



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

Date: Monday, 2 August 2021

Committee:
Southern Planning Committee

Date: Tuesday, 10 August 2021
Time: 2.00 pm
Venue: Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

Members of the public will be able to access the live stream of the meeting by clicking on this link:

<http://www.shropshire.gov.uk/SouthernPlanningCommittee10Aug2021>

There will be some access to the meeting room for members of the press and public but this will be very limited in order to comply with Covid-19 regulations. If you wish to attend the meeting please e-mail democracy@shropshire.gov.uk to check that a seat will be available for you.

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:
<https://shropshire.gov.uk/planning/applications/planning-committees/>

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

Tim Collard
Interim Assistant Director – Legal and Democratic Services

Members of the Committee

David Evans (Chairman)
Robert Tindall (Vice Chairman)
Caroline Bagnall
Andy Boddington
Nick Hignett
Richard Huffer
Hilary Luff
Nigel Lumby
Richard Marshall
Tony Parsons

Substitute Members of the Committee

Julia Buckley
Nigel Hartin
Heather Kidd
Kevin Pardy
Dave Tremellen
Claire Wild

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 10)

To confirm the minutes of the Southern Planning Committee meetings held on 15 June 2021 and 22 June 2021

Contact Tim Ward (01743) 257713.

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 2.00 pm on Friday 6 August 2021

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 Ironbridge Power Station, Buildwas Road, Ironbridge, Telford, Shropshire TF8 7BL (19/05560/OUT) (Pages 11 - 126)

Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works

6 Acton Arms Hotel Morville Bridgnorth Shropshire WV16 4RJ (21/02251/OUT) (Pages 127 - 150)

Outline application for residential development of 3No. detached dwellings to include means of access and refurbishment work to the public house and grounds

7 Proposed Pig Farm South West Of Manor Farm Sheriffhales Shropshire (20/00820/FUL) (Pages 151 - 184)

Formation (relocation) of pig farm including erection of two pig rearing buildings, two straw storage buildings, one hospital/lairage building, one workshop/machinery storage building and one bio-security building; with all associated works

8 Manor Farm Sheriffhales Shropshire TF11 8QY (20/00821/OUT) (Pages 185 - 222)

Outline application (access for consideration) for residential development

9 Proposed Equestrian Building West Of Manor Farm Sheriffhales Shropshire (20/00822/FUL) (Pages 223 - 234)

Erection of building for the stabling of horses and associated equipment including change of use of land and formation of vehicular access

10 South Shropshire Remembrance Park Upper Stanway Rushbury Shropshire SY6 7EF (21/00768/COU) (Pages 235 - 246)

Change of use of land to form extension to Remembrance Park

11 The Rowans Old Shorthill Hanwood Shrewsbury Shropshire (21/02191/FUL) (Pages 247 - 258)

Erection of link extension between dwelling and annex and alterations to approved scheme for conversion of annex building (part retrospective)

12 Schedule of Appeals and Appeal Decisions (Pages 259 - 280)

13 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 7 September 2021



Committee and Date

Southern Planning Committee

10 August 2021

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 15 June 2021

1.00 - 4.35 pm in The Auditorium - Theatre Severn, Frankwell Quay, Frankwell, Shrewsbury. SY3 8FT

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillors David Evans (Chairman), Robert Tindall (Vice Chairman), Caroline Bagnall, Andy Boddington, Nick Hignett, Richard Huffer, Hilary Luff, Nigel Lumby, Richard Marshall, Tony Parsons and Dave Tremellen

4 Apologies for Absence

There were no apologies for absence

5 Minutes

RESOLVED:

That the minutes of the meetings of the Southern Planning Committee held on 13 April 2021 and 20 May 2021 be approved as a correct record and signed by the Chairman.

6 Public Question Time

There were no public questions

7 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.

8 Ironbridge Power Station, Buildwas Road, Ironbridge, Telford, Shropshire TF8 7BL (19/05560/OUT)

The Chairman advised the meeting that as this was a large application he had used his discretion to allow additional public speakers and additional time for the applicant to respond.

The Head of Planning Services introduced the outline application for the for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B3; retail and other uses comprising

classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works and set out the history and context of the application.

With reference to the drawings displayed, the Principal Planner drew Members' attention to the location, layout and elevations and the Developing Highways Manager outlined changes to the highway system and other mitigation works.

Mr David Turner made a statement against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Simon Heath made a statement against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mr Stephen Mulloy made a statement against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Cllr Sue Jones made a statement on behalf of Leighton and Eaton Constantine Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Cllr Lorraine Pratt made a statement on behalf of Buildwas Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Cllr Duncan White made a statement on behalf of Much Wenlock Town Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Claire Wild, local Ward Councillor made a statement against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Dan Thomas, adjacent Ward Councillor, made a statement against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Stuart Ashton spoke in support of the proposal on behalf of the applicant in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate Councillors made the following points:

Members expressed concern regarding the low percentage of affordable housing within the scheme which was 15% below that required to make it policy compliant, and felt that they required more information to enable them to understand the viability assessment that had led to the reduced amount of affordable housing being offered.

Members expressed concerns regarding the effect of the proposals on the local highways network and the proposed timing of remediation works especially at the Gaskell Arms junction in Much Wenlock.

Members felt that they needed further time to consider the information submitted by the NHS Shropshire, Telford and Wrekin Clinical Commissioning Group (CCG) as part of the schedule of late representations regarding existing GP premises capacity.

Having considered the submitted plans and listened to the comments made by all of the speakers, it was **RESOLVED**:

That the application be deferred to a future meeting to allow further clarification of:

- Viability including clawback review timing
- The level and timing of affordable housing
- Transport issues, especially in and around Much Wenlock, including the Gaskell Arms junction
- The capacity of primary care facilities

9 Proposed Quarry to the east of Much Wenlock Road, Buildwas, Telford Shropshire (19/05509/MAW)

The Principal Planner introduced the application which was for the phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site and with reference to the drawings displayed, drew Members' attention to the location and layout. The Principal Planner advised the meeting that the planning permission would only implemented if permission was granted for the housing scheme.

The Principal Planner drew members attention to the information contained in the schedule of late representations.

Cllr Lorraine Pratt made a statement on behalf of Buildwas Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Cllr Sue Jones made a statement on behalf of Leighton and Eaton Constantine Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Claire Wild, local Ward Councillor made a statement against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Craig Ball (Agent) spoke in support of the proposal on behalf of the applicant in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members felt that the application would enable the use of the sand and gravel resources and prevent sterilisation of the mineral resource

Having considered the submitted plans and listened to the comments made by all of the speakers, it was **RESOLVED:**

That subject to the granting of planning application 19/05560/OUT permission be granted subject to the conditions and legal obligations set out in appendix 1 to the report

10 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, 13 July 2021.

Signed (Chairman)

Date:



Committee and Date

Southern Planning Committee

13 July 2021

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 22 June 2021

1.00 - 3.48 pm in the The Auditorium - Theatre Severn, Frankwell Quay, Frankwell, Shrewsbury. SY3 8FT

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillors David Evans (Chairman), Robert Tindall (Vice Chairman), Caroline Bagnall, Nick Hignett, Hilary Luff, Nigel Lumby, Richard Marshall, Tony Parsons, Dave Tremellen and Nigel Hartin (Substitute) (substitute for Richard Huffer)

11 Apologies for Absence

Apologies for absence were received from Councillors Andy Boddington and Richard Huffer

Councillor Nigel Hartin substituted for Councillor Boddington

12 Public Question Time

There were no public questions

13 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.

14 Land Adjoining Padman House Cape Street Broseley Shropshire (18/04550/FUL)

The Area Planning Manager introduced the application, which was an outline application for the erection of 5No dwellings, to include means of access and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations

In accordance with the public speaking protocol, the Committee Solicitor read out a statement on behalf of Broseley Town Council.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Caroline Bagnall, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item.

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

Members welcomed the design and layout of the proposals and commented that there may be need to monitor the monitor the on street parking during and after the work on the development.

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1.

15 Land to the east of Garridge Close, Albrighton, Shropshire (20/03508/FUL)

The Consultant Planner introduced the application, which was an application for the erection of 18 No. residential dwellings and associated parking/garaging with new adopted road following demolition of existing bungalow, garage, and pool house and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations

Members attention was drawn to the information contained in the schedule of late representations.

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

Councillor Colin Noakes, representing Albrighton 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 Nigel Lumby, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item.

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

Members expressed concern at the loss of mature trees on the site and the effect of the proposals on the biodiversity in the area.

Members felt that the proposals did not address the need for homes for retired people as envisaged in the Local Plan.

RESOLVED:

That contrary to the Officer recommendation planning permission be refused for the following reasons: -

Although the site is an allocated site (Site SB003 - Land at Whiteacres in the Shropshire Council Site Allocations and Management of Development (SAMDev) Adopted Plan (December 2015) and Site ALB002a in the Albrighton Neighbourhood Plan (ANP) 'Light'(June 2013)) for up to twenty dwellings, the development would be contrary to SAMDev Policy S1 and ANP Policy ALB2, in that it would not largely comprise appropriate housing for occupation by people of retirement age in accordance with the requirements of the SAMDev Allocated Sites' Development Guidelines and ANP Policy ALB2. It would also by virtue of its design, layout and loss of trees not adequately respect and enhance the character and significance of the Conservation Area and its setting, and would have an adverse impact on the trees and ecology on and around the site that would not be adequately mitigated. The development would as a result give rise to less than substantial harm to the significance of the designated heritage asset and would not give rise any to public benefits sufficient to outweigh that less than substantial harm. The development would also be likely to result in an unacceptable increase in the level of traffic on Garridge Close, as a result of the deviation from the envisaged type of housing. The development would therefore also not be compliant with Core Strategy Policies CS6 and CS17 and SAMDev Policies MD2, MD12 and MD13 and the NPPF.

16 The Bungalow Ragdon Church Stretton Shropshire SY6 7EZ (20/03751/FUL)

The Area Planning Manager introduced the application, which was an application for the erection of an agricultural implement storage building.

Members attention was drawn to the information contained in the schedule of late representations in particular submissions around drainage and flooding and the submission of further information from the applicant's drainage agent which was currently being assessed by Officers.

The Area Planning Manager advised that given that the additional information was still being assess the Officer recommendation had been amended to one if deferral of consideration of the application to a future meeting to allow officers time to assess the information.

RESOLVED:

That as per the Officers amended recommendation consideration of the application be deferred in order to allow officers time to evaluate information recently received in respect of drainage and the watercourse running through the site.

17 Condover Village Hall Condover Shrewsbury Shropshire (21/00671/FUL)

The Area Planning Manager introduced the application, which was an application for the Installation of 18No solar panels on a south west facing roof, and installation of 2No air sourced heat pump wall mounted units on an external wall on the north east elevation and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations

Members attention was drawn to the information contained in the schedule of late representations.

In accordance with the public speaking protocol, the Committee Solicitor read out a statement in support of the application on behalf of Condover Parish Council.

In accordance with the public speaking protocol, the Committee Solicitor read out a statement in support of the application on behalf of Councillor Dan Morris, Local Member

Roger Nash, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Members felt that the benefits of the scheme, in the contribution it would make to the Councils Climate Change programme outweighed the potential harm to the setting of the conservation area.

Members asked that it be investigated as to whether the panels could be recessed to reduce their impact.

RESOLVED:

That contrary to the Officer recommendation planning permission be granted and that delegated authority be given to the Area Planning Manager to apply conditions as necessary to include: -

- Details of the specification and design of the panels and how they are fitted (including if possible, seeking to have them inset/recessed or fitted flush with the roof) must be approval prior to installation
- A requirement that the panels are removed in the event that they cease to be required or used.

18 Dowles Cottage Dowles Road Bewdley DY12 3AB (21/01171/FUL)

The Consultant Planner introduced the application, which was an application for the erection of a two storey side extension and single storey rear extension. (Resubmission of 20/00574/FUL) and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

Members attention was drawn to the information contained in the schedule of late representations.

Members felt that the proposed amendments to the extant planning permission were acceptable.

RESOLVED: -

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix

19 Sunninghill Summerhouse Lane Longden Shrewsbury Shropshire (21/01377/VAR)

The Area Planning Manager introduced the application, which was an application for the variation of Conditions Nos.2 (approved plans) and 11 (amenity area) pursuant of 20/04317/FUL to allow for: a larger dormer to front elevation with 2 windows; addition of porch; installation of glass balustrade to part of flat roof to enable use as balcony amenity area; installation of balcony velux window to rear roof and creation of habitable room in loft (amended description) and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations

RESOLVED

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1

20 11 Foldgate View Ludlow SY8 1NB (21/01539/FUL)

The Consultant Planner introduced the application, which was an application for the erection of a single storey rear extension following demolition of existing and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations

Members attention was drawn to the information contained in the schedule of late representations.

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1

21 42 Barrow Street Much Wenlock Shropshire TF13 6ET (21/01799/FUL)

The Consultant Planner introduced the application, which was an application for the Erection of a first floor side extension and single storey rear extension together with internal alterations and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations

Members attention was drawn to the information contained in the schedule of late representations.

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1

22 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 22 June 2021 be noted.

23 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 13 July 2021.

Signed (Chairman)

Date:

Development Management Report (Referral back to committee)

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 19/05560/OUT (Update Report Following Deferral)	<u>Parish:</u>	Buildwas
<u>Proposal:</u> Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works		
<u>Site Address:</u> Ironbridge Power Station, Buildwas Road, Ironbridge, Telford, Shropshire TF8 7BL		
<u>Applicant:</u> Harworth Group Plc		
<u>Case Officer:</u> Grahame French	<u>email:</u> planningdmsw@shropshire.gov.uk	

Recommendations:

- 1) To Grant Permission subject to the conditions and legal agreement clauses set out in Annex 1, Appendix 1.
- 2) That the Committee authorises the Head of Planning Services to enter into negotiations with Telford & Wrekin Council, if necessary, in order to secure a Memorandum of Understanding to deliver the cross-boundary infrastructure listed in Appendix 1 of this report (legal agreement clauses).
- 3) That Members note that if this cross-boundary application is approved arrangements will need to be entered into whereby Shropshire Council as the 'lead authority' can accept authority for onward delegation of planning control for the proposals from Telford & Wrekin Council. This will allow Shropshire Council to issue a single planning permission for the application and to assume sole responsibility for determining subsequent discharge of conditions and reserved matters applications relating to the application, whilst retaining Telford & Wrekin Council as consultees.

1. Background:

- 1.1 This cross-boundary outline application for redevelopment of the former Ironbridge Power Station site was considered by the committee on 15th June 2021 following an earlier (18/05/21) approval resolution by Telford & Wrekin Council. Members resolved to

defer a decision to a later date in order to allow further clarification of the following matters:

- Viability including clawback review timing;
- The level and timing of affordable housing;
- Transport issues, especially in and around Much Wenlock, including the Gaskell Arms junction;
- The capacity of primary care facilities.

The application is now reported back to committee with further information on the above matters.

1.2 The original 15th June committee report is included as Annex 1. The content of the report has been reassessed and is considered to remain valid. As such, this update report deals specifically with the four deferral issues and other relevant updates. The current update report should therefore be read in conjunction with the previous report.

2. Issue 1 – Viability including clawback review timing

2.1 The Government's planning practice guidance on Viability (updated Sept 2019) advises (Paragraph 10) that 'viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return'. The Guidance advises (Paragraph 4) that in assessing viability policy makers should take account of the types of site (brownfield or greenfield, and size) in order to define their viability characteristics. It is 'important to consider the specific circumstances of strategic sites. Plan makers can undertake site specific viability assessment for sites that are critical to delivering the strategic priorities of the plan' (Paragraph 5). Paragraph 58 of the NPPF (2021) states that 'the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force'

2.2 The applicant Harworth Ltd produced a viability report by their consultants Tustain Associates in support of the outline planning application. This found that there were significant additional costs associated with redevelopment of this large mainly brownfield site which affected the viability of the proposals. Tustain concluded that the scheme would only be financially viable in the following circumstances:

- i. The total fund available for off-site infrastructure through a s106 legal agreement should not exceed £16.75m, including all CIL revenues generated by the scheme;
- ii. The level of affordable housing which the scheme can support is 5% or 50 homes (70% intermediate & 30% social rent tenure split) - a reduction from the policy compliant level of 20%.

- 2.2 Officers appointed an independent viability consultant in collaboration with Telford & Wrekin Council in order to assess the Tustain report. The consultant, Matthew Spilsbury (now of CBRE Ltd) reviewed relevant documentation and concluded that Tustain's methodology and conclusions could be supported. The application was reported to the June committee on this basis.
- 2.3 At the committee Members were concerned at the reduction in affordable housing and queried how viability had been calculated. An inconsistency was identified between the Tustain work and the more optimistic viability assessment of this proposed strategic site allocation which was site carried out in connection with the emerging Shropshire Local Plan. Accordingly, Members resolved to defer the application so that further clarification could be provided on these and other issues.
- 2.4 Members subsequently received a briefing from the Council's viability consultant Matthew Spilsbury on 7th July 2021. This described the viability assessment process and responded to queries raised by Members. Prior to the briefing the full Tustain report was circulated to Members and the Spilsbury presentation was also circulated after the briefing.
- 2.5 Normal procedures for calculating viability for the purpose of affordable housing delivery are as follows:
- 1) Calculate the Gross Development Value (the total sales value of all the units in the development with fully compliant affordable housing levels);
 - 2) Calculate the Residual Land Value (how much the developer could actually afford to pay for the site);
 - 3) Calculate the existing use value (EUV) of the land (the value of the land in its existing use);
 - 4) Calculate the Benchmark Land Value based on the EUV (the value of a site in its existing use plus a margin - 15-20% - which recognises the potential for uplift in value from development "existing use plus");
 - 5) Compare the Residual Land Value and the Benchmark Land Value (When the benchmark land value is higher than the residual land value it would not be viable for the developer to deliver the Council's target level of affordable housing).
 - 6) Calculate how much affordable housing the developer can actually afford to deliver factoring in the benchmark land value. Then work backwards from the benchmark land value to calculate what sales revenue the developer needs to generate in order to turn a reasonable profit.

Harworth's viability model:

- 2.6 Mr Spilsbury explained that Harworth /Tustain has adopted a 'Land Trader Model' for its viability assessment whereby the company has a role as 'Master Developer' acquiring, demolishing and remediating land which is then made available to housebuilders / developers in phases as a series of land parcels. This approach both de-risks the land parcels for developers and provides the opportunity for Harworth to control the strategic infrastructure provision. He indicated that this is a common model for delivery of large / complex sites where there may be more than one developer involved and is consistent with the methodology set out above, which effectively sits within the Land Trader model.

The serviced land prices are calculated using a traditional Residual Land Value model in which land sales count as the revenue.

