water – comment:**

Since the proposal would have a minimal impact on the public sewerage system,

no objection is raised and no further drainage details need be secured by condition. The applicant should, however, be informed of the possible presence of a public sewer within the site area, and the statutory protection this would have.

#### 4.1.7 Shropshire Council Affordable Housing – no objection:

Although the Council considers there to be an acute need for affordable housing in Shropshire, its housing needs evidence base and related policy predate a Court of Appeal judgment and subsequent changes to the Government's Planning Practice Guidance (PPG) regarding the use of Section 106 agreements to secure affordable housing contributions. On balance, therefore, if the development is otherwise plan-compliant then at this time national policy prevails and no contribution is required.

## 4.2 **Public comments**

### 4.2.1 The Strettons Civic Society objects and comments as follows:

- Although the National Planning Policy Framework (NPPF) does not preclude innovative design to a high standard, it cautions that this should be sensitive to the defining characteristics of the surroundings.
- The contemporary metal roof, visible from Madeira Walk, would clash with the adjacent, mainly Edwardian houses in this part of the conservation area.
- The combination of stone and render would also not sit well with the brick walls and tiled roofs of the surrounding properties.
- There is no objection to the realignment of the proposed house relative to the previous scheme, or to its lower roofline.

## 5.0 **THE MAIN ISSUES**

- Principle of development
- Affordable housing contribution
- Layout, scale, design and impact on conservation area
- Impact on wider landscape
- Residential amenity
- Access and highway safety
- Flood risk and drainage
- Ecology

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Principle of development**

6.1.1 The Council's Core Strategy Policy CS3 identifies Church Stretton as one of Shropshire's larger, 'sustainable' settlements. Meanwhile Policy S5 of its Site Allocations and Management of Development (SAMDev) Plan sets a guideline of around 370 additional dwellings to be provided in the town throughout the period 2006-2026, on allocated greenfield land plus 'windfall' sites within a predefined development boundary.

6.1.2 In this case the site is in an established residential area inside that boundary. It is within walking distance of the town centre services, facilities and employment opportunities, and moreover there is the fallback of the extant permission for a new open-market dwelling here. As such in principle the erection of a new open market dwelling at this site is therefore acceptable.

## 6.2 **Affordable housing contribution**

6.2.1 The Affordable Housing Team's comments reference the Court of Appeal decision which led to the reinstatement of a Written Ministerial Statement and Government PPG advising against the use of planning obligations to secure tariff-style affordable housing contributions below certain thresholds. This is now reinforced by a revised version of the NPPF, published February 2019, which states categorically (at paragraph 63) that affordable housing provision should not be sought in connection with small-scale open-market developments. In the circumstances it must be accepted that the Council's policy requirements in this respect are out-of-date and can no longer be given significant weight. It is also noted that no contribution was required in connection with the previous application on this site.

## 6.3 **Layout, scale, design and impact on conservation area**

6.3.1 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the local planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. This is reflected by NPPF Part 16 and SAMDev Policy MD13, which attach great weight to conserving designated heritage assets. Additionally NPPF Part 12, Core Strategy Policy CS6 and SAMDev Policy MD2 seek to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, materials and architectural detailing, albeit without preventing appropriate innovation or change which fits with the overall form and layout of the surroundings.

6.3.2 In this case it is important to bear in mind the previous extant permission, as this is the benchmark against which the current application should be judged. In allowing that scheme officers acknowledged that there are some public views across the site from Shrewsbury Road to the east and Madeira Walk to the west. Indeed the 2013 Conservation Area Appraisal describes the route along the latter as a "key townscape sequence", and notes the general openness of views eastwards over and in-between houses which are generally set below road level. Looking back from Shrewsbury Road, meanwhile, Briarcot stands prominently above the site, with its attractive half-and-half brick and render typifying the town's late Victorian/early Edwardian heyday. It is also noted that the Church Stretton Town Design Statement says the visual pre-eminence of the Victorian and Edwardian houses should not be compromised, and that the spacing and roof levels of new development should respect these earlier properties.