- 2.7 Mr Spilsbury advised that there is a lead-in period of 3-4 years before the first revenue can be expected, by which time the Harworth scheme will have incurred £21m of capital outlay. It will be almost 10 years before the scheme returns a profit based on an assumed internal rate of return of 15% (the assumed average annual profit over the whole development). This 'abnormal cost' underscores the significant 'up front' financial commitment which Harworth have assumed in taking on the former power station site.
- 2.8 Harworth's Benchmark Land Value: Tustain advise that the purchase price for the site was £6,479,200 (£18,208 gross per acre) and the existing use+ value has been calculated as £125,000 per acre. Once site specific abnormal costs (demolition and contaminated land management) have been deducted this leads to a benchmark land value of £7,798,417. This is more than the purchase price and as such, Tustain's Benchmark Land Value figure can be accepted. This in turn supports Tustain's conclusions about affordable housing.
- 2.9 Mr Spilsbury indicated that the viability assessment conclusions are not fixed but will be subject to formal reviews during the build-out of the development under the s106 legal agreement which would accompany any permission. The first review would take place by the end of development year 5 by which time over 300 houses plus some serviced land will have been made available for sale to developers. This will allow data from land sales to be used in the viability review and forecasting, together with data about the actual costs of remediation and infrastructure provision. Any profit from sand and gravel and PFA sales will also need to be declared as part of the first viability review. Any surplus profit up to policy compliant levels will be clawed back and made available:
- i. To increase the supply of affordable housing on site in later phases;
 - ii. As a S106 commuted sum for the Council's use (e.g. for highway or healthcare funding).
- 2.10 On the discrepancy between the Tustain viability assessment of the site by and the assessment in the emerging Local Plan Mr Spilsbury advises as follows:
- i. Whilst the Local Plan assessment concluded that the site was viable and policy compliant this conclusion was caveated that this was subject to remediation and infrastructure costs which were to be confirmed;
 - ii. The local plan assessment also makes no allowance for the timeframe for demolition, site clearance and remediation and, as such, assumes a lead in time of just 6 months with 9 months to build each unit. (Demolition work has actually been ongoing for 4 years and each development parcel will require further ground remediation before any development can proceed);
 - iii. The local plan assessment makes a nominal allowance for abnormal work of 5% and correspondingly assumes a much higher Benchmark Land Value than the level adopted by Tustain which is considered to be realistic and evidence-based .
- 2.11 Additionally, the Local Plan assessment assumes optimistic land values of £326 per square foot for the site as opposed to the Tustain assumption of £265 per square foot.

By comparison recent data from local estate agents Knock Deighton confirms an average house value per square foot in urban Ironbridge of £209 and values of £225 per square foot have been reported for Shrewsbury. The Tustain estimate is considered realistic in this context.

- 2.12 In conclusion, the viability assessment supporting the local plan is a more generalised study which does not have the benefit of the more detailed understanding of costs which the Tustain report does. The Tustain report has been validated by the Council's independent consultant. It is considered to be a reliable indicator of the viability of the scheme which supports Harworth's conclusions on the deliverability of affordable housing.

Further Clarifications on Viability:

- 2.13 Harworth has provided an email response on 6th July 2021 to specific questions raised by Councillors following the Planning Committee meeting. The following clarifications were provided:
- i. Question: Why was the traditional approach to viability assessment was not adopted?
Answer: *There is a significant difference between a single-phase site and a complex multiphase brownfield development such as Ironbridge. The traditional residual land value model is not appropriate here (see section 2.1 of the Tustain Development Viability Review).*
 - ii. Question: Why is there a discrepancy between the Local Plan viability model by HDH for the site and Harworth's model?
Answer: *The HDH residual land value model was used for Shropshire Local Plan viability however this was very high level and did not have all the facts in terms of costs and remediation required on site. A power station is specialist use which makes it difficult to value and identify what the replacement cost would be.*
 - iii. Question: Why did Tustain use the Land Trading Model and not the EUV method?
Answer: *EUV is not a viability approach but how the threshold land value is determined. A Land Trading Model is used because it reflects how the scheme will be delivered 'on the ground' and enables a transparent open book review to be carried out in the future.*
 - iv/v. Question: What would the Tustain viability assessment look like if the EUV approach was used?
Answer: *A residual land value model was tested however it resulted in a significant deficit. The Land Trader Approach is appropriate for a development of this type. See Section 6 and Appendices A-E and H of the Tustain Development Viability Review.*
 - vi. Question: What is the finance charge in the Tustain model and why is it so high? In Scenario 1 of their report, the 20% compliant section, this charge is shown as £25.9M, in Scenario 4, the 5% non-compliant scenario it's shown as £7.3M? Why the difference?
Answer: *The scheme incurs high costs at the beginning of development before receipts come, hence the cost of finance is high. The finance charge reflects the cost of money in terms of opportunity cost of where we invest, over and above the pure cost of money.*

- vii. Question: In looking at income Tustain only show 28% of the site as providing income, the housing and new industrial use. There is no income shown associated with the sale of the sandstone once quarried from the site. Why?
Answer: *The extraction of the sand and gravel is necessary to make the site acceptable in planning terms. The extraction will generate very low profit per annum but will enable a plateau to be created in this location. Any profits that do arise from the sand and gravel extraction will be captured in the viability review.*
- viii. Observation: The income from housing looks low.
Response: *The sales rates and prices are based on evidence provided, please refer to the Tustain Development Viability Review. The evidence is based on a snapshot in time and both houses prices and costs of materials are subject to change. Harworth are taking a risk by being more optimistic on sales values than evidence suggests.*
- ix. Observation: Tustain did a VA on the former Coalite Smokeless Coal site in Bolsover, Derbyshire for the St Modwen Group in 2015/16, seeking to build 630 houses without meeting requirements for affordable housing etc. North East Derbyshire District Council took the view that if the developer was not able to meet their minimum standards that the development would not be sustainable.
Response: *Each site is assessed on its own merits. The Tustain Development Viability Review sets out the costs and income of the scheme and that the total the scheme can provide a contribution of £16.75 million and 5% affordable housing provision.*
- x. Question: Why are Harworth concerned re affordable housing? In many of their UK projects they make good the land and then sell parcels of land to be developed by independent house builders? Are they planning to develop the site themselves?
Answer: *Harworth do not build housing. Based on our experience of developing brownfield sites in the north of England (where values are comparatively less) achieving policy compliant affordable housing is often difficult. Affordable housing is treated as a cost rather than profit as it does not generate the same income as market housing, impacting on the total contributions being paid. It is important to note that Policy CS11 of the Shropshire Core Strategy – Type and Affordability of Housing seeks to ensure that all new open market housing development makes appropriate contributions to the provision of affordable housing having regard to the viability of developments. The supporting text states that this approach is “realistic with regard to economic viability, but flexible to variations between sites and changes the market conditions over the plan period.”*

The Tustain Viability Assessment has been independently reviewed by Turleys and found to be acceptable. On this basis, the development makes an appropriate contribution to affordable housing and is realistic having regard to the £16.75 million required for infrastructure funding. Accordingly, the development is in accordance with Policy CS11. It is also relevant to note that some of the major infrastructure works would be provided through the use of Grampian conditions. These would require Harworth to directly carry out certain highway works rather than to provide a financial sum for the local authorities to carry out the works. (Para 6.20.6 of the report to Committee).

Para 6.20.9 of the report to Committee notes that “a robust viability review mechanism linked to phasing/period reviews will also be required as part of the Section 106 Agreement. This will provide a mechanism to clawback any future uplift in viability, thereby allowing areas where funding has had to be reduced to be revisited/re-addressed, particularly to onsite affordable housing delivery.”

2.14 Harworth has also provided a further statement on viability in response to a request from the case officer following the previous committee meeting. This advises as follows:

Background

- i. Harworth purchased the Ironbridge site in June 2018 and over the last 3 years we have worked closely with both Telford & Wrekin and Shropshire Councils. We have been open with all information during the public consultation, meetings with Councillors, Parish Councils, Statutory Consultees and Officers at both Councils. We have created a masterplan which we are proud of which is a result of the consultation responses and technical inputs from the consultees. We have set out to resolve the huge number technical issues in a proactive way during the preparation of the planning application and during the consideration of the application. We have worked hard to have a positive relationship with Officers and Councillors at both Councils. Senior Officers from Telford/Shropshire and staff at Harworth have spent the last 9 months working through the viability discussions which are complex, required skill and professionalism from all involved to negotiate and agree a package of mitigation which is satisfactory to both Councils and Harworth.*
- ii. In reaching agreement we have all had to accept compromise bearing in mind the Viability Assessment concludes that there are significant challenges given the extensive legacy of the former industrial use which specifically leads to high infrastructure and abnormal costs in redeveloping the site. The discussions have been made more complex as they involve both Section 106 and CIL contributions. In addition to the 5% affordable housing the viability assessment makes provision for £16.75m to be delivered through a combination of S106 and CIL payments. The mitigation package covers a wide range of issues in both Council’s administration areas.*
- iii. Harworth submitted a Development Viability Review in September 2020 and this was independently assessed by Turleys in November 2020 following instruction from Telford/Shropshire Officers. Harworth were not part of these discussions. Turleys produced a written response for both Councils and this is available for the public to view.*

Further work since 15th June 2021

- Harworth has provided an email response on 6th July to specific questions raised by Councillors following the Planning Committee meeting. The Viability Executive Summary, Cost Plan and Development Viability Review have always been fully available to Officers and Councillors. The Viability Executive Summary has always been available for public inspection. Following the Planning meeting on 15th June the full package of Viability information has also been made available for public inspection.*
- A viability briefing session was organised by Shropshire Officers for Councillors on 7th July 2021. The independent expert from Turleys presented the viability briefing*

session and answered specific questions from Councillors-Harworth were not part of the briefing.

- *The Turley independent viability review concludes that the Tustain DVR is fair, reasonable and the assumptions made within the evidence can be relied upon to determine the application.*

Review Mechanism

- iv. *Harworth has always proposed that a Review Mechanism ('RM') is incorporated into the S106 Agreement and we have submitted details of previous examples where a similar mechanism has been used. Harworth is willing to enter into a dialog with the Council's solicitor on precise wording. Harworth has used a RM on two other major schemes which were granted planning consent over the last few years. The RM was linked to the delivery of a specific number of dwellings or a certain number of years of development. In both examples the time period has not yet arisen to complete the review mechanism. Each major site is different, and, in our opinion, it is wrong to try and compare one with another as they have different technical and planning policy constraints. Harworth has submitted all the relevant information necessary for Officers to complete their planning report and for Councillors to make a planning decision on the application.*
- v. *Harworth are fully committed to the redevelopment of the site in line with the Shropshire Local Plan Review, which Councillors agreed on 15th July to submit to the Secretary of State. This is a key milestone in the preparation of the Local Plan. Harworth has the track record and experience to undertake the redevelopment and we will be involved for the next 10-15 years. Harworth is continuing with the demolition of the power station and the chimney is expected to come down in early Autumn.*

Viability and sand and gravel extraction:

- vi. *In terms of the sand extraction this is essentially being proposed to satisfy the mineral safeguarding allocation that covers the western part of the site. This is not a commercial venture that Harworth would normally enter into as we have no experience of sand extraction. The sand is a mortar sand and as such it has a limited appeal within the market. At present Harworth does not have agreement with an operator for the site. However, there is interest from a national operator. The commercial arrangements have not been agreed at this stage as the operator is still trying to understand how the site can be operated profitably. From a viability point of view the extraction is part of a wider redevelopment scheme to enable development and as such no value has been attributed to it. The true value of the mineral extraction will materialise in the future once we have secured a commercial operator and this value will be fed into the review mechanism as agreed with the Council.*

Harworth conclusion on viability:

- vii. *From Harworth's point of view we want to continue to work with Officers and Councillors but financially there is nothing more we can offer at present than the package set out. We face huge technical and cash flow challenges over the years ahead to deliver this site. It is in Harworth's interest to make the site as attractive as possible to encourage development and if the site turns out to be more profitable than anticipated then this will be picked up through the first Review Mechanism after 5 years to the benefit of Shropshire Council/Harworth which can be invested into the redevelopment over the following 10 years.*

Officer conclusion on viability

- 2.15 The NPPF 2021 explicitly acknowledges that there will be circumstances where viability considerations may limit the ability to deliver affordable housing (Paragraph 58). Harworth's report on viability has been assessed independently by the Council's consultant Matthew Spilsbury of CBRE Ltd who has validated the conclusions. Mr Spilsbury has given a briefing to Members which has addressed a number of concerns on viability which have been raised. Full copies of the Harworth viability assessment have been circulated to Members. Mr Spilsbury has endorsed the methodology used by Harworth's viability consultant and has clearly explained the reason why different conclusions were reached by consultants working in connection with the emerging Shropshire Local Plan. Harworth has provided answers to some additional questions on viability and these are listed above.
- 2.16 Mr Spilsbury has recommended that the proposals are subject to a periodic viability review process in accordance with Paragraph 9 of the Government's viability guidance (ID: 10-009-20190509). Harworth has confirmed that two existing sites which it is developing are also subject to an equivalent review process though neither are sufficiently developed yet for any clawback money to have arisen. Mr Spilsbury has advised that he is aware of many other examples where viability review has yielded clawback money. He indicates that this is normally to be expected as ongoing development has the effect of de-risking the site allowing the release of contingency money put aside to cover potential risks. In his briefing he placed emphasis on the first viability review of the Harworth scheme in development year 5 when any profit from sand and gravel and PFA sales must also be declared.
- 2.17 Officers have carefully reviewed the submitted information on viability in the context of the Government's practice guidance on viability. It is considered that the proposals comply fully with this Guidance having regard also to the advice of the Council's independent consultant. It is unfortunate that the scheme is unable to deliver a policy compliant level of much needed affordable housing. However, the substantial costs associated with remediating this complex previously developed site must be acknowledged. Notwithstanding this, a viability review mechanism will apply, allowing any excess profit to be clawed back for use by the Council with a priority for affordable housing.
- 2.18 It should be noted that, the proposals are still capable of delivering substantial benefits both for Shropshire and for the adjoining area of Telford & Wrekin. In their executive summary of viability dated September 2020 Harworth summarises the following elements and benefits of the proposals which are material planning considerations:

Economic Benefits:

- Additional Council Tax Payments - £1.7m per annum
- New homes bonus revenue - £6.7m
- Business Rates - £520,500 per annum
- Net additional jobs 546 (FTE).

Development benefits:

- Up to 1,000 dwellings, including a mix of types, styles and sizes (1 – 5 bed), to include affordable housing, apartments and a retirement village.
- A local centre.
- A new rail connection based on the site's historic rail infrastructure.
- Leisure uses, including sports pitches, children's play areas, river-based activities, community allotments/orchard, the retention of pumphouse as a restaurant/ bar with community uses/ cultural events, and ancillary sports facilities.
- Associated landscaping.
- A park and ride facility.
- Extraction of sand and gravel to create development platforms.
- A new primary school (including nursery provision).
- Walking and cycling routes including into Ironbridge by re-purposing previous rail corridor.
- Employment land comprising light industry, general industry, and storage and distribution uses.
- Drainage, infrastructure and highways works.

In particular, significant local highway improvements are proposed under the proposed legal agreement and recommended Grampian conditions and these will provide a general improvement to the local road network.

Note: The funding available for the application would potentially reduce significantly in a scenario whereby the applicant needed to attempt to secure consent through the planning appeal route.

3. Issue 2 - The level and timing of affordable housing

- 3.1 The preceding section explains that the level of affordable housing which can be delivered is determined by a viability assessment by Harworth's consultant, the conclusions of which have been independently validated by the Council's consultant. It has been established that the site can only support 5% affordable housing at the required tenure mix at the present time (50 homes plus allowance for proposed retirement village) as opposed to a policy compliant level of 20% (200 homes plus allowance for proposed retirement village). The homes would be delivered in a proportionate way during each phase of the development.
- 3.2 Notwithstanding this Harworth advise that it has held discussions with Homes England and Shropshire Council about levering in funding to try and secure additional affordable housing into the redevelopment plans. This will be dependent on discussions with potential providers and Harworth has met Housing 21 who are a leading not for profit provider of retirement housing and extra care for older people. Harworth confirm that they are willing to continue discussions with Homes England, Shropshire Council and Housing 21 to explore opportunities though these will need to reflect the findings of the viability assessment.
- 3.3 Additionally, a viability review mechanism would be included in a s106 legal agreement linked to any planning permission. This would allow clawback of excess profit below

levels of policy compliance. The first review would occur in development year 5 and any clawback funding would be prioritised towards affordable housing provision and healthcare (see CCG section below).

4. Issue 3 - Transport especially around Much Wenlock, including the Gaskell Arms junction

4.1 Harworth's transport consultant ADC Infrastructure produced a Technical Note summarising their assessment work at the Gaskell Arms junction which was submitted to Shropshire Council on 2nd July. The note summarises the extensive work undertaken by ADC and the consultations with the Highway Authority. The Highway Authority have confirmed that the planning condition and S106 contribution agreed with Harworth is appropriate for the scale of impact of the Harworth development at this location. Harworth is happy for part of the contribution to be earmarked to fund a study into a longer-term solution for Much Wenlock.

4.2 The conclusions of the technical note are as follows:

- 5% of traffic generated by the proposed development would route through the Gaskell Arms junction, giving an increase in traffic at the junction in 2036 of 51 two-way trips in the morning peak hour and 74 two-way trips in the evening peak hour, the traffic increase at the junction attributable to the Harworth development would not, therefore, be severe;
- The results of detailed modelling show that, without the proposed development, the Gaskell Arms junction suffers from congestion during peak times, with delay to vehicles on the A4169 Smithfields Road approach;
- The modest increase in traffic flows due to the development would have a slight impact on junction capacity and delay would increase on the A4169 Smithfields Road approach;
- A mitigation strategy was proposed commensurate with the relatively low levels of development traffic forecast to route through the junction and its impact on the capacity. However, SC requested that rather than deliver the identified mitigation, Harworth should provide a Section 106 contribution equivalent to the cost of implementing the identified highway works at the Gaskell Arms junction;
- SC also requested that the contribution be split in two parts, with a smaller part of the agreed sum used being released early to fund a study led by SC to consider options for providing long-term improvements at the junction. The remaining contribution would be used towards delivering the identified junction scheme.
- This approach, the resulting draft condition and the associated Section 106 contribution has been agreed by Harworth Group.
- Harworth Group have confirmed that the funds for the future improvement study could be made available shortly after signing the Section 106 so that SC can begin the study at the earliest convenience.

4.3 The ADC research indicates pre-existing capacity issue at the Gaskell Arms junction which are not the result of the Harworth proposals and would not be significantly exacerbated by them, even in 2036 which is the assumed completion date for the development. The traffic modelling agreed by the Highway Authority has indicated that

only a small percentage (5%) of the traffic generated by the development would route through the Gaskell Arms junction with the greater majority being directed towards Telford. As such, it would not be reasonable to expect the Harworth development on its own to fully address these pre-existing issues. Instead, a proportionate contribution has been agreed with the Highway Authority which is designed to fairly reflect the potential impact of the proposals at the junction.

- 4.4 Much Wenlock Town Council and some local residents have strongly objected to the Harworth proposals on the basis that they consider that the development should not proceed unless issues at the junction have been fully addressed. They express concerns that introduction of additional traffic from the development will lead to increased delays and will increase the possibility of drivers using inappropriate short cuts on minor routes in order to avoid the junction.
- 4.5 It has not so far been possible for the Highway Authority to identify, fund and implement an improvement scheme for the Gaskell Arms junction and submission of the Harworth application which has acted as a focal point for local highway concerns. However, it is unreasonable to expect Harworth to fund the entire cost of upgrading the junction when there is a pre-existing issue and only a small proportion of the traffic using the junction would ultimately be derived from the Harworth scheme.
- 4.6 Any improvements to the junction would need to be secured by either a Grampian planning condition or a legal obligation. In this respect Paragraph 57 of the National Planning Policy Framework (2021) makes clear that planning conditions should only be used where they satisfy the following tests:
1. necessary;
 2. relevant to planning;
 3. relevant to the development to be permitted;
 4. enforceable;
 5. precise; and
 6. reasonable in all other respects.
- 4.7 Specific circumstances where conditions should not be used include amongst other matters:
1. Conditions which unreasonably impact on the deliverability of a development;
 2. Conditions which place unjustifiable and disproportionate financial burdens on an applicant (having regard to policies in the National Planning Policy Framework and supporting guidance on viability).
- 4.8 Furthermore, the Government's practice guidance on the use of planning obligations advises that planning obligations may only constitute a reason for granting planning permission if they are:
1. necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.

- 4.9 Any planning condition or obligation which required Harworth to fund a full scheme to resolve the identified issues at the Gaskell Arms junction would not meet relevant tests for planning conditions and legal obligations. This is because it would not be 'fairly and reasonably related in scale and kind to the development' and would place 'unjustifiable and disproportionate financial burdens on an applicant'.
- 4.10 Additionally, Paragraph 111 of the NPPF (2021) advises 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'. The Highway Authority has clearly advised that the proportionate impact of the Harworth development on the Gaskell Arms junction would not be sufficient to justify planning refusal and that the contribution being offered by Harworth is appropriate to the impact of the development on the junction.
- 4.11 Notwithstanding this, the concerns of the Town Council are noted and the funding which the Harworth scheme would deliver would allow a feasibility study to be prepared at an early stage. It is expected that any study would cover both the junction itself and wider traffic movements in the Much Wenlock area. Whilst the Harworth scheme could not on its own fund a full upgrade to the junction it should be noted that the emerging Shropshire Local Plan envisages significant additional planned residential development in the local area including 150 homes at Much Wenlock and a total of up to @1650 homes at Tasley, Bridgnorth. If these developments proceed then a significant amount of additional CIL funding would be released. Some of this could be directed towards the Gaskell Arms, which the Harworth application has clearly identified as a significant local concern.
- 4.12 Harworth's consultant ADC has already identified potential improvement options for the junction (see plan below), although the any final scheme plan would be subject to agreement between the Highway Authority and the Town Council. The ADC work does indicate that practical options are available to improve the existing situation.
- 4.13 To provide further reassurance on this matter it is recommended that a local liaison group covering the Gaskell Arms junction scheme is formed, with representatives from the Town Council and the highway and planning authorities. This will allow reporting of progress regarding the improvement scheme design, funding options and implementation timescales.

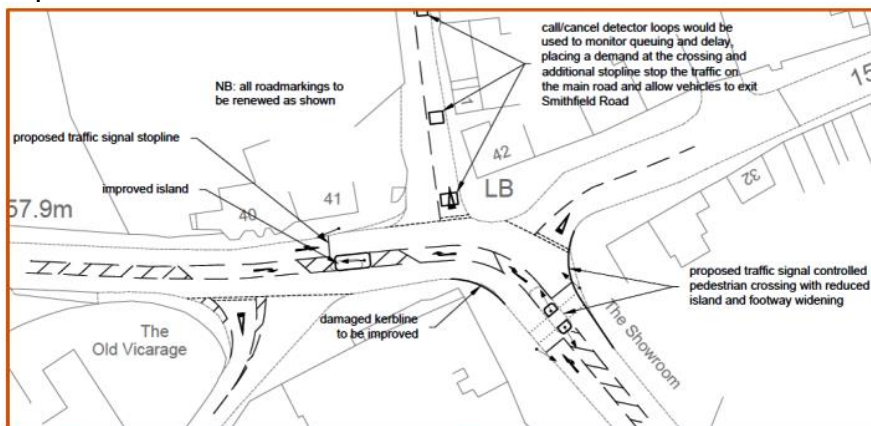


Figure 3: proposed improvement option 1

Potential improvement for Gaskell Arms Junction (by ADC)

- 4.14 In conclusion, requiring Harworth to fund the whole cost of an improvement scheme for the Gaskell Arms Junction would be unreasonable and disproportionate given the very limited contribution the Harworth development would make to existing issues at the junction. This would be the case even after the scheme is fully built-out in @2036. Any such requirement would fail to meet relevant legal tests for use of planning conditions and legal agreements. The viability issues discussed at the beginning of this report further underscore the sensitivity of the proposals to additional cost.
- 4.15 The funding offered by Harworth has been accepted as appropriate by the Highway Authority based on the limited level of impact on the junction identified in Harworth's traffic modelling. The Highway Authority has confirmed that the impact of the proposals on the Gaskell Arms junction is insufficient to justify planning refusal. This is having regard to the stringent test set out for highway related planning refusals in Paragraph 111 of the NPPF. Notwithstanding this, the Harworth scheme is able to fund an early feasibility study and to contribute towards the cost of a wider improvement scheme, the progress of which could be overseen by a dedicated local liaison group.
- 4.16 B4380: Councillor Wilde (Severn Valley Ward) has indicated that in her opinion additional funding should be made available for improvements to the B4380 between Buildwas and Atcham. The current proposal is for £65k to be allocated to this route with the majority of this being spent on traffic calming and pedestrian improvements at Leighton. Buildwas Parish Council will be receiving @£1m over the development lifespan of the site under the neighbourhood fund (the local CIL fund) with the first instalments becoming available in development year 2. The expectation is that if the Parish Council wishes to progress pedestrian improvements in the Parish then some of this money could be put towards this objective.
- 4.17 As with the Gaskell Arms junction the Highway Authority has accepted the conclusions of the applicant's traffic modelling that the proportion of traffic from the Harworth site using this route would be relatively low with over 80% of all traffic from the site predicted to turn towards Telford. The Highway Authority has raised no objections, including with respect to use of the B4380 and has confirmed that the level of funding being offered for this route is reasonable and proportionate having regard to limited amount of traffic from the Harworth site which is predicted to use the route. Moreover, in contrast with the Gaskell Arms junction there is currently no evidence of significant pre-existing capacity issues with this route.
- 4.18 The same criteria apply to the B4380 as to the Gaskell Arms in terms of the use of planning conditions and legal agreement clauses. It is not considered on the basis of currently available information that any requirement for a significant increase in funding above the currently identified level for this route would meet relevant legal tests for conditions and legal agreement clauses as referred to above. This is notwithstanding that no further legal agreement funding is available given the significant viability constraints of the Harworth proposals. Nor is it considered that refusal on highway grounds would be justified given the lack of highway authority objection and the strict test set out in NPPF paragraph 111.

5. Issue 4 – The capacity of Primary Care facilities

- 5.1 The CCG were first consulted on the Harworth outline application 18 months ago in January 2020 and ongoing discussions have occurred between them, Harworth and officers since this time. However, it was only in the week before the Telford & Wrekin outline application was reported to committee on 18th May 2021 that the first request for a specific amount of capital funding (£1.27m) was received from the CCG following a number of office requests. The CCG advised that the sum requested was based on an NHS formula which is starting to be applied nationally.
- 5.2 By this time detailed discussions between Shropshire and Telford & Wrekin Council officers and Harworth regarding how the available funding should be spent had necessarily concluded. The parties agreed as a contingency measure that a capital sum of £0.5m plus a serviced plot should be provided for healthcare. Telford & Wrekin and Harworth strongly resisted any increase above this level given the limited funding available and the significant competing funding priorities, including in the Telford & Wrekin area.
- 5.3 Three subsequent written communications have been received from the CCG, the most recent of these on 30th June 2021. These provide further evidence of existing healthcare capacity limitations at local practices, and particularly at the Ironbridge practice. This has highlighted the pressure which recent major development in Telford & Wrekin has placed on the local practices and where no equivalent healthcare funding has been sought. In their most recent communication CCG have reduced the requested capital sum to £913,750 to bring it into alignment with Harworth's site at Thoresby in Nottinghamshire.
- 5.4 Following this submission officers attended a further meeting with the CCG where they reiterated that there was no additional funding available and no scope to re-distribute previously agreed funding allocations. Any such re-distribution would require Telford & Wrekin to take their application back to committee with the possibility of refusal if less funding was directed towards their area.
- 5.5 At the meeting the CCG reiterated that a survey of healthcare needs was currently being conducted and it was not yet clear whether a new medical practice would be required at Ironbridge. They confirmed that the capital sum being requested relates specifically to the demand on healthcare which is likely to result from the Harworth scheme and does not take any account of pre-existing capacity imitations of the existing practices. They also consider that the proposed serviced plot at the Harworth site should not be attributed a financial value as it may not be utilised by the CCG. Notwithstanding this the officer understands that a serviced plot of 2500m³ may potentially attract a value of @£325k and considers that this should be acknowledged.
- 5.6 The CCG consider that if new residents of the Harworth scheme are given the right to choose their preferred practice then the majority are likely to prefer the Ironbridge practice as this is slightly nearer to the site (4km as opposed to 5.25km for Much Wenlock / Cressage practice). They conclude that this would compound existing capacity issues at Ironbridge. It is not clear whether residents could be directed to the Much Wenlock and Broseley practices instead which are also relatively close to the Harworth site. The evidence provided by the CCG suggests to officers that there may be some limited

additional buffer capacity available to take some residents from the Harworth development in the Much Wenlock and Broseley practices if they are directed to these practices.

- 5.7 The CCG's capacity calculations assume a 10-year build-out period for the Harworth development when this is stated by Harworth as being @14 years. This gives some reduction in the rate at which the Harworth development is likely to contribute to any pre-existing capacity issues relative to the timings assumed by the CCG. The CCG are unable to advise on how such pre-existing issues would be dealt with as a study into this is yet to be concluded.
- 5.8 The additional information and recent meetings between officers and the CCG have provided evidence of capacity limitations at the existing practices which supports the CCG's requests for additional capital funding. Unfortunately, these requests have come too late in the resource allocation process and against a backdrop of limited and competing funding priorities. The Government's practice guidance on viability advises (paragraph 29) that 'the total cumulative cost of all relevant policies should not be of a scale that will make development unviable'. It is not possible at this stage to redistribute available funding following conclusion of the very detailed discussions between officers, Telford & Wrekin and Harworth.
- 5.9 Notwithstanding this, officers have informed the CCG that the healthcare capacity issues they have demonstrated will be notified to the Much Wenlock Place Plan officer in order that this can be identified as a priority for any future CIL funding which may become available in the Much Wenlock Area. The Plan will be updated on this basis. CCG have also been advised that healthcare will, together with affordable housing, be identified as a priority for any clawback funding which becomes available from the viability review mechanism including for the first review in development year 5. Officers have committed to provide a 'comfort note' to the CCG to this effect.
- 5.10 In conclusion, the capital funding which it is currently possible to offer to the CCG is not able to fully meet their expectations, though officers would contend that it is legitimate to include the value of the serviced plot in this package. Officers would acknowledge that the CCG has now provided sufficient evidence of capacity limitations at existing practices and has justified its calculation methodology with respect to the requested capital sum.
- 5.11 Unfortunately, this information has been provided too late relative to the detailed discussions on resource allocation between officers, Telford & Wrekin and Harworth. The viability constraints of the proposals must be acknowledged and, in this respect difficult decisions and compromises have had to be made on many of the spending priorities agreed by the parties. It should also be recognised that major development in Shropshire and Telford & Wrekin have not previously attracted healthcare funding and there are no currently adopted policies or guidance which specifically require this. The Harworth application has come forward at a time when the NHS and CCG's are seeking to establish this principle at a national level, but it has not yet been widely adopted.
- 5.12 Notwithstanding this, any capital funding shortfall relative to CCG expectations has the potential to be addressed through either CIL funding or profit clawback under the viability review mechanism. Officers are preparing a 'comfort letter' which advises the CCG that

Shropshire Council will be prioritising healthcare in both potential funding streams. Any further comments from the CCG will be reported to the committee.

6. National Planning Policy Framework

6.1 A new version of the NPPF was published in July 2021 and supersedes the 2019 version referred to in the original committee report included as Annex 1. The majority of the working remains unaffected relative to the previous 2019 version though paragraph numberings have changed. There are 10 key changes relative to the 2019 NPPF:

1. Measures to improve design quality
2. Inclusion of trees in new developments
3. Adjusting the presumption in favour of sustainable development for plan-makers.
4. Development plan policies for proposed large new settlements should have a 30-year timescale rather than the former 15.
5. New limits on the use of Article 4 directions to restrict PD rights
6. Councils should restrict the removal of statues.
7. Encouraging faster delivery of further education colleges, hospitals and prisons
8. The United Nations climate change goals have been added.
9. Planning and Flood risk should be managed by development opportunity.
10. Tightened rules governing the acceptability of isolated homes in the countryside.

6.2 Members should note this updated national policy guidance and points 1, 2, 8 and 9 are of particularly relevant to the current proposals:

1. Measures to improve design quality: Updated policies aim to improve the design of new developments, in response to the findings of the government's Building Better, Building Beautiful Commission. These include:

- Changes to the overarching social objective of the planning system (paragraph 8b) to include the fostering of "well-designed, beautiful and safe places". The old version had required "a well-designed and safe built environment".
- A new paragraph 128 states that in order to "provide maximum clarity about design expectations at an early stage", all local planning authorities "should prepare design guides or codes. This new demand is consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. It says design codes can be produced as either part of a local plan or as a supplementary planning document. They can also be prepared at an area-wide, neighbourhood or site-specific scale – and can be prepared by landowners or developers for their own sites.
- A new paragraph 133 is introduced which focusses on 'beautiful' development. A test that development should be well-designed, confirming that development which "fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes" should be refused.
- Paragraph 133 continues to confirm that "significant weight" should be given to "development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning

documents such as design guides and codes”. Significant weight should also be given to “outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area”, the new paragraph 133 says.

Note: This requirement has been anticipated by the sustainable development brief which forms part of the outline application.

2. Inclusion of trees in new developments: A new paragraph 131 is introduced, stating that “planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible”. This paragraph continues to confirm that applicants and local planning authorities “should work with local highways officers and tree officers to ensure that the right trees are planted in the right places”.

Note: Trees have been fully factored into the outline application and significant planting is proposed in the indicative masterplan.

8. The United Nations climate change goals have been added: Paragraph 7 in the section on “Achieving sustainable development” states that “the purpose of the planning system is to contribute to the achievement of sustainable development”. It now adds: “At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.”

Note: The applicant’s sustainable development brief provides an appropriate overarching mechanism to ensure that climate change is dealt with appropriately as the development is built out.

9. Planning and Flood risk should be managed by development opportunity: The section on “planning and flood risk” now confirms that plans should manage any residual flood risk by using opportunities provided by new development and “improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)”.

Note: The outline proposals take full account of flood risk issues at this stage including through appropriate use of green infrastructure. Further detail on flood risk will be provided at the outline stages.

- 6.3 Officers have however reviewed the updated guidance and it is not considered to materially affect the conclusions reached in the original committee report included as annex 1 below. The conclusions of the report are therefore considered to remain current and valid in the context of this updated guidance.

7. Conclusion

- 7.1 The application was deferred from the June 15th Committee in order to address the four issues identified in section 1 of this report. Further detailed information has now been provided on these issues in order to assist Members in determining the application. The proposed development is supported as a strategic site in the emerging Shropshire Local Plan and comprehensive consultations on the planning application have not identified any outstanding objections from technical consultees.
- 7.2 The applicant has demonstrated viability constraints and the Council's independent consultant has ratified these conclusions. The current lack of compliance with respect to affordable housing has the potential to be addressed through the viability review mechanism and / or by grant funding obtained from Homes England. Healthcare funding provision for £500,000 and a serviced plot within the legal agreement. The viability review mechanism and other non-Harworth CIL revenues provide the potential to add to this as and when justified by the build-out rate of the proposed development.
- 7.3 The Highway Authority has confirmed that the applicant has made a reasonable and proportionate contribution with respect to the Gaskell Arms junction and the B4380 based on the proportion of traffic from the development which is predicted to use these routes and has advised that refusal on highway grounds cannot be justified. Other funding mechanisms are available to address pre-existing concerns linked to these routes and planning and highway officers are committee to working proactively with the local community to address these concerns.
- 7.4 Overall and notwithstanding the viability constraints the scheme will facilitate remediation and productive re-use of a major brownfield site and has the potential to deliver significant benefits to the local area.

8. ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2YLFWTD06Z00>

List of Background Papers: Planning application form for application reference 19/05560/OUT and accompanying environmental statement documents and plans

Cabinet Member (Portfolio Holder) Cllr Ed Potter

Local Member: Cllr. Claire Wild (Severn Valley)

Appendices: APPENDIX 1 – Conditions and legal clauses

ANNEX 1

COMMITTEE REPORT 15 JUNE 2001



Committee and date

South Committee

Item

15th June 2021

Public

Development Management Report (Referral back to committee)

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 19/05560/OUT	<u>Parish:</u>	Buildwas
<u>Proposal:</u> Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works		
<u>Site Address:</u> Ironbridge Power Station, Buildwas Road, Ironbridge, Telford, Shropshire TF8 7BL		
<u>Applicant:</u> Harworth Group Plc		
<u>Case Officer:</u> Grahame French	<u>email:</u> planningdmsw@shropshire.gov.uk	

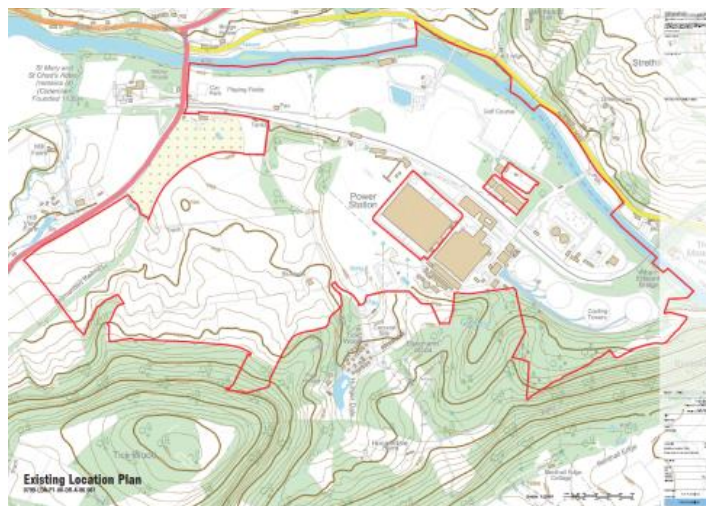


Figure 1 - Location

Recommendations:

- 1) To Grant Permission subject to the conditions and legal agreement clauses set out in Appendix 1.
- 2) That the Committee authorises the Head of Planning Services to enter into negotiations with Telford & Wrekin Council, if necessary, in order to secure a Memorandum of

- Understanding to deliver the cross-boundary infrastructure listed in Appendix 1 of this report (legal agreement clauses).
- 3) That Members note that if this cross-boundary application is approved arrangements will need to be entered into whereby Shropshire Council as the 'lead authority' can accept authority for onward delegation of planning control for the proposals from Telford & Wrekin Council. This will allow Shropshire Council to issue a single planning permission for the application and to assume sole responsibility for determining subsequent discharge of conditions and reserved matters applications relating to the application, whilst retaining Telford & Wrekin Council as consultees.

EXECUTIVE SUMMARY

- i. The application site is included as a strategic site under Policy S20 of the emerging Shropshire Local Plan (Pre-Submission draft 2021). The policy sets out a range of criteria which must be satisfied under a masterplan for the site for the development to proceed.
- ii. The application has been submitted in advance of adoption of the new local plan (anticipated in late 2022) due to practical and operational considerations linked to the acquisition of the site by the applicant, Harworth Group Ltd. However, it is not considered to be premature in advance of plan adoption for reasons set out in this report. Extensive stakeholder engagement has been undertaken by the applicant and a comprehensive planning consultation process has taken place involving three separate formal consultation exercises.
- iii. This is a cross-boundary application as a small part of the site comprising the existing road bridge into the site falls within the administrative area of Telford & Wrekin Council (T&W). Accordingly, the applicant has submitted an application for the outline masterplan development to both authorities. T&W subsequently resolved to approve its application at a meeting on 18th May 21 subject to conditions and legal agreement clauses. Shropshire is the 'lead authority' and is expected to determine any future applications linked to the current proposals.
- iv. A related application to extract mineral in the western part of the site has been received by the Council and forms a separate item on this agenda (19/05509/MAW). The objective is to create a level development platform for the masterplan housing proposals and to avoid sterilisation of mineral beneath the site. This would only be worked if the current scheme proceeds.
- v. A viability assessment provided by the applicant concludes that the masterplan development is financially constrained given the significant costs of remediating the brownfield areas of the site. This conclusion has been accepted by an independent viability consultant appointed jointly by Shropshire Council and Telford & Wrekin Council. Accordingly, there is limited funding available for infrastructure delivery and it is not possible to deliver the full policy compliant level of affordable housing at the site. Additionally, it will be necessary to 'ring fence' all CIL revenues expected from the scheme in order to deliver infrastructure which is required specifically in order to deliver a sustainable scheme. The viability assessment supports the inclusion of proposals for housing in the western 'greenfield' part of the site within the application and under

emerging Policy S20. This is in order to ensure a financially viable scheme which can subsidise the significant costs of remediating the brownfield area of the site.