6.3.3 Notwithstanding the above 39A's plot is considered large enough to accommodate

subdivision and a second dwelling without unduly eroding the area's spacious character and panoramic views. As previously noted the development's visibility from Madeira Walk would be limited, as at this point the road is still rising, and hence Sunnymead, Briarcot and their boundary fences obstruct eastward views at eye level. Officers judge that this still holds true of the current, revised scheme, and furthermore, although fleeting glimpses could be obtained through gateways or over the fencing, the dwelling as now proposed would have a slightly lower ridgeline which, set against the backdrop of the Caradoc Hills, will lessen its impact. Neither should it prove unduly prominent from Shrewsbury Road, as its roofline would now protrude only slightly above the boundary with Briarcot and be set against the relatively dark brickwork of that property's lower storey, whilst the frontage properties would tend to appear larger and more dominant because of the perspective.

6.3.4 In terms of detailing and the even more contemporary style now proposed, it is judged that the site's lack of a street frontage, the variety (and sometimes limited architectural merit) amongst the surrounding buildings, the fact that the previously approved house and No. 39A's replacement garage would also feature metal-sheeted roofs or sections of roof, the use of similar roofing materials in broadly similar contexts elsewhere in the conservation area, and the absence of any objection from the Conservation Officer all weigh in the scheme's favour. Despite the Civic Society's concerns about the other materials, both stonework and render are evident along Madeira Walk, and moreover the latest plans (submitted in response to initial concerns) seek to balance the front and rear fenestration more effectively. Nevertheless precise details/samples of the external finishes, fenestration, roof overhang treatments and landscaping would still need to be secured by condition.

#### 6.4 **Impact on wider landscape**

6.4.1 The interlacing of green spaces with the urban fabric is a key aspect of Church Stretton's wider scenic beauty, but here the loss of tree cover would be fairly negligible. Additionally whilst the new house may just be discernible from the surrounding hills, it would read as part of the general scatter of development in this suburban context, which does include some quite tightly spaced properties and much larger buildings. As the Conservation Officer recommends a dull, dark roof finish would also help to assimilate it into the landscape, and could be ensured under the aforementioned conditions. The character and natural beauty of this part of the Shropshire Hills AONB is as such preserved.

#### 6.5 **Residential amenity**

6.5.1 The revised scheme is preferable to the previous one in that it would have a lesser impact on Briarcot on account of the proposed house being further away and having a lower ridgeline, as shown on the submitted sectional drawings. Although its re-orientated rear elevation would be parallel with that property's, rather than at an oblique angle as before, their separation and Briarcot's clear advantage in height would be sufficient to avoid the development causing significant overlooking or overshadowing, or appearing overbearing. In fact the neighbours would now

retain largely unobstructed views over the new dwelling's roof, even from their east-facing ground floor windows (which in any event serve 'dual-aspect' rooms with other windows facing away from the site).

6.5.2 There would perhaps be slightly more impact on Sunnymead now that the side elevation would face almost due south and run parallel with the boundary, rather than being skewed away. However this can be offset by requiring the first floor windows to be fitted with frosted/obscured glazing and opening restrictors in perpetuity, especially bearing in mind that in addition, Sunnymead's primary windows and main garden are on its southeast side away from the site, and that even its closest northeast-facing windows are some distance from the edge of that elevation.

6.5.3 The relationships with No. 39A itself and No. 39 are also considered satisfactory, especially as those properties are currently owned by the applicant's father. Even after subdivision of its plot 39A would retain sufficient outdoor amenity space.

## 6.6 Access and highway safety

6.6.1 Although visibility from the existing access is somewhat restricted, refusing permission on that basis would be difficult to sustain since its use by traffic associated with the two existing dwellings plus the electricity substation is well established, and the Highways Development Control Team does not object.

## 6.7 Flood risk and drainage

6.7.1 Although adjacent land is at risk of fluvial and groundwater flooding the site itself is not, and the replacement garage referenced by the Flood and Water Management Team does not form part of the current application. It should also be noted that:

- the surface water drainage details provided upfront have been confirmed as satisfactory, and will avoid increasing the wider flood risk; and
- the application form does specify mains sewerage for foul drainage, and the utility provider has no objection to this.

## 6.8 Ecology

6.8.1 No protected species or other significant ecological impacts are anticipated, given that no existing buildings or mature trees would be lost, and the distance from any ponds or designated biodiversity sites. An informative regarding the legal status of nesting birds is suggested as a precaution.