- vi. Shropshire and T&W officers have worked hard in order to identify the infrastructure spending priorities needed to support the scheme, based on detailed discussions with relevant consultees and a spending schedule is set out at the beginning of Appendix 1 of this report. Notwithstanding these financial constraints officers are satisfied that sufficient funding is available to deliver a sustainable scheme which has the potential to deliver significant benefits both to the public and to the local environment which include a number of sensitive protected designations at both national and international levels.
- vii. The masterplan for the site prepared by the applicant has been informed by a considerable amount of stakeholder engagement and planning consultation, with numerous modifications taking place in response to this. Together with a sustainable design brief prepared by the applicant this will inform the future reserved matters phases of the development if the current application be approved. This would give reassurance that the sustainable design principle established at this stage can be carried forward to subsequent development phases.
- viii. The proposals have attracted opposition from some local stakeholders including Parish Council's in particular, regarding highway impact. A detailed traffic modelling exercise has been undertaken by the applicant's highway consultant in close consultation with the two Highway Authorities and Highways England. This has demonstrated to the satisfaction of the highway bodies that the highway impacts of the proposals can be made acceptable having regard to the mitigation proposals being put forward by the applicant. The scheme has been amended and further information has been provided in order to take account of detailed comments received during the planning consultation process. Whilst the parish council objections referred to above remain there are no outstanding objections from other technical consultees including SC Ecology, Historic Environment, Drainage and Trees.
- ix. This is a significant scheme which has the potential to deliver major benefits to Shropshire in terms of housing, employment, environmental enhancements and remediation of a major brownfield site which might otherwise become derelict. Officers are satisfied that the further information and amendments now received are sufficient to facilitate a sustainable development which will be informed by the applicant's masterplan and sustainable design brief. The proposals are considered to be compliant with the development plan overall and relevant national guidance and also with the development criteria set out in emerging Policy S20. The proposals are therefore recommended for approval subject to the conditions and legal agreement terms listed in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 Outline planning permission is sought by the applicant, Harworth Group Ltd for redevelopment of the former Ironbridge Power Station site including for the following uses:
- (up to) 1,000 dwellings (950 open market and 50 affordable (5%);
 - retirement village (of circa 70 units);
 - employment land comprising of circa 6ha (approx. 16000sqm of commercial space) comprising classes B1(A), B1(C), B2 and B8;
 - A Local centre comprises of 2,200sqm of retail and other uses including farmers market, comprising classes A1, A2, A3, A4, A5, D1 and D2; and a 400sqm convenience foodstore,
 - Allotments of circa 0.4 hectares,
 - Sports pavilion, formal and informal recreational land including sports pitches, open space and a central village green
 - a railway link,
 - primary/nursery school,
 - Combined NEAP/LEAP;
 - A railway link (with rail to trail option should funding not be achieved for a passenger light rail)
 - Serviced plot for park and ride/ shuttle facility;
 - Serviced plot for on-site healthcare provision (at discretion of CCG);
 - walking and cycling routes, and
 - associated landscaping, drainage and infrastructure works
- 1.2 All matters are reserved for later approval, except for access, in respect of two new vehicular accesses into the site from the A4169 Much Wenlock Road. Following completion of the first phase (250 dwellings) the existing vehicular access point off Buildwas Road will be closed to vehicular traffic and retained as a pedestrian and cycle link and as a public transport corridor.
- 1.3 An Illustrative Masterplan has been submitted as part of the planning application. This identifies the overall development strategy across the whole site, including the key elements such as housing, local centre and community facilities and employment land. A substantial area of green infrastructure has been included within the scheme, including sports pitches and pavilion, parkland, informal open space, woodland and ecological mitigation areas. SuDS techniques are to be incorporated into the scheme and will be set out within the detailed drainage strategy for each reserved matter application.
- 1.4 A Sustainable Design Brief has been submitted and will be used to inform and guide the delivery of sustainable development through subsequent reserved matters applications. The document sets out a series of sustainability goals for the development and a condition is imposed which requires all subsequent reserved matters applications to provide a Design Code which, inclusive of other elements, seeks to establish how each phase will meet those aims. Harworth have made a commitment to establishing a "Sustainable Working Panel" which would be made up of representatives from Harworth Group and the Council (and the new community when established), to review and consider the measures proposed. This could form part of the proposed Stakeholder Group, which is required by the Construction & Habitat Environment Management Plan (C&HEMP) condition imposed.

- 1.5 The Sustainable Design Brief gives a commitment from the applicants to provide a healthy community incorporating the following:
- Increase and improved cycle links
 - retain existing trees and tree belts
 - additional footpaths and nature trails
 - new employment opportunities within walking distances of residences
 - use of SuDS throughout the site
 - growing local produce in the allotments and offering a local farmers market
 - park and green spaces
 - electric charging points across the site
 - reinstatement of sports pitches
 - riverside area include hospitality facilities
 - retention of heritage assets
- 1.6 Additionally, in order to minimise the use of energy, the site will consider the following:
- 18kVa of electricity will be provided ;
 - electricity supplier chosen based on its green credentials
 - No gas services will be provided on-site
 - Domestic solar energy will be encouraged
 - On-site energy creation will be explored
 - Explore solar energy for on-site lighting, charging points etc
 - Battery storage located on-site for excess power
 - Air/water sourced heating/cooling would be explored
 - A study into the feasibility of a small CHP plant using biomass from onsite/local resources and estate management could be explore
- 1.7 Buildings will meet ‘better than’ building regulations on all building typologies by considering the following:
- Modern methods of off-site construction to minimise on-site activities;
 - modular building using modern methods of construction to maximise efficiency (possible on-site factory)
 - use of sustainable carbon capture materials and minimise use of concrete and steel
 - low energy site lighting
 - reuse existing roads if possible and reuse demolition materials as part of foundations
 - use of smart technology and metering to reduce water/energy usage
 - on-site water storage and reuse of grey water
 - homes for life
 - promote and enable home working in light of recent lifestyle changes, reducing commuting
 - Zero carbon use, by delivering buildings which are nett energy neutral or positive during occupation - for example by using high insulation standards plus solar power.
- 1.8 The overall net density for housing achieved is approximately 25-30 dwellings per hectare over the designated housing zones.

- 1.9 Whilst the majority of the former Power Station buildings will be demolished, within the north of the application site a 1930's pumphouse and the Station A bridge will be retained. Both structures are related to the first phase of the power station which operated from the 1930's until the 1960's, when the plant was upgraded. These structures represent the only extant buildings from this phase of the power station's operation. In addition, the existing National Grid building will be retained as part of the redevelopment proposals, together with the Western Power Distribution switching station. These buildings are strategically important electricity infrastructure that will remain in operation and are therefore located outside of the red line planning application boundary.
- 1.10 A Development Viability Review by Tustain Associates Limited (September 2020) was submitted by the applicant. This was independently reviewed by Turleys jointly on behalf of Telford & Wrekin Council and Shropshire Council and found to be acceptable.
- 1.11 The Viability Assessment concludes that given the extensive former industrial uses and the legacy of these operations, the site is subject to significant viability challenges. Specifically, the high infrastructure and abnormal costs amount to £62.84 million. As a result, the development is only viable with the provision of 5% affordable housing and £16.75 million toward Section 106 and CIL contributions.
- 1.12 An Environmental Statement has been submitted in support of the application under Schedule 1 of the EIA Regulations 2017 and includes a suite of reports dealing with the key environmental, social and economic issues raised by the proposals. The applicant has also submitted further information under Regulation 25 of the EIA Regulations.
- 1.13 Since the application was submitted there has been a change to the Use Class Order which affects a number of the use types referred to in the application title, although there is no change to the proposed uses in the application. The use class changes applicable to the application can be summarised as follows:
- B1(a) amended to E(g)
 - B2 and B8, not amended.
 - A1/A2/A3 amended to E(a, b, c)
 - D1 amended to E(e) and E(g)
 - D2 amended to E(d)
 - A1 convenience foodstore amended to E(a)
 - A4 amended to sui generis
 - A5 amended to sui generis
- 1.14 The application is reported to Committee with a related application for mineral extraction which forms a separate item on this Agenda:
- 19/05509/MAW - Phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site. Proposed Quarry To The East Of Much Wenlock Road Buildwas Telford Shropshire

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The 139.3ha site is located in the parish of Buildwas and comprises the landholding of the former Ironbridge Power Station also including redundant sports pitches, pulverised fuel ash, landfill waste tips, a rail siding and agricultural land to the west. The applicant Harworth purchased from Uniper UK Limited in June 2018, following closure of the power station in November 2015.
- 2.3 The site is bounded by River Severn to the north and the A4169 Much Wenlock Road to the west (see figure 1). Tick Wood and Benthall Edge Site of Special Scientific Interest (SSSI) is located to the south with a small section included within the application site itself. The settlement of Ironbridge is located ½ mile to the east.
- 2.4 The grounds of Buildwas Abbey scheduled monument extend to within 90m to the west of the site. The buildings themselves are located 470m to the north of the nearest area of proposed development within the site. The Shropshire Hills AONB is located to the immediate west of the site on the other side of the A4169. On the eastern edge of the application site lies the Grade II Listed Albert Edward Bridge, which forms the westernmost limit of the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area.
- 2.5 Pool View Park, a residential and holiday park for circa 70 homes/lodges is located to the south of the site boundary. This is the only occupied residential land use in the vicinity of the site, to the south of the river. On the northern side of the River Severn are a cluster of residential properties, guest houses and a few static homes. To the south east sits the Ironbridge Rowing Club adjacent to the southern limits of the Albert Edward Bridge.
- 2.6 A small sand and gravel quarry is located to the north west of the site. A separate planning application for the extraction of minerals and the subsequent restoration of the western part of the application site has also been submitted to Shropshire Council (application reference: 19/05509/MAW). This proposal is not an extension of this existing site. It instead forms a new operation to facilitate the currently proposed mixed use development, whilst appropriately removing a natural sand and gravel resource in order to prevent its sterilisation.
- 2.7 At the time of submission of the application, the main buildings and structures on site comprised of four 115m high cooling towers, a 205m high chimney, turbine hall, National Grid building and a railway line. The four cooling towers were subsequently demolished on 6th December 2019, the bunker bay was demolished on 17th July 2020, and the tank bay was demolished on 22nd January 2021. Demolition of the Chimney is anticipated in the coming months.
- 2.8 The majority of the site is located within the administrative boundary of Shropshire Council but part of the existing site access from Buildwas Road lies within the boundaries of Telford and Wrekin Council (T&W). Accordingly, a separate application has been submitted to by Harworth to T&W (reference TWC/2019/1046).
- 2.9 T&W's planning committee resolved to approve the application on 18th May 2021. This is subject to a legal agreement and appropriate planning conditions which have been

discussed by officers of both councils and also to T&W entering into a Memorandum of Understanding with Shropshire Council relating to the planning obligations, if required.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 As schedule 1 EIA development the application is automatically referred to committee under the Council's scheme of delegation.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

THE FOLLOWING COMPRISES A SUMMARY OF COMMENTS RECEIVED IN RELATION TO THE APPLICATION WHICH CAN BE REVIEWED IN DETAIL FROM THE LINK REFERRED TO IN SECTION 10 OF THIS REPORT. ISSUES RAISED BY CONSULTEES ARE REFERRED TO IN SECTION 6 OF THIS REPORT.

- 4.1.1 Buildwas Parish Council: Object. Highway impacts; safety concerns over Buildwas Bank junction – do not support the urbanisation of the traffic signalisation proposed; increase in vehicular movements and impact on existing residents; concern over proposed public transport links; concerns over impact on ecology and existing deer population; support Sports England comments; concern over light pollution and how lighting strategy will monitor this; concerns over viability appraisal – requirement for full 20% affordable housing provision, concerns over reduced CIL/S106 contributions; objection to scale and impact on open countryside/heritage assets; do not support development of greenfield land; Parish already reached development prescribed by SAMDev; against closure of existing primary school; if closed, site should be retained as a community asset/hall; sustainable travel plan required; concerns over capacity of existing healthcare facilities; on-site treatment plant should be proposed; commercial proposals should not be of a loud nature; if approved the design of the buildings should be sympathetic to the area. Additional concerns regarding ecology, leisure, light and sound pollution.
- 4.1.2 Much Wenlock Town Council (adjoining parish): Development cannot be seen to be aligned with Shropshire Local Plan in respect to climate change and the protection/enhancement of both the natural and historic environment; flooding; land slips; consequences of mineral extraction in proximity to natural and historic assets; contrary to Policy CS18; would like to see an alternative use such as eco holiday site.
- 4.1.3 Barrow Parish Council (adjoining parish): Objection. Concerns about use unclassified 'rat run' roads through the parish to avoid congestion at junctions in Ironbridge and Much Wenlock.
- 4.1.4 Easthope Shipton and Stanton Long Parish Council (adjoining parish): Objects. The Gaskell Corner and Buildwas Bank junction are essential to the residents of the parish for access to work, motorway and hospital care.
- 4.1.5 Wroxeter & Uffington Parish Council (adjoining parish): Neutral. Concerns about traffic volumes on the B4380 Ironbridge Road.

- 4.1.6 Broseley Town Council (adjoining Parish): Neutral. Concerns about traffic rerouting towards Broseley.
- 4.1.7 Leighton And Eaton Constatine Parish Council (adjoining Parish): Neutral. Concern about traffic, including on the B4380 Ironbridge Road.
- 4.1.8 Cressage Harley & Sheinton Parish Council (adjoining Parish): Objection. Concern about traffic on local roads. Need for Network Rail to make intentions clear. Healthcare. The 2 surgeries serving the catchment already have significant waiting times. What is the extent of any employment benefit? Effect on tourism and local environment.
- 4.1.9 Gorge Parish Council (adjoining parish): Object: Impact on both the probability, scale and frequency of flooding issues; noise, light and air pollution during construction/remediation phases; management of foul drainage; traffic issues are known at junction of A4169 causing long delays; main access (roundabout) should be built earlier; negative impact on WHS; concern over local infrastructure and increased pressures i.e. GPs; request long term commitment for passenger rail; number of suggested conditions are provided.
- 4.1.10 Ironbridge Gorge World Heritage Site Steering Group: Object: WHS, AONB and SSSI adversely affected by the scale of development; not enough consideration given to OUV/WHS within Heritage Impact Assessment; FRA doesn't address the concerns of the community adequately; drainage remains a serious concerns as the development will place a significant strain on the capacity of the facilities at Coalbrookdale and Coalport as well as within the WHS; impact of Noise and light pollution; impact of local highway network within the Gorge; greater consideration to be given to light rail to assist in reducing car use; series of projects within the WHS Management plan that require funding to help mitigate the impacts the development would have on the WHS.
- 4.1.11 Councillor Claire Wild (Severn Valley) – Objection on grounds of traffic impact. Conditions and legal clauses controlling traffic / highways are requested if permission is granted.
- 4.1.14 Councillor Dan Thomas (Much Wenlock) – Concern about traffic in Much Wenlock (verbal communication).
- 4.1.15 Highway Authority: No objection subject to conditions and legal obligations.
- 4.1.16 Ecology: No objection subject to conditions. Broadly agrees with the comments made by Telford & Wrekin Ecology in relation to the planning application. A number of detailed conditions have been proposed to ensure clarity and certainty at Reserved Matters. Consideration of the Habitats Regulations '3 derogation test's will not be required because no works to Albert Edward bridge are proposed as part of this planning application. The submission of a future planning application where works are proposed to the bridge will need to include the results of the hibernation survey and a mitigation strategy for bats.
- 4.1.17 SUDS: No objection subject to conditions covering drainage. The Flood Risk Assessment is acceptable.

- 4.1.18 Learning & Skills: No objection subject to provision of a new primary school at the site and funding for 160 extra places at the William Brookes secondary school in Much Wenlock.
- 4.1.19 Rights of Way: No objection subject to appropriate rights of way provision.
- 4.1.20 Conservation: No objection.
- 4.1.21 Archaeology: No objection.
- 4.1.22 Public Protection: No objection subject to conditions covering noise and dust control and contaminated land.
- 4.1.23 Trees: No objection subject to conditions.
- 4.1.24 Historic England: No objection. Have requested that consideration is given to mitigation for effects on the setting of Buildwas Abbey.
- 4.1.25 Environment Agency: No objection subject to conditions.
- 4.1.26 Highways England: No objection. Requested further information on capacity of Junction 6 of the M54 which has been provided by the applicant.
- 4.1.27 Sport England: No objection subject to conditions and legal agreement securing sporting provision.
- 4.1.28 Severn Trent Water: No objection subject to the inclusion of conditions requiring prior approval of surface water and foul drainage details. Has indicated a preference for on-site sewerage provision whilst acknowledging the applicant's right to request a mains connection.
- 4.1.29 Network Rail: No objection. Has confirmed that the Albert Edward Bridge will be upgraded by Network Rail to facilitate future rail movements.
- 4.1.30 National Grid: No objection. Development in proximity to overhead lines, guidance to be followed.
- 4.1.31 Cadent Gas: No objection.
- 4.1.32 Clinical Commissioning Group: No objection subject to contribution towards healthcare provision.
- 4.1.33 Forestry Commission: No objection.
- 4.1.34 Shropshire Fire Service: No objection. Refers to general guidance.
- 4.1.35 West Mercia Police: No objection. Refers to general guidance.

4.1.36 Telford & Wrekin Council (T&W) – No objection subject to conditions, informative notes and legal agreement clauses delivering necessary infrastructure to support the development within the T&W administrative area. Detailed discussions have taken place at officer level between Shropshire Council and T&W.

Note: As a cross boundary application Harworth submitted an outline application for the masterplan development to T&W which received an approval resolution at a meeting on 18th June 2021 subject to conditions and legal agreement clauses.

4.2 Public Representations:

4.2.1 The application has been publicised through site notice(s), press notice and direct neighbour notification. Three stages of consultation have taken place, following Regulation 25 requests issued to the applicant for further/additional information.

4.2.2 The Local Planning Authority has received 60 objections 6 neutral comments and 3 comments in support. These representations can be summarised as follows:

- Flooding. How will run-off of water will be dealt with once the natural soakaways have been removed? There will be less green space for water absorption. Inadequate sewerage provision. Intensive development such as that proposed should not be considered at all in this area unless adequate flood mitigation measures are undertaken;
- Traffic impact. The local road network is not adequate to support the additional loads/stress. Concerns about Much Wenlock, A4169 and Atcham road. Delays at Gaskell Arms Junction. Concerns about rat-running. Difficulty accessing property at Buildwas Bank. Other committed residential developments will add to traffic. With the Ironbridge road, Cressage Bridge and Atcham Bridge cut off each year with flooding the traffic over Buildwas Bridge is the only route passable locally across the river and the queues of traffic already cause huge local disruption. Danger to pedestrians. Impact of proposed accesses on local residents. Questioning accuracy of highway modelling. Future growth at the key centre Shrewsbury should also be considered when assessing any impacts at Atcham and Emstrey junctions and traffic movements all along the B4380. All HGV traffic during construction and afterwards should not be allowed to use the B4380;
- Impact on open countryside / tranquillity and AONB. Introduction of large residential development into a rural area of high landscape value;
- Sensitive location including World Heritage site, AONB, SSSI, scheduled ancient monument and local nature reserve. How is our unique World Heritage Site going to be protected?
- Visual impact. The site is visible from both Buildwas village, the bypass and a number of properties located on the Much Wenlock road

- Impact of quarrying and transport of gravel on approaches to Landscape of Outstanding Natural Beauty and a landscape of National Importance
- Impact on heritage including Buildwas Abbey. Contributions towards repairs and maintenance of Buildwas Abbey;
- Building 1000 properties on the site is excessive it's 1,000 new homes plus a retirement village, so it's even bigger. The number of houses proposed almost doubles the existing housing in this area. Allowing this application will set a very dangerous precedent for neighbouring agricultural land. The brownfield site obviously needs developing following the decommissioning of the power station. However, most of the residential development is to be placed on what is currently green fields;
- Risk to flora and fauna;
- Noise and light pollution. Noise will carry;
- Current sewage network won't be adequate, and Severn Trent Water have stated an on-site solution will be needed but where is this to be located within this site;
- Best and most versatile land should be protected;
- Need for quality design, ecological sustainability and carbon neutrality;
- Concern at low level of affordable housing provision;
- The new residents will need medical facilities on-site because the current GP practices are already full;
- Schools. The local schools (secondary especially) would not be able to cope with the additional load the proposed housing development would bring;
- Concern about justification for greenfield development within the site. Visibility of greenfield area;
- Support the re-introduction of rail services to the site. The strengthening of the Albert Edward Bridge and Coalbrookdale Viaduct should be prioritised;
- Potential for significant improvements to rights of way network.

4.3 Other Stakeholders:

- 4.3.1 David Turner (Former Ward Member for Much Wenlock) – Object: Concerns over use of A4169 – surfacing, queuing vehicles and geography; concern over highways impact in Much Wenlock and potential 'rat running', specifically at the Gaskell Arms; concerns over noise/air quality impact on Much Wenlock residents.

- 4.3.2 Cllr Carolyn Healy (Ward Member for Ironbridge Gorge – T&W) – Object: Scale of development is too large and will double Ironbridge community size; proximity of development is too close to WHS; highway impact on Gorge and through rat running; visual impact on WHS/CA; pressure on local schools; play provision insufficient and will impact on Ironbridge provision; consideration of walking/cycling improvements; welcome potential use of railway link; concerns regarding noise impact due to geography of site as a valley; demolition has caused disturbance to locals – concern going forward; full provision of affordable housing should be provided.
- 4.3.3 Cllr Jayne Greenaway (Ward Member for Lightmoor and Horsehay – T&W) – Object subject to conditions: Primary school is welcomed and a necessity as no provision locally; concerned about provision for secondary school pupils; support inclusion of healthcare facility on-site; support use of railway during construction stages to minimise use of roads; better provision of public transport required to employment areas of Telford particularly during peak times; consideration of renewable energies. Support many elements of the scheme but without financial contributions towards highways, healthcare, schools, public transports, public rights of way, site will become isolated. Object subject to conditions to cover these points.
- 4.3.4 Coalbrookdale Flood Action Group: Object on basis of inadequate local drainage and sewerage provision and flood risk.
- 4.3.5 Much Wenlock Civic Society: Objects on grounds of highway impact to Much Wenlock and associated air quality concerns.
- 4.3.6 The British Horse Society: concerned that the development plans mention only 'walking and cycling routes' and do not mention new equestrian routes. Non-vehicular routes suitable for equestrian use should link up throughout and across the site.
- 4.3.7 Ironbridge Clarion Cycling Club: support both proposed cycleways. However, to establish a good pedestrian and cycle link through to Ironbridge from the west, the surface of the disused railway needs to be improved. also support the proposal to ensure the current Power Station bridge onto Buildwas Road is restricted for use by public transport, cycle and pedestrians only. While there are positive elements in the proposals so far, the benefits to encourage cycling are far too limited for this significant new development.
- 4.3.8 Telford & East Shropshire Ramblers (Ramblers Association): Concern that most of the new routes suggested in the planning application are described as footpaths and cycleways. They are not always described as Public Rights of Way. Would support formal rights of way with improvements / good access. Welcomes the statements in the Residential Travel Plan.
- 4.3.9 Ironbridge and Much Wenlock Medical Practice: Both local Practices are currently at the limit of their resources in terms of buildings. We feel that the development of a medical facility is essential to meet the needs of the estimated increase in patient population for our two practices and this would need to be a priority at the start of the development rather than some five years down the line as would appear to be case.

- 4.3.10 Shropshire Riding & Carriage Driving Forum: Objects. Improved equestrian provision is needed.
- 4.3.11 Telford Bridleways Association: Objection: The planning application does not include any public rights of way. Proposed links with other public bridleways in the area have been ignored. The application fails to consider the surrounding land use which is heavily biased towards equestrian use.
- 4.3.12 Telford and Wrekin Local Access Forum: Neutral. After very useful and productive discussions, the developer has agreed to the provision of new public rights of way through the site. Many of these would create excellent and vital links to the network, especially through the site from west to east. There seems to be some confusion on the attached plans as the status of these new routes - footpath and cycle way? This needs amending to make it clear that these are Public Rights of Way.
- 4.3.13 Shropshire Playing Fields Association: We are pleased that in the proposal the existing playing fields are intended to be retained as part of the green infrastructure provision, although it is not clear what design, access, maintenance and management will be afforded to this green space and whether it is intended to be retained as sport pitches or a mix of informal recreational space. We would expect the council to consider both sporting and recreational needs including play needs arising from the development to deliver new and improved facilities.

5.0 THE MAIN ISSUES

- Principle of development
- Masterplan principles
- Highways impacts
- Foul & Surface Water Drainage
- Ecological Matters
- Arboriculture
- Noise & Air Quality
- Ground Conditions
- Heritage
- Landscape
- Sport/Recreation
- Education
- Healthcare
- Railway
- Public Rights of Way
- Impact on the amenity of adjacent properties / uses
- Mineral Extraction
- S106 contributions/Memo of Understanding
- Cumulative Impact
- Alternatives

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan (DP) unless material considerations indicate otherwise. Consideration also needs to be given to this presumption in favour of sustainable development in determining whether a site is suitable for release.

6.1.2 The site is not allocated in the current SAMDev plan but forms part of Shropshire Council's Pre-Submission draft Local Plan (2021) and is identified as a Strategic Settlement allocation in emerging Policy S20. The policy identifies the following criteria which a planning application will need to comply with under a site masterplan. The full wording of this emerging policy is set out in Section 10 of this report:

- Integral employment provision;
- An appropriate range of commercial uses in the village centre;
- Significant and high-quality green infrastructure provision;
- Appropriate community facilities and buildings including a new primary school and medical centre;
- Suitable pedestrian and cycle links / provision;
- Improvements to the local and strategic road network;
- High-quality design and layout minimising landscape and visual impact;
- Sympathetic retention / reuse of the Grade II listed Albert Edward railway bridge and buildings and structures associated with the Ironbridge A power station;
- Protection of natural assets, designations and protected species;
- Management of any contaminated land;
- Investigating mineral extraction opportunities (to avoid sterilisation);
- Sustainable drainage avoiding flood zones.

6.1.3 The pre-submission draft of the Shropshire Local Plan has passed through a final consultation period (Feb 2021). The Plan is expected to be submitted to the Secretary of State in late July 2021 with adoption envisaged in summer 2022. The new Shropshire plan is emerging and therefore has limited weight although there is general recognition of the need to redevelop the site. Whilst there is local opposition to the Harworth scheme no significant challenges to the principle of allocation have been received from technical consultees. It should also be noted that the NPPF supports redevelopment of brownfield sites and strategic housing provision.

6.1.4 The comprehensive consultations which have taken place on the current outline planning application have allowed relevant sustainability issues to be considered and addressed in detail prior to plan adoption. Issues raised by the application have been considered in detail and for control and mitigation measures to be progressively refined. As such, there is now a general lack of objection from technical consultees, notwithstanding the continuing local opposition to the scheme referred to in Section 4 above.

6.1.5 It is considered that the planning consultations on the application supports the conclusion that the proposals are sustainable and accord with the current development plan when

taken as a whole. The proposals are also considered to be fully compliant with the draft policies of the emerging Shropshire Local Plan which cover the same subject areas as the currently adopted plan. Whilst the Harworth proposals are significant in a sub-regional context the outline application is not considered to be prejudicial to the outcome of their SAMDev review process.

6.1.6 The greater part of the site comprises brownfield land. In accordance with Chapter 11 of the NPPF (specially paragraph 117 and 118(b)), substantial weight should be afforded to the value of using suitable brownfield land for homes and other identified needs. Furthermore, opportunities should be taken to remediate derelict and contaminated land. This is a significant material consideration in assessing compliance with national planning policy. It is considered that the development is acceptable in principle, in relation to the NPPF, the current SAMDev Plan and the emerging Shropshire Local Plan.

6.2 Masterplan principles

6.2.1 In accordance with emerging policy S20 a comprehensive masterplan has been submitted in support of the current application and this addresses the development guideline criteria of the policy as summarised in 6.1.2 above.

6.2.2 During the course of the application, a number of revisions were made to the originally submitted Masterplan, as outlined below:

- Retention of strategic planting around the existing (retained) commercial buildings providing a mature natural screening of the units from both within the wider and in the wider context;
- Agreement to a minimum 15m buffer around the southern ancient woodland;
- Reduction of built form in the 'Woodland Character Zone' to minimise loss of woodland and ecological habitats;
- Rearrangement of the Local Centre to appropriately integrate facilities within the community and in association with the surrounding open space;
- Reduction of built form in the north to create a green corridor to the sports pavilion, open space and pumphouse beyond – creating a central green space for the community at the heart of the development.

6.2.3 Following receipt of revised and additional information during the life of the application, both Local Planning Authorities are now satisfied that the indicative masterplan in conjunction with other supporting documentation satisfactorily meets the guidelines set out by emerging Policy S20.

6.2.4 Whilst a small part of the site is located in Telford & Wrekin officers of that council advise that they are also satisfied that the site meets relevant criteria of the Telford & Wrekin Local Plan. Telford Policy SP3 states that development in rural areas should be directed to the reuse of previously developed land and to settlements where there is good infrastructure. The site is well connected to existing infrastructure and seeks to provide an optimum viable use for a highly constrained brownfield site, as is set out within the NPPF.

6.2.5 Delivery of the masterplan principles has been supported by planning conditions and financial contributions which have been agreed following detailed discussions between officers of Telford & Wrekin and Shropshire Council. These matters are discussed below.

6.3 Highways and Traffic

Local Road Network

6.3.1 Local residents and Parish Councils have raised concerns about the traffic impact of the proposals on the local road network. This matter has been discussed in detail by the Local Highways Authorities at Shropshire and Telford & Wrekin Councils in association with Highways England and the applicants' Infrastructure Consultants, ADC.

6.3.2 A strategic model has been employed to assess the vehicular impact of the proposed development within a 5km radius of the site (not dependent on delivery of rail facilities). This has allowed vehicles movements around the wider network to be predicted up to 2036, based on a 'worst case' heavy car use scenario. The Highway Authorities are satisfied that the traffic generation figures are robust, and that the necessary information has been provided to make an informed appraisal.

6.3.3 The traffic analysis predicts that around 20% of the traffic generated by the development would use the Shropshire network at peaks hours (8am-9am and 17pm-18pm), travelling mainly towards Much Wenlock on the A4169 with lesser movements towards Shrewsbury on the B4380. 80% of the traffic generated by the development would access the Telford network at peaks hours, equating to 700 new two-way vehicular trips at peak times. Without deterrent mitigation around 80 of these new trips are expected to route through Coalbrookdale and Ironbridge with the remainder entering the Telford network via A4169 at Buildwas Bank.

6.3.4 There are two main phases in the access strategy for the site. An initial pocket of 250 dwellings would be served off Buildwas Road via the existing road bridge over the river. Subsequently this access would be closed to public vehicles and the site would be served instead by two principal accesses off the Much Wenlock Road (A4169).

6.3.5 The first development parcel served via Buildwas Road is predicted to generate up to 150 two-way vehicle trips or just over two new trips a minute at peak hours. It is expected that 30 of these would use Shropshire roads with the remainder using the Telford network. When the two main accesses on the Much Wenlock Road become operational (in construction year 5-6) the model indicates that some traffic through Ironbridge to Much Wenlock may reroute instead via Broseley.

6.3.6 A number of off-site highway works have been agreed with Harworth in order to mitigate the effects of traffic from the development. These works are distributed equally in Shropshire and Telford & Wrekin. The Shropshire works include funding for improvements to the Gaskell Arms junction in Much Wenlock, provision of a roundabout at the bottom of Buildwas Bank north of Buildwas Bridge, traffic calming measures on the A4169 Much Wenlock Road and traffic calming and pedestrian safety measures on the B4380 Buildwas Road. The Telford works include improvement to the Castlefields Roundabout and traffic calming in Ironbridge. Additional funding has been set aside for

public transport subsidies, travel management plan monitoring and improvement to non-vehicular routes (see legal obligation section below for financial details). These improvements are considered in further detail below:

- i. The A4169/B4380 Buildwas Bank junction is identified as requiring early improvement. The intervention trigger has been agreed to be prior to the occupation of the 180th dwelling. The improvement will take the form of a new roundabout which will include a physical restriction on right turn movements to discourage drivers from turning towards Ironbridge. A pedestrian crossing point will be provided to facilitate linkages to Buildwas village.
- ii. Harworth's highway consultant initially recommended signalisation for the Gaskell Arms junction at Much Wenlock but this was not supported by the Shropshire Highway Authority. The company has agreed instead that equivalent funding should be ring fenced for use in a comprehensive improvement scheme for the junction incorporating additional funding anticipated from other sources. The details of this scheme will be confirmed following stakeholder engagement exercise. It will be some time before traffic from the proposed development begins to have any material impact at the junction, during which time details of the scheme can be finalised.
- iii. The Shropshire Highway Authority has identified the need for some traffic calming and pedestrian safety improvements at Buildwas, Leaton and Atcham on the B4380 and funding has accordingly been identified to facilitate these improvements.
- iv. Telford & Wrekin the need for improvement of the Castlefields Roundabout has been identified. This junction already experiences queues and delays at peak periods and Harworths have agreed to a full scheme to mitigate both the extant issues and the future impact of the power station site and other committed developments in the local area. This is likely to involve part signalisation of the roundabout.
- v. The primary non-vehicular connection between the site and Ironbridge is the Severn Valley Way which runs from the location of the former cooling towers, along the bottom of the river and through to the southern side of Ironbridge. This is already a well-used and maintained Public Right of Way but Harworth have agreed to provide a substantial upgrade to facilitate its increased use and promote sustainable travel choices to and from the site. There is also an option to improving pedestrian safety for the footways along Buildwas Road under the future traffic management proposals for the site.
- vi. The railway will be utilised for transporting material off the site and the requisite structural improvements to the route are being secured with Network Rail. A future long-term strategy for the use of the line will also need to be agreed under the reserved matters procedure. The Council is currently considering an application by Harworth to trial a light railway use within the site (with the potential to link to Telford Central station). If this is subsequently found not to be feasible then plans to use the rail corridor as a sustainable non-vehicular route will need to be agreed with Harworth.

vii. Harworth are proposing to fund a bus service between the site and Telford and to provide a site from which to operate a park and ride service into Ironbridge. Officers from both Council's will liaise appropriately on these matters.

6.3.7 The Local Highways Authority are satisfied that the contributions and off-site works which have been agreed will ensure that traffic from the proposed development can be appropriately managed. Accordingly, they have no objection to the application.

Strategic Road Network

6.3.8 Highways England has required additional information regarding the effect of the proposals on the strategic road network and specifically, junctions 4, 5 and 6 of the M54. The applicant provided further information and Highways England acknowledged in September 2020 that the impact on Junction 4 and 5 was relatively low. However, Junction 6 was shown to have a greater impact than envisaged and, as such, a junction capacity assessment was required.

6.3.9 Further information was subsequently provided by the applicant and Highways England raised additional concerns over the modelling, whilst acknowledging that this would not have a significant impact on the overall conclusions for the opening year or 15 years later. Overall, the modelled scenarios show that both of the Junction 6 slip roads would operate below full capacity in all modelled scenarios. Hence there would be no significant increases in queueing or delay due to traffic from the proposed development. Highways England subsequently removed their holding objection and recommended a condition requiring submission of a phased construction management plan which is included appendix 1 below.

6.3.10 Highways conclusion: The most common concern expressed by the local community with respect to the Harworth scheme is the effect of the proposals on the local road network. Detailed consideration has been given to this by both Local Highway Authorities who are satisfied that appropriate mitigation has been secured to acceptably manage the effects of the development on the local highways network. Paragraph 109 of the NPPF advises 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'. It is considered that the proposals will deliver an acceptable scheme in highway terms subject to the recommended conditions and legal agreement.

6.4 Foul & Surface Water Drainage

6.4.1 Foul Drainage: The applicants have a right to connect to the existing foul drainage system that exist in the vicinity of the site, and have therefore submitted a right to connect to Severn Trent Water (STW) under a section 106 of the Water Industry Act 1991. The proposals will require significant capacity upgrades to the existing sewerage system at Ironbridge, potentially, also including surface water removal. The design will be complex and is likely to take some time to build within a sensitive World Heritage Site area.

- 6.4.2 STWs initial hydraulic analysis indicates that connection without appropriate mitigation would increase the risk of sewer flooding in the catchment that drains to the treatment works at Coalport. As such, a phased approach to the development is necessary, with appropriate mitigation being secured by condition for each development phase.
- 6.4.3 A 'Foul Drainage Requisition Technical Note' has been produced by the applicants to outline the necessary requirements, which STW have considered. This advises the following key points:
- i. The applicants have a right to connect to the existing sewer network;
 - ii. The closest adopted foul sewer is in Buildwas Road and is a 150mm combined sewer (increasing to 600mm before it reaches the nearest pumping station);
 - iii. The existing Buildwas Road sewer discharges to the Dale end Pumping Station adjacent the co-op;
 - iv. A new pumping station will be erected within the application site and two new foul water rising mains will be laid across the bridge and up Buildwas Road. One main will be 90mm and another 225mm;
 - v. The 90mm main will be utilised for the first 100 dwellings, when foul flows will be minimal;
 - vi. At the point when a sufficient level of development has been constructed and occupied to generate foul flows to achieve self-cleansing velocity of the 225mm diameter rising main, the pumped foul flows will be switched to the larger main and the smaller 90mm main abandoned;
 - vii. The new rising mains will connect to the existing pumping station at Dale End;
 - viii. The discharge of foul flows from the development site will be via a new on-site pumping station, therefore the flow rate to the existing sewers can be controlled to a rate determined by Severn Trent, as well as to meet the constraints present on the existing sewer network;
 - ix. For the initial phase of development, a pumped discharge rate in the order of 1.0 – 1.5 l/ s will be used. It will be possible to vary the pumped discharge rate for later development phases and in-line with any future sewer reinforcement works. Separate below ground storage will be provided at the pumping station to cater for periods when a lower flow rate is required.
 - x. Chemical dosing will be provided at the pumping station for periods when the storage is utilised or low flow rates in the rising main occur. The chemical dosing will mitigate any septicity of the foul effluent; the timings of the discharge from the development site can be set to off-peak periods during the day or night when existing flows are low, if required by Severn Trent. This will minimise the impact on the existing sewer network;
 - xi. The new foul drainage system and pumping station on the site will be offered for adoption by Severn Trent under a Section 104 agreement, so the pumping regime will be controlled by Severn Trent to suit its network, once it becomes operational;
- 6.4.4 The Telford & Wrekin drainage authority has advised that should a connection to the existing network be considered acceptable by Severn Trent Water, they would wish for any improvements to incorporate off-peak pumping and cut-off during storm events to minimise impacts downstream. This would be required by condition with the first reserved matters application. Whilst Severn Trent would prefer there to be an on-site provision it is recognised that there are existing capacity issues with the main system at Ironbridge

which will need to be addressed irrespective of the current application, as highlighted by Telford & Wrekin drainage authority.