## 7.0 CONCLUSION

7.1 A new open-market dwelling is acceptable in principle in this established residential area within the development boundary of a sustainable settlement. Whilst it would increase the housing density and the design is contemporary, in this particular 'backland' location there is no strong architectural uniformity or street scene from which it would detract, it would not significantly enclose or demonstrably harm the

surrounding public views, and there is also the fallback of the previously approved scheme. For these reasons it is felt that the impact on the conservation area would be neutral, and that on the wider landscape minimal. There would be some impact on the adjacent properties, but the new dwelling should not appear overbearing or cause significant shading or overlooking given its disposition and reduced height. Furthermore there are no undue concerns regarding highway safety, flood risk, drainage or ecology, whilst greater weight is given to Paragraph 63 of the updated NPPF than to the Council's own policy requirement for an affordable housing contribution. Overall, therefore, the application is considered to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

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

### **8.1 Risk management**

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

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

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

### **8.2 Human rights**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the community.

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

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



### 8.3 **Equalities**

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

### 9.0 **FINANCIAL IMPLICATIONS**

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

## 10.0 **BACKGROUND**

### **Relevant Planning Policies:**

#### Central Government Guidance:

National Planning Policy Framework

#### Shropshire Local Development Framework:

#### Core Strategy Policies:

- CS1 - Strategic Approach
- CS3 - The Market Towns and Other Key Centres
- CS6 - Sustainable Design and Development Principles
- CS7 - Communications and Transport
- CS9 - Infrastructure Contributions
- CS11 - Type and Affordability of housing
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management

#### SAMDev Plan Policies:

- MD1 - Scale and Distribution of Development
- MD2 - Sustainable Design
- MD3 - Managing Housing Development
- MD12 - Natural Environment
- MD13 - Historic Environment
- S5 - Church Stretton Area Settlement Policy

Supplementary Planning Documents:  
Type and Affordability of Housing

**Relevant Planning History:**

17/02494/FUL - Erection of dwelling (permitted May 2018)

18/04613/FUL - Erection of replacement garage (permitted November 2018)

**11.0 ADDITIONAL INFORMATION**

**View details online:**

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PIV906TDI5H00>

**List of Background Papers:**

Application documents available on Council website

**Cabinet Member (Portfolio Holder):**

Cllr R. Macey

**Local Members:**

Cllr Lee Chapman

Cllr David Evans

**Appendices:**

Appendix 1 – Conditions and Informatives

## APPENDIX 1 – CONDITIONS AND INFORMATIVES

### STANDARD CONDITIONS

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

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

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

Reason: To define the consent and safeguard the visual amenities of the area, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

### CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

3. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping, which shall include:

- Survey of all existing trees and hedgerows on the site and along its boundaries
- Identification and measures for the protection of existing trees and hedgerows which are to be retained
- Details/schedules of proposed planting
- Details of any walls, fences, retaining structures or other boundary treatments/means of enclosure
- Details/samples of hard surfacing materials
- Timetables for implementation

The landscaping works shall be completed in accordance with the approved details. Thereafter all fences, walls, hardstandings and other hard landscaping features shall be retained in accordance with the approved details, whilst 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.

Reason: To ensure that the external appearance of the development is satisfactory and help safeguard the visual and residential amenities of the area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

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

4. 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.

Reason: To ensure that the external appearance of the development is satisfactory, and safeguard the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan.

5. Before construction of the roof begins, samples/details of the 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 maintained thereafter in the absence of any further specific permission in writing from the local planning authority.

Reason: To ensure that the external appearance of the development is satisfactory, and safeguard the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan.

6. 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 maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory, and safeguard the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan.

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

7. The first floor windows on the north and south elevations of the dwelling hereby permitted shall be fitted with obscured/frosted glazing, top-hung and fitted with a mechanism to restrict their opening to a maximum of 450mm. They shall thereafter be retained in this condition.

Reason: To maintain a reasonable standard of privacy in neighbouring properties, in accordance with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy.