- 6.4.5 Flood Risk and Surface Water: There is a history of flooding in the local area and objectors have expressed concerns that the proposals should not increase the risk of flooding. The site is located mainly in Flood Zones 1 (low flood risk) but some parts nearer to the river are located in zones 2 and 3 (medium and high-risk zones respectively). These more flood susceptible areas have broadly been utilised as public open space/recreation. A small area in flood zone 3 is still shown with some development in the masterplan, though any reserved matters application will need to avoid development in this area. This is unless the sequential test for development in flood zones can be met and compensatory flood storage / betterment can be provided.
- 6.4.6 The Environment Agency are satisfied that ensuring development is located within Flood Zone 1 and exploring betterment opportunities will ensure that there will be no increase on the risk of flooding downstream. They advise that Finished Floor Levels for any properties are set no lower than 600mm above the 100 year plus climate change flood event.
- 6.4.7 In terms of flooding related to sewer capacity issues STW have commissioned in-house feasibility studies to ensure that there is sufficient capacity in the sewer network to accommodate sewerage from the proposed development, including measures to allow introduction of site sewerage at a controlled rate during off-peak times when the receiving capacity is greatest.
- 6.4.8 Officers consider that the proposal is acceptable in terms of flood risk subject to mitigation measures controlled through conditions. This includes require any initial improvements works set out by STW to be undertaken prior to occupation, with detailed design and flooding strategies provided for each subsequent phase.
- 6.5 Ecology
- 6.5.1 Habitats: There are designated and non-designated woodlands within the site boundary along with hedgerows and a veteran tree which is proposed for retention. The Hedgerows are habitats of principal importance for nature conservation under the NERC Act. A 40% loss of hedgerows will occur in the minerals working phase (under the separate application) and a further 65m loss would occur as part of the residential development. The required mitigation to compensate for this loss will come forward as part of the landscaping schemes for subsequent reserved matters applications.
- 6.5.2 Designated Sites: A number of designated sites are located within and/or close to the site. Tick Wood and Benthall Edge SSSI is immediately adjacent to the site boundary and partially inside the boundary. The proposal recognises the importance of this habitat and includes protection and buffering of this area. The buffer of open space would be fenced off to protect the woodland edge and would generally be 50m in width. There are two pinch points where this would reduce to 40m but these areas are where existing buildings/structures and hardstanding scheduled for removal already exist. The geological SSSI at Buildwas Quarry site is outside of the working area of the site and will be retained.

- 6.5.3 The applicant has prepared a Recreation and Urbanisation Strategy which sets out the provision of three circular walking routes within the site which are intended to reduce recreational pressure on the ancient woodland and SSSI at Tick Wood. These largely involve walking in the built environment, or in close proximity to it. Hence it is considered that they would not be equivalent to the walking routes available in Tick Wood SSSI. On this basis, the Severn Gorge Countryside Trust (SGCT) are seeking a monetary contribution to facilitate infrastructure improvements within the SSSI (which they manage) in order to mitigate for anticipated increased visitor numbers. This would be delivered by a s106 legal agreement. The Lydebrook Dingle SSSI and two Local Nature Reserves on the opposite side of the river have been scoped out.
- 6.5.4 There are also seven local wildlife sites nearby. A Construction Environmental Management Plan (CEMP) will be developed as each phase comes forward to ensure that nearby environmental designated sites are not adversely affected by construction works, including establishing controlled lighting zones.
- 6.5.5 Bats: Bat roosts were found in several of the buildings on the site prior to any demolition and clearance works and accordingly, the applicant has obtained a bat mitigation licence from Natural England. A bat house has been provided as mitigation within a retained habit area and work is ongoing to remove the roosts. The Ironbridge A Pump House building has a known bat roost but is proposed for retention and reuse. The license covering this building will require further consideration when a future use for this building is explored at a subsequent reserved matters stage.
- 6.5.6 There are three bridges to the site which have been assessed for potential to support roosting bats: The old A station bridge is low potential and the main road bridge is moderate potential but neither of these will be impacted.
- 6.5.7 The Albert Edward rail bridge would not be directly affected by the current application. However, strengthening works would be required to accommodate rail movements linked to the quarrying proposals. These works would be undertaken by Network Rail under an application for listed building consent. The bridge has been assessed in 2020 as having bat roosting potential including potential to support hibernation roosting. Three activity surveys in 2020 revealed 3 pipistrelle roosts in the structure. Any works on the listed Albert Edward Rail Bridge under a future application for listed building consent will need to occur under a European Protected Species Mitigation Licence from Natural England supported by a full set of bat surveys and an appropriate mitigation strategy. At present there is no risk of an offence occurring.
- 6.5.8 The applicant's ecologist FPCR confirms that the application site has potential to support any additional mitigation required by Natural England linked to the bridge refurbishment. It is considered that the impacts upon bats can be appropriately controlled and that requiring additional surveys prior planning would not be proportionate. Appropriate conditions are set out below as well as a European Protected Species 3 tests matrix.
- 6.5.9 Trees on the site have been assessed for bat roosting potential: two high potential, 15 moderate potential and 7 low potential trees have been identified. The Environmental Chapter confirms that all these trees are proposed for retention within areas of green

infrastructure on the site, the Provisional CEMP sets out requirements for surveys, licencing and ecological supervision for any works on these trees and those measures are sufficient.

- 6.5.10 Bat activity transect surveys have been carried out across the site and have identified moderate levels of activity from a range of bat species. The biodiversity chapter talks of strong green infrastructure links across the site allow continued foraging after development.
- 6.5.11 In response to the Council's regulation 25 further information request the applicant amended the masterplan in order to improve the connectivity of green infrastructure from north to south within the site. Officers are satisfied that the connectivity being provided is sufficient to support the movement of wildlife through the site and to the river.
- 6.5.12 Great Crested Newts (GCN), Amphibians and Reptiles: Reptiles and amphibians have been excluded from the site under a GCN European Protected Species (EPS) Licence from Natural England and a mitigation area has been provided to the south of the former power station within the application boundary (application reference 18/03597/FUL. There are 20 ponds with terrestrial habitat which are currently surrounded by deer fencing and semi-permanent amphibian fencing. The amphibian fencing would be removed at the end of the development phase and the area would be sympathetically managed by a management company appointed by the applicant.
- 6.5.13 Wider areas of reptile and amphibian habitat will be provided on the site following development and additional information on these areas will be provided as part of the reserved matters process. The applicant has provided a Wildlife Connectivity Parameters Plan (Figure 7.26) which identifies areas of the site where ecological connectivity measures such as underpasses, sensitive lighting, wildlife friendly drainage and other measures will be required. A great crested newt mitigation strategy relevant to each phase of the development will be required by condition.
- 6.5.14 Dormouse: It is considered unlikely that this species is present on the site or in the surrounding woodlands. It is therefore considered that the proposed development will not adversely affect the species.
- 6.5.15 Breeding Birds: The breeding and wintering bird surveys on the site identified 60 bird species present with 20 species breeding including 8 notable species. Three pairs of little ringed plover were recorded breeding on the site. An area of habitat managed for the Little ringed plover has been identified on the Wildlife Connectivity Parameters Plan and this approach is supported. The site is of local value for assemblages of woodland and farmland birds and the proposed site layout provides suitable opportunities for these species to continue to be present. Peregrine Falcon are breeding on the site. Mitigation for the loss of this breeding site is has been addressed through provision of a Peregrine tower under a separate planning application 20/04930/FUL).
- 6.5.16 Otters: The submitted reports evidence otters using parts of the site along the River Severn as resting places. Two potential Holts and six couches were identified in 2018. The consultants have recommended an updated survey is provided in advance of works commencing around the Water Pump House. The need for an otter licence will be kept

under review as part of the CEMP. The consultants also recommend that a Reasonable Avoidance Measure Method Statement including measures to protect otters. These measures can be secured by condition.

- 6.5.17 Badgers: The site is occupied by badgers so a badger disturbance licence and provision of artificial setts and other measures will be required. Some setts have been closed linked to the mineral extraction and PFA removal proposals. A Badger Mitigation Strategy (2020) sets out the potential impacts upon the remaining setts resulting from the residential development phase. Badger mitigation can be secured through appropriate conditions.
- 6.5.18 Biodiversity Net Gain: Whilst not yet a legislative requirement officers have requested a Biodiversity Net Gain Calculation, and this has been provided. The applicant's consultants have calculated that the site has an existing value of 613.55 biodiversity units in habitats and 17.70 units in hedgerows. The proposed development results in 621.28 biodiversity units in habitats and 18.75 units in hedgerows. The outcome of the assessment is a net gain of equivalent to an uplift of 1.26% in habitat units and 5.92% in hedgerow units. Whilst this is a limited uplift given the size and strategic nature of the site it is considered that further opportunities can be secured through condition to increase the quality and value of this uplift.
- 6.5.19 In conclusion, officers are satisfied that the impact of the proposals on the natural environment have been considered in detail and appropriate mitigation measures are being proposed to manage the impacts on the natural environment. On this basis it is considered that the proposed principles for this outline application are acceptable in ecological terms and further enhancements and protection measures can be secured through condition and under subsequent reserved matters applications. It is therefore considered that the proposed development complies with Core Strategy Policy CS17, SAMDev Policy MD13 and the NPPF in relation to ecological matters.
- 6.6 Arboriculture
- 6.6.1 The application is supported by an Arboricultural Impact Assessment, which looks at the site in the context of the indicative masterplan and the ongoing demolition works. Previous tree management and maintenance at the site has been limited, resulting in a tree stock that is of high value but requires management. There are a number of Poplar trees within the site that have been strategically planted in a linear fashion and are now achieving their purpose of shielding the commercial buildings from views along Buildwas Road. Whilst these were originally shown for removal a subsequent August 2020 revision shows their partial retention. A condition is recommended to secure retention of the linear poplar groups in their entirety, so landscaping continues to be provided around the retained commercial structures. Groups of poplars within the flood plain area should also be retained given the screening of retained structures which they provide as one of a few trees able to withstand waterlogged soils.
- 6.6.2 The August 2020 masterplan revision also shows a greater retention of tree belts to the west of the village centre, creating a woodland character area forming an enhanced connection between the north and south green infrastructure.

- 6.6.3 Riverbank planting between the Pump House and the Ironbridge A bridge contains ash showing signs of dieback. Recommendations for retention and/or mitigation planting should be provided in any future reserved matters application.
- 6.6.4 The proposals are likely to lead to increased footfall in Dale End Park (T&W) to the north-east of the site. In recognition of this a financial contribution towards the increased management and enhancement of this facility has agreed between Shropshire and Telford & Wrekin officers (to be secured by s106 agreement).
- 6.6.5 Officers are satisfied that in its outline form, the development is acceptable from an arboricultural perspective subject to conditions and financial contributions towards offsite improvements in the public realm and is therefore compliant with development plan policies CS17 and MD12 and the NPPF.
- 6.7 Noise & Air Quality
- 6.7.1 The NPPF (paragraph 180) recommends that “planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 6.7.2 Chapter 12 (Noise & Vibration) of the Environmental Statement (December 2019) and its addendum (August 2020) provide details of the baseline noise monitoring results. The location of the noise sensitive receptors is acceptable to the Local Authority. The Noise Impact Assessment concludes that “No significant residual effects from noise and vibration are anticipated as a result of the construction or operation of the Proposed Development.” Officers concur with this view and support the application subject to appropriate conditions, outlining further noise assessment/mitigation on a phased basis.
- 6.7.2 Construction Vibration: Construction vibration has the potential to impact upon occupants of buildings within the vicinity of the works. It is anticipated that piled foundations will only be necessary in some localised areas and this will be determined at the detailed design stage. In addition to human annoyance, building structures may be damaged by high levels of vibration which are far in excess of those that may cause annoyance. Consequently, if vibration levels are limited to avoid annoyance then it is highly unlikely that buildings will be damaged by construction vibration.
- 6.7.3 Noise: It is considered that the rating level of fixed plant noise sources should not exceed the prevailing background sound level when measured at the nearest noise sensitive receptors (NSRs). The cumulative effect of all external plant should be specified so that the rating level is less than or equal to the lowest prevailing background noise level. It is considered that the effect of construction noise will be moderate adverse at worst for existing and proposed NSRs, with the potential for a major adverse effect over a short-term period as a result of works taking place close to the receptors around the access points on Much Wenlock Road and Buildwas Road.
- 6.7.4 With respect to vibration, there is the potential for effects at existing and proposed NSRs without mitigation. However, given likely separation distances and proposed mitigation

techniques any effects would be temporary and minor adverse. Mitigation against these impacts will be controlled through a CEMP for each phase of the development, including amongst other matters specifying types of plant and working hours.

- 6.7.5 In terms of road traffic noise The Basic Noise Level (BNL) has been calculated for the roads nearest to the NSRs in order to predict the change in noise level between 2023 opening year and 2038 with and without the development. For a small area of the western edge of the proposed residential parcel facing out onto Much Wenlock Road, unmitigated noise levels in gardens facing out onto the road are likely to marginally exceed the upper desirable limit in BS8233. In order to reduce this it is recommended that the first line of dwellings facing Much Wenlock Road are orientated so that garden areas are screened by the dwellings themselves. Adopting this approach should provide at least 10 dB reduction in resultant noise levels in gardens and would ensure that suitable noise levels would be achieved in garden areas across the Proposed Development.
- 6.7.6 For proposed dwellings closest to either Much Wenlock Road or Buildwas Road, with partially opened windows the BS noise criteria are predicted to be exceeded by up to 7dB without mitigation. Installation of typical double-glazed windows with trickle vents will ensure comfortable residential amenity within these properties. With the above exceptions no additional mitigation is considered necessary to control the effect of development generated road traffic noise. Therefore, any effects would be minor adverse at worst in the long-term.
- 6.7.7 Noise effects on future residents/uses: Noise from existing sources has the potential to affect proposed residential and educational uses on site. The upper limit for a newbuild primary school is 35 dB LAeq, 30mins. Given the distance between the proposed school and the new accesses onto the Wenlock Road no traffic noise related problems are anticipated. A rated noise level of 26dB LAr,15m during the night-time is acceptable in bedrooms under BS4142 and is unlikely to cause an adverse impact Provided that future buildings are designed to acceptable noise standards there should be no significant adverse noise effects for future occupants / users and further mitigation is not considered warranted. It should be noted that an intervening employment area which will provide additional acoustic screening within the site.
- 6.7.8 Noise and vibration from the railway line: The railway line is not currently in use so it is not possible to quantify in detail the potential noise and vibration effects on the nearest sensitive uses though the potential effect has been considered at a high level. Additional noise assessments will be required as and when any application comes forward for the use of the line as a passenger railway. In respect of its use commercially to remove materials off-site, this is not anticipated to be significantly greater than the former use. No more than 2/3 movements a day are expected.
- 6.7.9 Shropshire Council Public Protection have agreed with the applicant that the reserved matters planning stage would be the appropriate point at which to assess the potential effect of the railway line on nearby existing and proposed sensitive receptors. Given the lack of current detail it is considered that a condition should be attached to any permission, requiring a further noise and vibration assessment once more detailed information is available. Such a condition would provide an opportunity to mitigated /

design out any potential issues associated with rail noise (for instance through specifying hours of use and type of rail plant).

- 6.7.10 Noise in Ironbridge Gorge: Some residents have expressed concern that noise from the site will travel and become intensified due to the shape of the Ironbridge Gorge. The applicant's noise report accepts there will be some change in the local noise climate. However, given the existing baseline noise levels, it is not considered that the operational form of the development will have any greater noise impact than what is currently experienced by residents within the gorge area. Whilst some periods of noisier activity may cause some noise disturbance, this will be closely monitored and managed through the CEMP.
- 6.7.11 Future noise baseline: It is considered that the future baseline will continue to be dominated by road traffic noise with some contribution from the retained transformers and generator plant on site for areas close to those sources. Therefore, the modelled scenarios for the opening year and future year without the development are generally considered to be representative of the future baseline noise conditions. The site will be subject to construction hours, as will be set out and agreed in the CEMP, as well as specific hours stipulated for any "noisy activities". This is generally accepted as 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and no noise activity on Sundays or Bank Holidays.
- 6.7.12 It is concluded that noise and vibration from the site are likely to give rise to minor adverse effects at worst during and after the construction period with opportunities to design out issues under future discharge of conditions and reserved matters submissions linked to the current application.
- 6.7.13 Air Quality: - Without mitigation the construction phase of the proposed development is predicted to pose a 'risk of medium impact' on dust soiling of nearby sensitive receptors and a low risk to human health from dust emissions. The Environmental Statement air quality report recommends implementation of a dust management plan which would form part of the CEMP to be detailed at reserved matters stage.
- 6.7.14 The impact of vehicle emissions during the construction and operational stages is predicted to be negligible from the three main pollutants (PM2.5, PM10 and NO2). The effect at sensitive human receptors is not considered to be significant or to exceed UK Air Quality Objectives upon first occupation and completion of the development. Telford & Wrekin's environmental health team have an air quality monitor at a site in a similar setting approximately 1.5km from the site boundary which broadly supports this conclusion.
- 6.7.15 It is considered that matters associated with air quality and dust management would not have an adverse impact on the environment or adjacent amenities and can be adequately controlled through conditions. The proposals therefore comply with of the local plan and the NPPF. Officers consider that the proposal is acceptable subject to mitigation measures controlled through conditions and is therefore compliant with the NPPF and local plan policies BE1 and ER1.

6.8 Ground Conditions

- 6.8.1 Paragraph 179 of the NPPF advises that “where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”. The site falls within the Coal Authority Development Low Risk Area. The Council’s scoping response (ref 19/01779/SCO) emphasises the need to manage low level contamination in the brownfield part of the site and advocates the use of clean soil from the western greenfield site area to remediate low level contamination.
- 6.8.2 Contamination: The applicant’s ground investigations have identified sources of chemical contamination in the brownfield part of the Site including elevated concentrations of inorganic and organic contaminants and the presence of asbestos within made ground soils. Adjacent and future site users may be exposed to contamination without appropriate mitigation measures. The risk assessments have also identified low risks to groundwater from contamination at the site, although a low to moderate and moderate risk to groundwater within the Glaciofluvial Deposits from PFOS and inorganic contaminants respectively has been identified. Piling activities may also create a preferential pathway for the downward migration of contamination within shallow perched groundwater and this will need to be monitored.
- 6.8.3 A consultants’ risk assessment has have identified low risks to groundwater from contamination at the site. Elevated concentrations of contaminants have however been identified in groundwater within the Glaciofluvial Deposits, at locations close to the River Severn. A Detailed Quantitative Risk Assessment has however concluded that there is no risk to water quality in the River Severn
- 6.8.4 A number of measures will be implemented during the construction phase to minimise potential contamination impacts associated with the development. These in the contractor’s Construction Environmental Management Plan (CEMP). A remediation strategy will be developed to mitigate risks to future site users, construction workers and adjacent site users. This will include a methodology for the implementation of appropriate remedial measures such as capping, based on additional detailed ground investigation and monitoring works. If foundation piling is proposed a risk assessment will be undertaken to determine the most suitable piling technique to minimise the potential for mobilising contamination.
- 6.8.5 Public Protection have recommended a condition to monitor and deal with any ground contamination issues experienced in each phase of the development and this has ben included in Appendix 1. Subject to this it is concluded that the proposals can be accepted in relation to local policies and national guidance covering ground contamination.
- 6.8.6 Land Stability: Without mitigation, there is risk of land instability at the Site. Appraisals will be undertaken to demonstrate that the proposed landform is stable in the permanent state. A consultant’s site walkover in August 2019 indicated no global indications of significant instability. Along the southern boundary of the former power station site, local evidence of possible slope movement was observed, through titling trees and curved tree trunks.
- 6.8.7 Based on previous desk based RPS reports a moderate to high risk has been identified for landslides on site, particularly along the south-western and southern boundaries of

the Site. No on-site records are held for landslides on-site however they are shown to have affected both sides of the Severn Valley/Ironbridge Gorge. The hazard potential map for natural landslides indicates that there are areas classified as Level C and D within the Site, which indicate a 'possibility of instability problems after major changes in ground conditions' and 'significant potential for slope instability with relatively small changes in ground conditions' respectively. Areas of potential instability are located primarily along the bank of the River Severn north of the Site and along the southwestern boundary of the Site.