## INFORMATIVES

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015 a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

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

2. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team ([cil@shropshire.gov.uk](mailto:cil@shropshire.gov.uk)).
3. Before any new connection to the public mains sewer is made, including any indirect connection or reuse of an existing connection, consent from the service provider must be obtained.
4. There may be a public sewer within the site boundary. Public sewers have statutory protection and cannot be built over or diverted without consent. In many cases where development is proposed within three metres of a public sewer, Severn Trent Water can direct the building control officer to decline an approval under the Building Regulations. You are therefore advised to discuss the proposals with Severn Trent Water at an early opportunity.
5. This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (including any footway or verge);
  - carry out any works within the publicly maintained highway;
  - authorise the laying of private apparatus within the confines of the public highway, including any a new utility connection; or
  - disturb any ground or structures supporting or abutting the publicly maintained highway.

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

6. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
7. If the new vehicular access and/or parking/turning areas hereby permitted would slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water to drain onto the public highway or into highway drains.
8. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
9. 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, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.
10. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework Paragraph 38.



Committee and date  
 South Planning Committee  
 12 March 2019

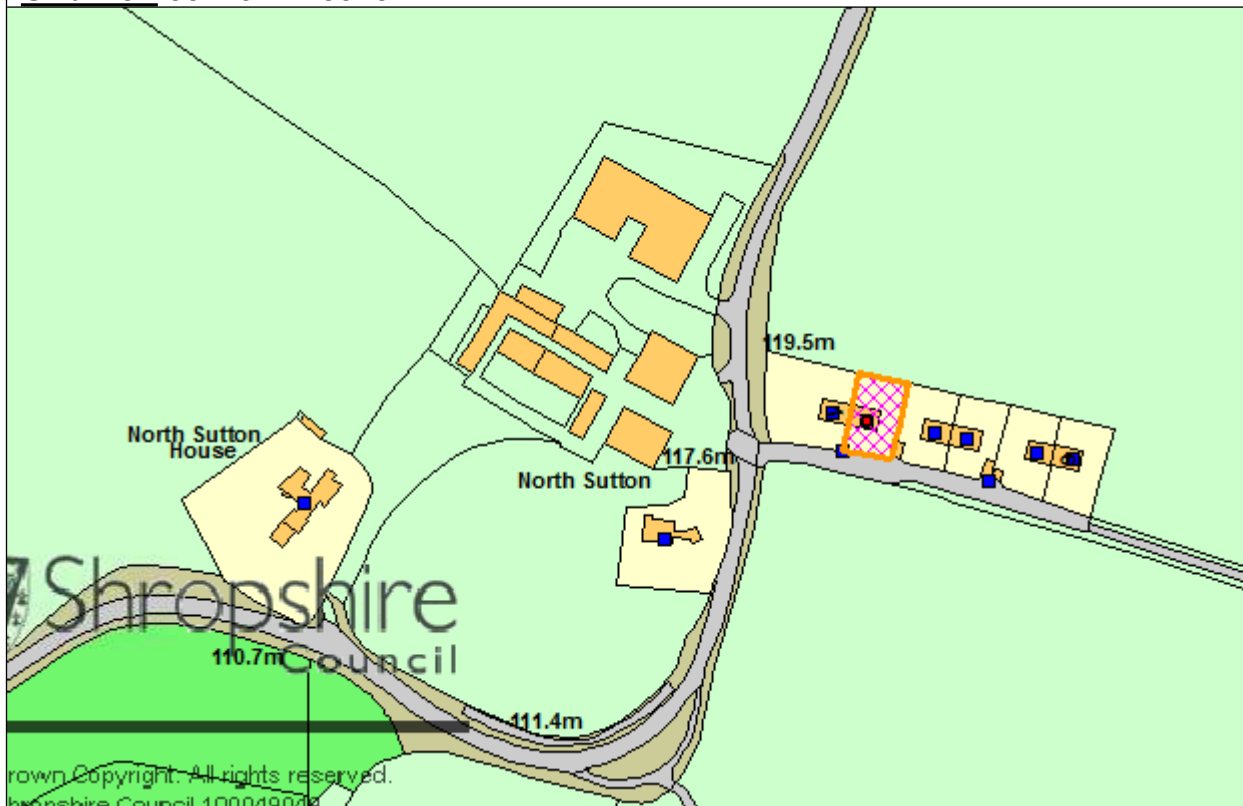
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 19/00121/FUL	<b>Parish:</b>	Diddlebury
<b>Proposal:</b> Erection of first floor extension		
<b>Site Address:</b> 2 North Sutton Great Sutton Ludlow Shropshire SY8 2AJ		
<b>Applicant:</b> Mrs Marie Pardoe		
<b>Case Officer:</b> Elizabeth Davies	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 351794 - 283184



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2018 For reference purposes only. No further copies may be made.