6.8.8 Construction will involve re-profiling of the Site to generate a series of development platforms. Typically, these works will be minor on the steeply sloping southern boundary of the Site. The exception to this is within the south west of the Site where major reprofiling works will be undertaken creating a 1 in 3 slope of circa 25 m height. This slope will be designed to be stable in accordance with the relevant quarry regulations and guidance. A condition requiring ground stability monitoring has been recommended linked to the proposed quarry development. Stability will also be addressed as part of the CEMP for the current application.

6.9 Hydrogeology and Hydrology

6.9.1 Hydrogeology: A hydrogeology report confirms that the site is underlain by Silurian mudstones which the Environment Agency (EA) designate as a Secondary B aquifer unit. As such the bedrock is not expected to be a significant water bearing unit but is expected to support perched groundwater when overlain by permeable geological units such as the glaciofluvial deposits (GFD) which overlies the western part of the site. The GFD is expected to constitute a locally important unconfined aquifer unit that may contain significant groundwater. As such it is designated as a Secondary A aquifer by the EA with permeable layers capable of supporting local water supplies.

6.9.2 Investigations have confirmed perched water within the former power station area in coarser made Ground and sandy alluvium with a deeper groundwater body in the Glaciofluvial Deposits and also within weathered upper layers of the Coalbrookdale Formation (shallow bedrock). The ground investigation undertaken on the proposed mineral extraction area comprised twenty-four boreholes to a maximum depth of 24.80 mbgl and fourteen machine excavated trial pits to up to 4.50 mbgl. Groundwater strikes were not recorded during formation of these exploratory holes which penetrated both GFD and the Coalbrookdale Formation. A 6-month programme of groundwater monitoring found groundwater to be generally absent to depths of up to 22 m below ground level. and a minimum topographic elevation of 40.35 metres above Ordnance Datum (mAOD).

6.9.3 Groundwater contained in the Glaciofluvial Deposits will likely flow north towards, and be in hydraulic continuity with, the River Severn which represents the principal groundwater receptor present in the vicinity of the Site. Previous ground investigations at the Site have indicated perched groundwater to be limited in extent and discontinuous. This information suggests overall that significant amounts of permeable strata exist and will remain above the groundwater table within the site. This includes within the proposed mineral extraction area. As such, it is to be expected that the site and the proposed

development would have the potential to continue to absorb surface water effectively provided appropriate SUDS techniques are employed.

6.9.4 Hydrology: The nearest surface water features to the Site are the River Severn and a brook running close to the western Site boundary. In addition, a brook is culverted underneath the former coal stockyard area in the central part of the Site.

6.9.5 The Site is not located within a groundwater Source Protection Zone (SPZ) and there are no licensed groundwater abstractions within 500 m of the Site. There is one surface water abstraction licence from the River Severn and is associated with non-evaporative cooling, lake and pond throughflow and boiler feed for the former power station. There are a total of 16 discharge consents into surface water within 500 m of the Site, the majority of which are for sewage / effluent related discharges. The Environment Agency not objected subject to monitoring conditions and will exercise control on water discharges through the environmental permitting regime. The Council's drainage team has not objected subject to a surface water management condition. Officers conclude that the site is acceptable with reference to hydrological considerations subject to the recommended conditions. (Core Strategy Policy CS18).

6.10 Heritage

6.10.1 The site lies immediately adjacent to the Ironbridge Gorge World Heritage Site (WHS) and the Severn Gorge Conservation Area (CA) and is within 60m of the grounds of Buildwas Abbey scheduled ancient monument. Also located within the application site are the grade II listed 'Albert Edward' railway bridge, and other non-designated heritage assets related to the earlier 1930s Ironbridge A power station including a former pump house building and a steel road bridge. The adjoining WHS/CA contains a number of grade II, II* and local interest buildings.

6.10.2 At a national level the NPPF recognises that these assets are an "irreplaceable resource and should be considered in a manner appropriate for their significance." Para 192 states: "In determining applications, local planning authorities should take account of:

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

6.10.3 The NPPF advises that in considering the impact of a development on the significance of the heritage asset, appropriate weight should be given to the conservation of the asset. The more important the asset the more weight is attached. Para 196 advises that any harm to the significance of the asset should require clear justification, and any substantial harm to an asset of a Grade II listed structure should be 'exceptional' and "wholly exceptional" in the case of a scheduled monument or World Heritage Site.

6.10.4 Heritage – Buildwas Abbey: The buildings of Buildwas Abbey nestle in a secluded and wooded setting set back from the Wenlock Road. Historic England has suggested that

the proposals could result in increased disturbance in the vicinity of the Abbey (noise / traffic), thereby affecting the setting of this scheduled ancient monument.

- 6.10.5 The nearest built part of the proposed development is the existing T-junction leading to Pool View Caravan Park and Buildwas Quarry which is some 150m from the Abbey buildings and some 50m north of the access to the Abbey site. The T junction would be upgraded to provide access to the proposed temporary quarry and subject to a further upgrade subsequently when it becomes one of the two principal accesses to the site from the Wenlock Road. As an existing access this T-junction already generates some disturbance in the local area. The proposed junction improvements would include speed limits and signalisation.
- 6.10.6 The second site access would be a roundabout located on the Wenlock Road some 500m south of the Abbey buildings. This was moved a further 80m away from the Abbey buildings under the December 2020 masterplan revision and is now behind a group of farm buildings relative to the Abbey. It should have the effect of slowing vehicles down on the Wenlock Road including past the Abbey access. Additionally, it is proposed to convert the existing junction at the bottom of Buildwas Bank into a traffic island. This would allow a smoother flow of traffic from the Ironbridge Bypass onto the Wenlock Road and on the Buildwas Road.
- 6.10.7 Whilst the proposed development would result in increased traffic in the vicinity of Buildwas Abbey it is considered that the proposed highway works would slow down, even out and provide improved safety for local traffic movements relative to the current situation. The officer would expect this to have a neutral or positive effect overall on local highway noise in the vicinity of the Scheduled Ancient Monument. It is however considered that a noise monitoring condition should be imposed on any subsequent reserved matters approval to allow this situation to be assessed at the appropriate time against the baseline noise monitoring linked to the current application.
- 6.10.8 The amended Built Heritage Assessment describes the significance of the Buildwas Abbey Scheduled Monument and the three associated listed buildings (the main structural remains of Buildwas Abbey itself). The amended Built Heritage Assessment then considers, at paragraphs 6.40 – 6.44, what contribution the setting of these assets, in terms of their surroundings and including the application site, make to their significance. It accepts (para 6.40) that the application site may have formed part of the wider land holding of the Abbey but considers that this was likely severed at the Dissolution, and any continuation of agricultural management when Abbey House was altered to form a minor country house in the 19th century. Thus, it considers (at para 6.44) that whilst the association with the River Severn to the north and west, and with the historic settlement of Buildwas to the north, make a contribution to their significance, the contribution made by agricultural land to the west, south and east (including the application site) makes "...at most, a very minor contribution.", which was further eroded by the construction of the former railway line.
- 6.10.9 In terms of the impacts of the proposed development, the amended Chapter 8 of the Environmental Statement notes (at para 8.4.33) that the proposed masterplan development site would be located beyond the corridor of the Much Wenlock Road and the existing sand and gravel site, and would also be located with the footprint of the

mineral extraction area proposed within the separate mineral application (ref. 19/05509/MAW). It also anticipates (at para 8.4.33) that any impacts from noise, vibration and drainage changes upon the designated heritage assets at Buildwas Abbey would be negligible.

- 6.10.10 Paragraph 8.4.34 acknowledges that the masterplan development would result in increased traffic on the Much Wenlock Road, although it considers that this would be partially offset by the proposed public transport measures and cycling and pedestrian linkages. It therefore considers that there would be very minor changes as a result of increased traffic to the setting of Buildwas Abbey, such that any harm to its significance would be minimal. With regard to the post construction and operational phase of the masterplan development, it considers that there would be only very minor changes to views from a limited part of the Scheduled Area (para 8.4.36). It considers that the "...historic, archaeological, and architectural/aesthetic interest of the asset would be retained along with a general appreciation of the wider, predominantly rural setting which would only be very slightly eroded.". Consequently, the amended heritage statement considers that there would be minimal harm to the Scheduled Monument.
- 6.10.11 The amended Chapter 8 of the Environmental Statement therefore considers (at para 8.4.37) of the proposed development will have a neutral effect upon the designated heritage assets at Buildwas Abbey. The amended Built Heritage Assessment places this in NPPF terminology, stating that the proposed development will cause only a very minor level of harm to their significance, which it considers would "...would represent less than substantial harm, at the lowermost end of the spectrum." (para 6.49).
- 6.11.12 In their consultation response of 17 September 2020 Historic England state that they do not agree that the land on the proposed development site was not important to the significance of Buildwas Abbey. Instead they consider that, because Cistercian monasteries were often deliberately sited in remote locations and noted for holding large rural estates, "...the abbey still retains an essentially rural setting now, and this does contribute to its significance as well as overall visitor experience.". Historic England therefore agree with the conclusion contained in the amended Built Heritage Assessment that the proposed would cause in less than substantial harm to the significance of the Scheduled Monument. They therefore advise the Decision Taker to ensure that they apply tests contained within the NPPF (i.e. those contained in 193, 194 and 196 of the Framework).
- 6.11.13 The Council's historic environment team leader concurs with the amended Built Heritage Assessment's and Historic England's conclusions that the proposed development will cause less than substantial harm to the significance of the designated assets of Buildwas Abbey as a consequence of changes to their setting. Therefore, if the decision taker is minded to approve the application, then the tests contained within and Paragraphs 193, 194 and 196 of the NPPF and Local Plan policy MD13 should be applied. This states where there is less than substantial harm the LPA should consider the application as a whole, making a balanced judgement which weighs any harm on the heritage asset against public benefits including securing the optimum and viable use for a development site.

6.11.14 The officer acknowledges that the less than substantial harm that would arise to the significance of the Scheduled Monument at the lower end of the scale. This is as a consequence of traffic and general change to the character of the land on the western side of the proposed development site. A condition securing the implementation of the Framework Travel Plan is recommended in order to mitigate any effects on the setting of Buildwas Abbey arising from increased traffic. This would also support the following measures which have been put forward by the applicant in consultation with the Local Highway Authorities:

- improved pedestrian and cycle connections to existing off-site networks;
- a public transport strategy;
- a proposed park and ride facility;
- re-instatement of the existing railway line.

6.11.15 A condition securing implementation of the following is also recommended in order to address concerns about residual visual and landscape impacts of the development on the landscape and setting of Buildwas Abbey:

- implementation of the Proposed Masterplan,
- the Sustainable Design Brief and
- the Green Infrastructure and Landscape Strategy.

6.11.16 It is clear that there that the masterplan development would deliver significant public benefits including new housing, employment and remediation of brownfield land which are strongly supported by the NPPF. This will allow the power station site to secure an optimum viable use. Conversely, if the site were to become derelict then significant adverse effects on the setting of the scheduled monument and other local heritage features might be anticipated.

6.11.17 The Council's historic environment team leader has suggested that consideration might also be given to use of CIL funding to provide some enhancements within the grounds of the Abbey such as improved car parking and visitor facilities. The officer would support this in principle but does not consider this essential in order to deliver a sustainable development. This is having regard also to the significant financial constraints of the development (referred to below) which will require that all CIL money from the scheme is ring fenced for spending on essential infrastructure to support the scheme. A review mechanism will however apply whereby any additional unpredicted profit from the development can be clawed back for spending on other identified infrastructure priorities. Whilst the priority would be to reinstate policy compliance on affordable housing provision the officer recommends that Buildwas Abbey is included any clawback spending list should additional funding become available in the future.

6.11.18 Overall it is concluded that the test set by Paragraph 196 of the NPPF is met with respect to Buildwas Abbey. Accordingly, the equivalent test set out in SAMDev policy MD13 is also met.

6.11.19 Heritage - The Albert Edward Railway Bridge: The significance of the Grade II listed Albert Edward Railway Bridge, and the contribution that is made to that significance by

its setting detailed in paragraphs 5.14 – 5.20 of the amended Built Heritage Assessment. Built in 1863-4, the bridge is noteworthy as an example of the work of the renowned railway engineer John Fowler, together with Messrs Brassby and Field, and was cast and erected by the Coalbrookdale Company of Ironbridge. The bridge was subsequently altered in 1933, when the original timber and wrought iron deck was replaced by one in structural steel in order to accommodate freight traffic for the Ironbridge A Power Station. However, other than the railway line, the area of the proposed development site is not considered to make any contribution to its setting. The effect of the re-instatement of the railway line and re-use of the bridge are considered by the amended Chapter 8 of the Environmental Statement to be minor beneficial.

6.11.20 Paragraphs 5.17 – 5.19 of the amended Built Heritage Assessment consider the setting of the bridge and the effects the proposed masterplan development would have upon it. Those elements of its setting that are considered to contribute to its significance are the River Severn and the railway line on either side, together with the settlement of Ironbridge and Coalbrookdale due to their historic association. However, other than the railway line, the wider proposed masterplan development site is not identified as contributing to its significance. In terms of effects it is noted, because that the intervening woodland on the southern side of the bridge will be retained, views will remain largely unchanged (para 5.18). Likewise, the introduction of residential development into the eastern parts of the masterplan development site will not harm the significance of the bridge as a consequence of changes to its setting (5.19).

6.11.21 The proposed re-use of the bridge by a reinstated railway are welcomed because this will ensure that it has a viable use in accordance with its original purpose that will provide for its long-term maintenance. It is noted that in order to achieve this, repairs will be required to the bridge to enable it to be re-used. In relation to this, Telford and Wrekin Council expressed concerns regarding the need for further details of the necessary repairs. However, following further clarifications from the applicant, it is accepted that the bridge remains within the control of Network Rail, who are engaged in ongoing discussions with both Local Planning Authorities regarding the scheme of repairs, and have committed to provide them with full details of the proposed works once available. Works to listed buildings are in any case restricted under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and it will therefore be a matter for the Local Planning Authorities to confirm and agree whether Listed Building Consent is separately required by Network Rail.

6.11.22 The amended Built Heritage Assessment concludes that the proposed development will not cause harm to the significance of the listed railway bridge. This conclusion is accepted.

6.11.23 Heritage – World Heritage Site (and associated Conservation Area); The WHS which borders the site is designated for its ‘Outstanding Universal Value’ (OUV), having “cultural or national significance which is so exceptional as to transcend national boundaries. As such the protection of this heritage is of the highest importance to the international community as a whole”. The WHS Management Plan (adopted in 2017) recognises that after the closure of the Power Station any large scale development on the site may cause a potential threat to the setting of the WHS, and specifically requests that new development does not harm the OUV.

- 6.11.24 The updated Built Heritage chapter of the Environmental Statement includes additional views showing the wider setting of the proposed site and the resultant change in character/landscape. This information indicates that there are some open views of the site from within the WHS/CA. The Landscape & Visual Impact Assessment (LVIA) and Heritage Statements both conclude that there would be a 'neutral' effect on the WHS/CA given that 'any such views will be distant, partially screened and seen alongside the existing large 1970s switch house'.
- 6.11.25 The Heritage Statement and LVIA acknowledge that the setting contributes to the significance of the WHS and that the 'pioneering intense industrial past within its green landscape' (ICOMOS) is a key part of the Outstanding Universal Value of the WHS. The statement concludes however that there would be very limited inter-visibility between the WHS and development, and subsequently a low impact upon significance. Historic England (in their September 2020 comments) advised that they agree 'that the local topography will prevent significant views between the development and WHS'.
- 6.11.26 The T&W heritage officer questions the conclusion of a 'neutral' impact on setting given that a major housing development would have a quite different character. They advise that limited inter-visibility does not necessarily equate to a very low impact on setting, whilst also acknowledging that this is an outline application and change does not necessarily equate to harm. The officer has studied the applicants heritage and visual submissions and concludes that any impact to the setting of the WHS would be likely to result in less than substantial harm at the lower end of the scale, given the likely scale, nature and positioning of the proposed masterplan development within the landscape.
- 6.11.27 Funding has been set aside for a number of positive environmental interventions in the local area including additional planting, woodland management, right of way improvements and a heritage contribution for Ironbridge. The detailed design of the development will also be important, both in terms of overall layout, and the design of individual buildings and will need to be addressed appropriately at the reserved matters stage.
- 6.11.28 In conclusion, the change in character from industrial to residential is not considered to result in any material harm to the setting of the WHS, none of which would be physically affected by the proposed development. The environmental enhancements referred to above are sufficient at this stage to fully mitigate any less than substantial harm when the ability to control the detailed design of the scheme at reserved matters stage is also taken into account. As with Buildwas Abbey it is clear that the public benefits of the site's redevelopment are significant and provide a viable end use, without which the site would become derelict and dangerous. As such the tests of the NPPF paragraph 196 are met.
- 6.11.29 In conclusion officers consider that the proposal is acceptable in heritage terms subject to mitigation measures controlled through conditions and is therefore compliant with the NPPF and local plan policy MD13.

6.11 Archaeology

6.11.1 An archaeological assessment including physical evaluations concludes that the site has low potential for preservation of in-situ archaeological remains and concludes that no further archaeological mitigation would be required. This conclusion has been accepted by the Council's archaeology service. A condition has however been recommended which affords access for recording of any archaeological remains which may be recovered. This is given in particular the large size of the site and the presence of some Neolithic pottery remains within it.

6.12 Landscape

6.12.1 Landscape Setting: The site is over 350 acres (141ha) in size, of which about 110 (44.5) is greenfield. Only around half of the greenfield area will be developed, the remainder will be used for ecological and open space purposes. Over 70 acres (28ha) within the brownfield area would be open space in the form of sports pitches, parkland and woodland.

6.12.2 A landscape survey considers a number of viewpoints within a 3km radius of the site and identifies key sensitive receptors (both landscape and visual), considering any significant effects arising from the proposed development. The site sits within a transitional part of the landscape where the broader rolling slopes and agricultural parts of the River Severn valley, passes into the steeper sided wooded slopes of Ironbridge Gorge. The scale of the site is such that it sits across a relatively broad area of the landscape and is influenced by different parts of the transition, as well as the different context of the river valley base, sides and hills.

6.12.3 The site itself is not subject to any specific landscape designations but is in proximity to the World Heritage site and Conservation Area with associated listed buildings, the AONB, Buildwas Abbey Scheduled Ancient Monument, SSSI's, local wildlife sites and nature reserves and ancient woodlands (one extending locally into the site).

6.12.4 In terms of Landscape Character most of the site is within the National Character Area (NCA) 65: Shropshire Hills with part of the eastern area being located within NCA 66: Mid Severn Sandstone Plateau. At a County level the majority of the site falls within the Wooded Estatelands Landscape Description Unit (LDU), with sections of the northern area located within the Riverside Meadows LDU and a small part of the southern area in the Principal Wooded Hills LDU. Emerging Shropshire Council Policy S20 sets out guidelines for the masterplan development to meet and the applicant advises that this has informed the Landscape Chapter of the Environmental Statement.

6.12.5 The Shropshire Hills AONB Management Plan 2019-24 sets out that it seeks to define the approach to conserving and enhancing the natural beauty of the AONB through the application of 'local solutions to local challenges'. In respect of the setting of the AONB (Policy P1), the Management Plan suggests measures to consider and mitigate such impacts. These include:

- care over orientation, site layout, height and scale of structures and buildings
- consideration of the landscape, land uses and heritage assets around and beyond the development site; and
- careful use of colours, materials

6.12.6 The LVIA concludes that overall the proposed development will result in some limited impacts at a localised level. Effects on landscape character are not considered to be significant. For visual effects a small number of individual receptors (including ones ‘on site’) have been identified as significant, however in the balance of the wider views/visual amenity these are not considered significant overall. The Council’s landscape consultant WSP has reviewed the LVIA and has accepted these conclusions. Officers are satisfied that that the development is acceptable at this stage in wider landscape and visual terms.