**Recommendation:- Refuse****Recommended Reason for refusal**

The design of the extension by reason of the introduction of gable end features to the front and rear elevations as result of orientation of the roof and the addition of a large balcony on the front elevation would detract from the character and appearance of the original dwelling, its adjoining neighbour and the row of dwellings as a whole. Its overall bulk due to the width and gabled design would be overbearing, failing to be subordinate to the original dwelling. The extension as such would fail to converse or enhance the landscape and scenic beauty of this part of the Shropshire Hills AONB. The extension is therefore not considered to meet the criteria of part 12 and 15 of the NPPF and Shropshire Council development plan in particular, Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD2, MD12 and SPD Type and Affordability of Housing.

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

- 1.1 The application seeks full planning permission for the erection of a first floor extension to an existing dwelling.
- 1.2 The extension is proposed to be constructed above an existing attached double garage off the east side elevation of the property. It would be approximately 8.1m in width with a depth of approximately 5.4m providing an additional 45 sqm of internal floor space. The extension would provide a master bedroom and en-suite and see the relocation of the main bathroom.
- 1.3 The extension proposed takes the form of a new front and rear gabled pitched roof design, a balcony is proposed to project approximately 1m off the front elevation of the extension and would run for approximately 6m in width. This space would be accessed via a set of double doors, with full height glazing either side. The pitched roof of the extension is proposed to project over this balcony area.
- 1.3 The walls of the extension are proposed to be clad in featheredge boarding while the roof would be constructed from concrete interlocking roof tiles, both of which would match the existing dwelling.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 No. 2 North Sutton Cottages is a semi-detached property located with two other pairs of semi-detached dwellings accessed off the main road via a single width shared track which is also a public right of way. This row of dwellings is set at a right angle to the main class C road which runs north-south between Peaton and Lower Hayton. To the west, opposite the entrance to the shared access is a farm house and group of modern agricultural buildings which make up North Sutton Farm. The application site is located within the Shropshire Hills AONB, with this row of dwellings overlooking open fields to the front (south) and rear (north).



2.2 Constructed from timber weatherboarding with a tiled pitched roof, the dwelling has previously been extended under SS/1/05/17591/F for a single storey double garage, which adjoined an existing single storey side extension. In addition, a single storey extension spans the rear elevation of the original dwelling.

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

3.1 Diddlebury Parish Council has submitted a view which is contrary to officer recommendation and following discussion with the Local Member, and Chairman and Vice Chair of the South Planning Committee it is determined that this application should be considered by Committee.

### **4.0 Community Representations**

#### **4.1 Consultee Comments**

4.1.1 Diddlebury Parish Council – Support

4.1.2 Shropshire Council Drainage - No objection, recommended informative regarding sustainable drainage design.

4.1.3 Shropshire Hills AONB – Comments

The local planning authority has a statutory duty to take into account the AONB designation, and National Planning Policy Framework (NPPF) policies give the highest level of protection to AONBs. The application also needs to conform to the Council's own Core Strategy policies and the Site Allocations and Management of Development (SAMDev) plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the Partnership should not be interpreted as suggesting that the application raises no landscape issues.

4.1.4 Shropshire Council Rights of Way – Comments

Bridleway 42 runs along the track to the proposed development, although not directly affected this bridleway will need to be kept open and available throughout the development period.

#### **4.2 Public Comments**

4.2.1 1 letter of support received:

- This extension is to our attached neighbours house, our extension is similar and this would balance the look of the houses.
- The extension would not impinge of light or views and is a natural additon above the garage.
- The extension would sit naturally within the row of houses and is in keeping with the wooden construction.
- Whole-heartedly support the application to provide a slightly larger home for a growing family.

## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Visual impact and Shropshire Hills AONB  
Residential Amenity

## 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'. Paragraph 11 of the National Planning Policy Framework 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.

6.1.2 Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extension and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area and should also safeguard residential and local amenity. Policy MD2: Sustainable design of the adopted Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 12 of the National Planning Policy Framework also requires development to display favourable design attributes which contribute positively to making better for people, and which reinforces local distinctiveness.

6.1.3 Shropshire Core Strategy Policies CS5: Countryside and CS17: Environmental Networks is concerned with design in relation to its environment but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the environment and does not adversely affect the visual, ecological geological, heritage or recreational values and function of these assets. MD12: The Natural Environment of the Site Allocations and Management of Development (SAMDev) plan further encourages development which appropriately conserves and enhances natural assets and contributes positively to the special characteristics and local distinctiveness of an area particularly within the Shropshire Hills AONB.

### 6.2 Siting, scale and design of structure, Visual impact and Shropshire Hills AONB

6.2.1 In support of Core Strategy policy CS6 and SAMDev Plan policy MD2, the SPD - Type and Affordability of Housing from paragraph 2.23 seeks to control the size of extensions to dwelling in the countryside in particular to ensure the retention of a mixed housing stock. The SPD requires that in considering applications for extensions to dwellings regard will be given to the following:

- The visual impact of the existing dwelling plus extension 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.
- 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.

6.2.2 The proposal in this case seeks to add a first-floor extension to the side of the dwelling sitting upon the existing double garage extension. For around the first 4metres the extension follows the existing ridge line, albeit stepped down, the orientation of the roof then turns by 90degrees so that the ridge of the roof would run north to south creating the proposed gabled front and rear elevations.

6.2.3 The dwellings within this row are in a linear formation and of a modest design. It is noted that the adjoining dwelling to the west has a 2-storey side extension comprised of a single garage with room over, however this extension is stepped back from the front elevation and the ridgeline follows the line of the roof over the main section of the dwelling. The introduction of the gabled features to the front and rear of the adjoining dwelling as a result of the roof orientation, combined with the projecting balcony would introduce features which are at odds with the character of the existing dwelling, its adjoining neighbour and the row of the dwellings as a whole. Further the resulting bulk and mass of the extension proposed would not result in a subsidiary addition the size and gabled design competing with the original property which is of a much simpler form.

6.2.4 This site is within a prominent location within the Shropshire Hills AONB being visible from public view points along the highway when approaching the site from the south and from the public right of way. The extension would be a prominent addition to the dwelling visible from public view points within the surrounding area. As a result of its bulk and design which would be at odds with the neighbouring properties it is therefore considered that the proposal would detract from character and natural beauty of this part of the Shropshire Hills AONB.

6.2.5 Officers have approached the applicants with the concerns and requested amendments to reduce the size of the extension and alter the design, however the applicants in this case have chosen not to amend the proposals.

### 6.3 Residential amenity

6.3.1 No new windows are proposed in the side elevation facing 3 North Sutton, however a balcony is proposed for the front elevation which would span the width of the newly created gable and there would be a degree of overlooking towards the neighbouring property on the east. However this land is the parking area for this property and fronts the shared access track which is also a public right of way. Views into the dwelling itself and the private amenity space to the rear would not be forthcoming from this balcony. As such it is judged that whilst there would be a degree of overlooking it is not of sufficient level to result in an unacceptable loss of residential amenity.

## 7.0 CONCLUSION

7.1 The design of the extension by reason of the introduction of gable end features to the front and rear elevations as result of orientation of the roof and the large balcony on the front elevation would detract from the character of the original dwelling, its adjoining neighbour and the row of dwellings as a whole. Its overall bulk due to the width and gabled design would be overbearing, failing to be subordinate to the original dwelling. The extension as such would fail to converse or enhance the landscape and scenic beauty of this part of the Shropshire Hills AONB. The extension is therefore not considered to meet the criteria of the parts 12 and 15 of the NPPF and Shropshire Council development plan in particular, Core Strategy Policies CS5, CS6, CS17, SAMDev Policies MD2, MD12 and SPD Type and Affordability of Housing and refusal is recommended.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy Policies:  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks

Site Allocations and Management of Development (SAMDev) Plan  
MD2 - Sustainable Design  
MD12 - Natural Environment

SPD Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

SS/1/05/17591/F Erection of a single storey extension to provide garaging accommodation.  
PERCON 21st November 2005

### 11. Additional Information

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PL2VIMTDIZI00>

List of Background Papers

Cabinet Member (Portfolio Holder)  
Cllr R. Macey

Local Member  
Cllr Cecilia Motley

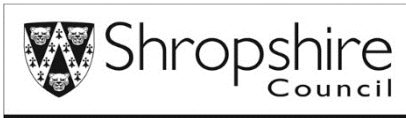
Appendices  
None.

**Informatives**

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

**This page is intentionally left blank**





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

## Development Management Report

### SCHEDULE OF APPEALS AND APPEAL DECISIONS

**AS AT COMMITTEE 12 MARCH 2019**

<b>LPA reference</b>	17/05170/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Connexus (Housing Association)
<b>Proposal</b>	Construction of 5 No. Independent Living Affordable residential dwellings
<b>Location</b>	Housing Development Site Sidney Road Ludlow Shropshire SY8 1SQ
<b>Date of appeal</b>	07.02.19
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	18/02099/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	D Nicholson & S Marnick
<b>Proposal</b>	Erection of three storey apartment building (6 apartments) following demolition of garage block
<b>Location</b>	Land Adj 50 Shrewsbury Road Craven Arms Shropshire
<b>Date of appeal</b>	11.02.19
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	18/02636/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Dr William Hammerton
<b>Proposal</b>	Erection of two storey extension following demolition of existing single storey car port
<b>Location</b>	8 Westgate Villas Salop Street Bridgnorth Shropshire WV16 4QX
<b>Date of appeal</b>	21.01.19
<b>Appeal method</b>	Fastrack
<b>Date site visit</b>	22.01.19
<b>Date of appeal decision</b>	13.02.19
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	18/03796/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr T Hughes
<b>Proposal</b>	Outline application for the erection of 2No. dwellings to include means of access
<b>Location</b>	Proposed Residential Development Land At Secret Cottage Linley Brook Broseley Shropshire
<b>Date of appeal</b>	13/02/2019
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	18/01158/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Damien Bryan
<b>Proposal</b>	Erection of four holiday lets and creation of vehicular access and parking (Re-submission)
<b>Location</b>	Proposed Holiday Let Development South Of The Haye Eardington Bridgnorth Shropshire
<b>Date of appeal</b>	19/02/2019
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

**This page is intentionally left blank**



## Appeal Decision

Site visit made on 22 January 2019

by **Ben Plenty BSc (Hons) PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13<sup>th</sup> February 2019

---

**Appeal Ref: APP/L3245/D/18/3214394**

**8 Westgate Villas, Salop Street, Bridgnorth WV16 4QX**

- 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 Dr William Hammerton against the decision of Shropshire Council.
  - The application Ref 18/02636/FUL, dated 8 June 2018, was refused by notice dated 10 August 2018.
  - The development proposed is the demolition of existing attached single storey car port. Erection of new 2 storey extension with drive/car parking below to form new flexible use/gym room.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The name of the appellant is given as Dr William Hammerton on the planning appeal form, whereas the name appearing on the application form lodged with the Council and repeated in the Council's decision notice is Mr Coutts. As the right of appeal would normally rest solely with the original applicant, subsequent correspondence involving Mr Coutts and Dr Hammerton took place with the Planning Inspectorate, which has clarified the matter. As the matter is not in dispute, I have proceeded on the basis that Dr Hammerton is the appellant in this case.

### Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Bridgnorth Conservation Area.

### Reasons

4. The area is predominantly residential in character and includes dwellings of various sizes and styles. The appeal site is a semi-detached property, at the western end of a row of similar three-storey villas. It is also adjacent to a bungalow, No 9 Westgate (No 9), which is set back from the building line of the villas.
5. The site is within the western part of the Bridgnorth Conservation Area (BCA). Paragraph 193 of the National Planning Policy Framework (the Framework) requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance. In terms of significance, the

Council's character appraisal (appraisal) identifies that Bridgnorth is an exceptionally well preserved market town. The appraisal states that the greatest contribution, to Bridgnorth's special character and appearance, is the concentration of listed buildings and other important historic buildings in the area. The appraisal also notes that Westgate Villas are "late Victorian...with varied details including turned wood porches and 'timber framed' gables...and are little altered." As such the villas, and the relative uniformity of their group, make a positive contribution to the character of the conservation area.

6. The proposal consists of a two storey side extension of contemporary style and materials. This would be set back from the front building line and subordinate to the host dwelling. Paragraph 131 of the National Planning Practice Framework (Framework) states that "great weight should be given to outstanding or innovative design which...help raise the standard of design", provided they complement the overall form and layout of their surroundings. Therefore, whilst the principle of contemporary design is supported, it is important that it be incorporated in a way sympathetic to the existing property and its traditional form. The proposal includes zinc and timber cladding, a shallow roof and a lantern roof light. Despite the form being subordinate and having no objection to the principle of contemporary architecture, I find nevertheless, that the proposal bears no resemblance to the host dwelling in terms of form, material or arrangement. Consequently, it would not be a comfortable addition. As such the proposal would not preserve or enhance the appearance of the existing dwelling or terrace and would instead be read as an anomalous addition.
7. The Council's appraisal identifies the significance of the terrace through the quality of materials, detailing and condition of the asset. The appellant's assessment concludes that the proposal would not devalue significance, in terms of setting or associated values. The proposal benefits from space to the side of the host dwelling. I find that the current space is important as it enables the terrace to be properly understood as a group. The host dwelling has a small side extension which is set back from the frontage and aligns with the adjacent property at No 9, which is not appreciably read as part of the terrace. Whereas, I find that the proposal would be an overt addition, which would poorly relate to both the terrace row and bungalow, principally due to its treatment of form and material.
8. The appeal site is in a prominent location, even though partly screened by mostly deciduous trees. It has a highly visible side elevation when viewed from the west. This is as a result of the set back and single-storey form of No 9 and the curvature of the road. This view presents Westgate Terrace in a relatively isolated view, with space around it and acts as an attractive entrance to the conservation area. In contrast, the proposal would be a discordant addition to the terrace, lacking a coherent language, which would contrast with the form and materials of the terrace. Therefore, due to the prominence of the side elevation, and the form and materials of the proposal, the scheme would also relate poorly to the wider area and would materially harm the character and appearance of the BCA.
9. Consequently, the proposal would not accord with Policy CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) which, amongst other things, seeks development that protects and conserves the historic environment and contributes to local distinctiveness, respectively.

The proposal would also fail against Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development plan 2015 which seek, amongst other things, to respond positively and respect to local character and to avoid harm of loss of significance to heritage assets, respectively.

10. Given the prominent location and design of the proposal, the proposed extension would cause harm to the significance of the conservation area. In terms of the advice in paragraph 196 of the Framework, the harm to the conservation area would be 'less than substantial' affecting only its immediate surroundings. The Framework sets out the need to address 'less than substantial harm' in a balanced manner against the public benefits associated with such schemes, recognising that any harm is of considerable importance and weight. The appellant has stated that the proposal would enhance the character of the conservation area and would remove the unsightly existing car port. However, as I have found to the contrary, and consider that the modest car port has only a neutral impact on the significance of the area, I do not concur that these are benefits. No compelling additional arguments have been put forward and accordingly any negligible public benefits would not be sufficient to outweigh the harm to heritage assets, which the Framework identifies are an irreplaceable resource.

### **Other Matters**

11. There are two listed buildings within sight of the appeal site. The water conduit head (listed grade II) is located at the junction of Ludlow Road and Westgate. It is significant due to its highly decorative nature and good condition. No's 30 and 30a Salop Street (listed grade II) are two terraced properties and significant due to their age, condition and form. I am satisfied that both would be preserved by the proposal due to the separation distance and the relative small scale of the proposal.
12. The appellant has drawn my attention to schemes elsewhere in the BCA and other examples of contemporary additions. I have few details about these schemes and as such I am unable to assess whether the appeal proposal would be comparable with them. Accordingly, I have assessed this appeal on its own merits.

### **Conclusion**

13. For the above reasons, having taken all submitted matters into consideration, I conclude that the appeal should not succeed.

*Ben Plenty*

INSPECTOR

**This page is intentionally left blank**