6.12.8 On-site Landscape Strategy: The application is supported by an indicative masterplan and a landscape strategy. Whilst this is an outline application and details of proposed landscaping are not yet known, these plans provide a framework to which subsequent reserved matters applications will follow and form a series of documents that would be conditioned to any consent. The Landscape Strategy plan sets out 7 key areas relating to the on-site Green Infrastructure:

- Enhancement of the existing blue corridor (i.e. River Severn frontage);
- Central green corridor to link the north (River Frontage/Sports facilities) to the south (woodland) of the site;
- Central green corridor along the rail infrastructure to provide a link from the north (River Frontage/Sports facilities) to the east (woodland and Severn Valley Way)
- Green corridor to link the centre of the site to the Shropshire AONB (south-west);
- Green corridor to link areas of existing woodland along the southern boundary where pinch points currently arise;
- Public open space (throughout the site) retaining existing vegetation where possible;
- Ecological enhancement area to the south (existing bat house and GCN ponds).

6.12.9 The proposed landscaping strategy has been designed taking account of site constraints and the proposed character areas, as well as incorporating mitigation measures for biodiversity. Use is made of planting, stand-offs and topography / landform to provide screening. Further detail on landscaping and design measures and the ability to provide effective screening from landscape designations including the AONB will be provided at the reserved matters stage. The Landscape Strategy is considered to provide a sound framework for any subsequent reserved matters application. Overall, officers consider that the proposal is acceptable subject to future landscaping details being controlled through conditions. The proposal is therefore compliant with the NPPF and development policies CS17, MD12 and MD13.

6.13 Sport and Recreation

6.13.1 New developments should make full provision for the infrastructure/amenities and services which they create. The development will bring new residents to the area, leading to an increased demand on existing recreational resource. As such it triggers the need for onsite sporting and recreational facilities.

6.13.2 The need for increased sporting and recreational provision was highlighted by Sport England and Telford & Wrekin Council in response to the original planning application including:

- Need for a Neighbourhood Equipped Area of Play (NEAP) incorporating a Multi-use games areas (MUGA);
- Need to demonstrate how the development will meet children's play needs;
- Reinstatement of existing sports field within site;
- Provision of a central village green;
- Provision of Leisure Strategy indicating how highlighted local needs are met.
- Conditions to deliver sporting and recreational facilities.

6.13.3 A Playing Pitch Strategy (PPS) being prepared by Shropshire Council is at an advanced stage. It sets out that the site contains a disused sports field that previously accommodated two adult football pitches and a 5-wicket grass cricket square in addition to a poor-quality clubhouse. The PPS is likely to include recommendations to protect the supply of existing pitches and bring lapsed sites (such as the playing fields within the application site) to address the identified provision shortfalls.

6.13.4 The applicants subsequently provided a Leisure strategy to supplement the revised masterplan, taking account of the above points and factored them into the development. A new combined NEAP/LEAP, and a multi-use sports pitch and pavilion (including parking area) will be provided. A more central village green now adjoins the sports pitches and provides an improved connection to both the Local Centre and surrounding green infrastructure. The applicants have also accepted the proposed conditions and S106 trigger points for the matters raised above.

6.13.5 It is considered that the provision for both football and cricket pitches within the site would make a positive contribution to meeting local needs for these sports. The commitment to providing suitable changing provision is also noted and should include as a minimum 4 team changing rooms and a social space with a kitchen. The management of the pitches is to be confirmed with the preference to be managed by a local club. These details can be secured via a suitably worded s106 agreement and associated planning conditions.

6.13.6 Officers consider that the proposal is acceptable subject to conditions and appropriate S106 triggers, that the site is compliant with the NPPF and development plan policies CS6, CS8, CS16 and MD2.

6.14 Education

6.14.1 The proposals would involve the provision of a new primary school within the site plus funding for additional secondary provision. The development site sits in the catchment area for Shropshire Local Education Authority (LEA) and therefore the associated primary school catchment of Buildwas Academy, and secondary catchment of William Brookes (Much Wenlock). Buildwas Academy currently has 19 surplus places, which will be filled on completion of the first 100 dwellings, by pupils from the development. It should be noted that currently 53% of pupils attending Buildwas Academy are Telford and Wrekin Pupils. William Brookes School currently has 12 surplus places and so will fill on completion of the first 100 dwellings. Currently 30% of pupils attending William Brookes are Telford & Wrekin pupils approximately 49 per academic year group.

6.14.2 Upon initial consideration of the application, Shropshire LEA estimated that school places will be required to meet the needs of an additional 103 nursery pupils, 177 primary

pupils and 141 secondary pupils. Existing nursery and primary provision is unsuitable and consequently new provision will be required. It was also highlighted that additional secondary school classroom capacity may also be required at the William Brookes School.

- 6.14.3 Telford & Wrekin LEA raised concerns that this approach would result in a significant pushback with Telford & Wrekin pupils having to be accommodated elsewhere in the Borough. They therefore sought additional provision from the Shropshire LEA to avoid this pushback effect. The initial differences in the two LEA positions is shown below.

	Shropshire LEA estimated pupils based on 1000 units	T&W LEA estimated pupils based on 1000 units	Variation
Early Years	103	120	17
Primary	177	280	103
Secondary	141	160	19
Post 16	0	70	70

- 6.14.4 Shropshire LEA subsequently undertook discussions with Buildwas Academy in relation to the short-term impact of Primary School pupils to identify if this could be catered for by the existing school at Buildwas. It became apparent that the capacity at Buildwas School was greater than anticipated with the ability to increase this capacity by providing a demountable and also relocating pre-school children to the village hall. As such, it has been agreed between the LEA's that there will be no impact on the primary school provision and no pushback on Telford & Wrekin pupils in the short-term, ahead of the new primary school being constructed.
- 6.14.5 The secondary school calculations for the LEA's however remained at odds. Therefore T&W commissioned an independent survey to define secondary educational provision needs linked to the application. This was to ascertain the correct demographics to be utilised, the impact the development would have on education, and whether as non-lead authority, Telford & Wrekin Council had the right to contributions to mitigate against this impact. Their ideal scenario was that the William Brookes School (Much Wenlock) should be expanded to accommodate 160 pupils, rather than 141 set out by Shropshire Council.
- 6.14.6 The Shropshire LEA subsequently agreed to seek an extension to William Brookes to accommodate the anticipated 160 secondary school pupils arising from this development and an appropriate uplift of £400K in the education contribution has been included within the S106 agreement. Both LEA's are now satisfied that the application can be supported, subject to the appropriate s106 contributions and an appropriate trigger point for construction of the new primary school.

6.15 Healthcare

- 6.15.1 The Clinical Commissioning Groups (CCG) submitted a late formal comment before the application was reported to the T&W planning committee on 18th May 21. This advised that it was undertaking a review of healthcare facilities in the area. The CCG advise that:
1. A review was being undertaken of healthcare facilities in the area;
 2. Existing local healthcare facilities are stretched;
 3. The proposed development should fund healthcare improvements to support the increased population;
 4. The CCG are investigating the option of establishing a healthcare hub located within the site, subject to a stakeholder engagement process.
 5. They are suggesting a capital sum of £1.27m may be required in order to facilitate necessary healthcare improvements plus, if required, a serviced plot within the site.
- 6.15.2 Officers note the CCG comments and support the principle of healthcare provision. However, the CCG have not yet fully defined or evidenced the nature of the increased healthcare requirements linked to the proposed development or how this relates to the sum being requested or the existing healthcare capacity issues they refer to. Instead a generic calculation has been adopted based on estimated floor area / consulting room requirements.
- 6.15.3 Telford & Wrekin officers advise that whilst the CCG controls medical provision they have received concerns that any merging and relocation of existing medical practices should not involve closure of the existing Ironbridge practice. They would view this as detrimental to the existing population.
- 6.15.4 In terms of the mitigation funding which the CCG are requesting this is not yet considered to be fully evidence based. Additionally, there is no wider precedent for this level of health care contribution taking account of other major development within Shropshire and Telford & Wrekin. Without a detailed evidence base the ability of the LPA's to accommodate the CCG's request is limited, taking account also of the significant viability issues raised by the proposals (referred to below). It is concluded therefore that this figure cannot be achieved, but that the proposal should provide a serviced plot alongside a contribution of £0.5m. The officer would note that depending upon its size (which would be evidenced by the CCG) any serviced plot would potentially have a significant value in its own right.
- 6.15.5 The CCG have responded to this as follows:

... 'This is a concern to us because a recent review of the three closest Surgeries to the development site (Broseley, Ironbridge and Much Wenlock) has concluded all three are already at over- capacity and investment needs to be made to meet current demand. Therefore, there is no surplus capacity to allocate to the new development and the funds earmarked via the Section 106 are clearly not going to be sufficient to meet the healthcare need that the scheme will generate. We would be grateful if this situation can be brought to the attention of the Planning Committee members please and would therefore ask if they would consider helping us to meet future need by giving us confirmation they will make CIL funds available to us to meet the need'.

- 6.15.6 The officer has responded to the CCG advising that all future predicted CIL monies linked to the proposed development would be ring fenced to committed infrastructure required to deliver the scheme. However, a clawback mechanism would apply as part of a periodic viability review process whereby any increase in profit above that assumed in the applicant's viability assessment would become available to fund other infrastructure needs in connection with the site. The first call on any clawback funding would go to reinstating a policy compliant level of affordable housing within the development. However, the officer would recommend that additional healthcare funding is made a spending priority should clawback funding become available.
- 6.15.7 Additionally, the officer has urged the CCG to engage with the Council in order to include healthcare as an agreed spending priority in the annually reviewed Much Wenlock Area Place Plan. This would potentially allow other CIL funds not linked to the current site to be accessed should a properly evidenced need for additional healthcare funding subsequently be demonstrated.
- 6.15.8 It is concluded that the proposal is acceptable with respect to healthcare subject to the contributions set out in the S106 agreement and is therefore compliant with the NPPF and relevant development plan policies.
- 6.16 Railway
- 6.16.1 The existing rail access to the power station site is to the east of the site, over the River Severn by the means of the Grade II listed Albert Edward Bridge. The Railway bridge is made of cast iron and built in 1863 by Engineer John Fowler. The bridge was designed to carry a load of 20 tons per carriage and has a main span across the river of 160ft. The identified span was provided in order to give free and unobstructed flow through the bridge when the river is in flood. Another reason was to make rail the only access point to the site for heavy plant and fuel deliveries, as the roads surrounding the site are very hilly. After the bridge connection, the railway track extends within the site through an internal rail system leading to and between the discrete elements of the site.
- 6.16.2 The applicant proposes that the existing railway will provide a means to export material out of the site, both during mineral extraction and the construction phases. This would also support the status of the bridge as a maintained and operational heritage asset. Network Rail are currently reviewing the works necessary to repair the Albert Edward Bridge and this will be subject to a separate listed building application which is expected to be submitted in summer 2021.
- 6.16.3 The potential for a passenger light rail service connecting to Telford Central station is currently being explored by the applicants who are working with both Councils to seek funding for a feasibility assessment. In addition, an application has recently been submitted by Harworth which seeks to trial a light rail system within the site (Reference 21/02012/FUL). It should however be made clear that at this stage the passenger rail is only aspirational and does not form part of the current application. However, the potential for a sustainable connection between the site, the WHS and Telford Town Centre is recognised.

6.16.4 Should passenger light rail not prove to be feasible then it is expected that the applicants would work with both Councils to create some form of 'rail to trail' green infrastructure along the rail line which compliments existing green routes in the area.

6.17 Public Rights of Way

6.17.1 There are a number of public rights of way which both dissect the site and surround its boundaries:

- A restricted byway enters the site and goes beyond the entrance to the Park View caravan park (0409/16/4) and upto the existing access gates into the Power Station. This will form a new adopted highway and will be incorporated into the designs for this highway;
- A bridleway (0409/UN1/1, 0409/156/5, 0409/16/6) follows along the lines of the access track to the caravan park and will be unaffected by the development but with possible enhancement/resurfacing if necessary;
- Two footpaths cross the western field (0409/13/1 and 0409/14/1) and will be impacted by the development and require rerouting;
- A network of footpaths surrounds the site, with key routes being the Severn Way and the Severn Valley Way and it has been closely considered how the development will both impact these and provide enhancement.

6.17.2 On-site it is proposed that a new pedestrian/cycle corridor will pass through the open-space to the south of the site, providing a direct sustainable connection from the east of the site (the Severn Valley Way) to footpaths located on the west of Much Wenlock Way (0409/4/1) and further afield. This corridor will pass alongside the ancient woodlands, passed the proposed allotments and alongside the habitat mitigation areas. A further on-site pedestrian/cycle corridor will pass through the open space to the north of the site, along the river frontage. This will provide access to possible river/leisure activities and also to the enhanced sports pitches/pavilion.

6.17.3 Furthermore, the 'A' station bridge is intended to be reopened for pedestrian movement, providing a direct connection to the Severn Way on the opposite side of the river. Both these proposed routes will connect to the Severn Valley Way on the far east of the site and it is recommended that they are added to the Definitive Map of Public Rights of Way by way of a creation agreement made under section 25 of the Highways Act 1980.

6.17.4 The Severn Valley Way is the primary sustainable route leading occupiers/users of the development into Ironbridge. It is already a widely utilised route but with increased footfall mitigation will be required to support the increased demands and enhance the opportunities to make the route more multi-functional, providing a sustainable connection that can reduce car journeys into Ironbridge. A financial contribution for enhancement of this route has been discussed by Shropshire and T&W officers and is included as a recommended legal agreement clause.

6.17.5 In further recognition of the increased footfall associated with this development, and the likely impacts on public rights of way contributions are also being sought for the upgrade of the Severn Way (leading from the site towards Buildwas only) and also towards

management/maintenance of the Benthall Edge and Tick Wood SSSI managed by Severn Gorge Countryside Trust (SGCT) as discussed above.

6.17.6 Subject to the above matters it is considered that the proposals are compliant with the NPPF and will succeed in promoting alternatives to the car and addressing the impact of the development.

6.18 Residential and general amenity

6.18.1 Noise and dust are referred to above. The site is a major development and the change in character of the site and the increased usage will inevitably have some impact on adjoining properties/uses. However, the potential for direct impact on the amenity of adjoining residential properties is considered to be limited.

6.18.2 The nearest residential properties to the development are the Pool View Park residential and holiday park which are located on the southern boundary of the site. The nearest of these properties is located over 50m from the site boundary and a greater distance from the nearest proposed dwelling shown on the indicative masterplan (separated by open space). It is therefore considered that the impact to the residential amenity of these properties is limited.

6.18.2 On the northern side of the River Severn are a number of residential properties and guest houses, all of which are located some distance from the site boundary (in excess of 60m) and separated by existing mature planting and proposed areas of open space. It is therefore considered by Officers that the impact to the residential amenity of these properties is limited.

6.18.3 There are a number of properties on the western edge of the site adjoining the A4169 Much Wenlock Road. Two properties are located at the entrance to Buildwas Abbey and whilst they will experience some impact from the development, it is not considered that this will be significant or direct. The properties face towards the existing/proposed sports pitches. Additionally, there is a small cluster of properties located on the south-western edge of the development (Mill Farm, Hill View Farm) which are in close proximity to the proposed roundabout into the application site. During the course of the application officers held site meetings with the landowners to assess the impact on these properties. As part of these considerations an amendment to the application was sought which saw the proposed roundabout moved 80m further south west. This results in an improved amenity situation for Mill Farm and Hill View Farm. Coinciding the roundabout with the minor access to these properties also results in a highway improvement.

6.18.4 It is considered that the proposal at this outline stage complies with the development plan policies CS6 and MD2 and relevant amenity guidance in the NPPF.

6.19 Mineral Extraction

6.19.1 The current proposals are linked to an application for minerals extraction (Ref: 19/05509/MAW). This encompasses a 49ha area within the western part of the current application site, including agricultural fields and derelict brownfield land. The application forms a separate item on this Agenda.

- 6.19.2 The proposed extraction will release 1.9 million tonnes of saleable sand and gravel over a period of 5 years. The site will be extracted and restored in a phased manner. The proposal involves transporting the 75% of the mineral via rail utilising the existing infrastructure of the Power Station and 25% via HGV.
- 6.19.3 There are two key reasons why the sand and gravel resource underlying the application site requires extraction.
- Firstly, prior extraction will prevent sterilisation of the safeguarded mineral resource.
 - Secondly, the Economic Growth Strategy for Shropshire and Shropshire Councils current Local Plan (Core Strategy) recognise the opportunity to redevelop the Former Ironbridge Power Station site and identify it as a preferred strategic site. The proposed masterplan redevelopment scheme involves the construction of residential dwellings, employment land, infrastructure, internal roads, etc within the application area and will require an engineered development platform to be created.
- 6.19.4 The applicant advises with regard to the principle of development, if no mineral extraction takes place prior to the proposals for non-mineral development, it will result in the unnecessary sterilisation of the mineral resource. Furthermore, the 'do nothing option' prevents the creation of the development platforms required to deliver the Masterplan development. Objections have been received from the AONB Partnership and the local community including some Parish Councils However, no statutory technical consultees have outstanding objections and no unacceptable impacts have been identified after mitigation is applied.
- 6.20 Financial Contributions / Legal agreement requirements
- 6.20.1 A Development Viability Review by Tustain Associates was submitted by the applicant in September 2020. This was independently reviewed by Turleys jointly on behalf of Telford & Wrekin Council and Shropshire Council and found to be acceptable.
- 6.20.2 The Viability Assessment concludes that the site is subject to significant viability challenges given the extensive legacy of former industrial uses. Specifically, there are high infrastructure and abnormal costs amounting to £62.84 million. As a result, the development is only viable with the provision of 5% affordable housing and a maximum £16.75 million for infrastructure funding including both Section 106 and CIL contributions.
- 6.20.3 Following the receipt of final consultee responses, a list of financial contributions was constructed by officers in consultation with the applicant. This needed to be considered in the context of the site viability, accepting that the level of contributions requested was much greater than the amount actually available.
- 6.20.4 To maintain a viable scheme it is necessary to accept a reduction in affordable housing to 5% as opposed to the fully compliant level of 20%. It is hoped that this shortfall can be addressed subsequently through grant funding from Homes England.
- 6.20.5 In addition to affordable housing, the viability assessment makes provision for £16.75million to be achieved through a combination of S106 payment and anticipated

future CIL revenues from the scheme. CIL is applicable within Shropshire Council and is calculated on the creation of new floor area. Unlike S106 funding a CIL requirement cannot be reduced and must be provided without exception. For the scheme to remain viable all CIL revenue from the development would need to be ring-fenced for use specifically in funding infrastructure linked to the proposals.

6.20.6 Given the tight financial constraints of the scheme detailed discussions have been ongoing between Officers at Shropshire and Telford and Wrekin Council to determine how the available sum will be distributed. Additionally, it has been agreed that some of the major infrastructure works would be provided through use of 'Grampian Conditions'. These would require the developer to directly carry out certain highway works rather than to provide a financial sum for the local authorities to carry out the works. As such the cost of this infrastructure has been deducted from the infrastructure finding list agreed by officers.

6.20.7 The funding required to mitigate the scheme is set out in the table below.

Item	Agreed Amount	Notes
Education - Primary	£5,100,000	To provide a new primary school on site, and for the S106 to require the provision of land for a school
Education – Secondary	£4,400,000	Towards an extension of William Brookes School
Gaskell Arms Improvements (Wenlock)	£250,000	Directed to SC
Atcham/Leighton/Buildwas highway improvements	£65,000	Grampian condition supported by legal agreement
Castlefields Way Roundabout (T&W)	£871,200	Grampian condition supported by legal agreement
Ironbridge traffic calming improvements (T&W)	£150,000	Grampian condition supported by legal agreement
Buildwas Bank Roundabout	£1,000,000	Grampian condition supported by legal agreement
Travel Plan Monitoring	£100,000	Legal agreement
Sustainable Transport/Bus Strategy	£1,000,000	To include Education transportation requirements
Sports Pavilion & Pitches	£640,000	Directed to SC to provide the facilities/pitch upgrades on site.
Severn Valley Way improvements	£550,000	Directed to TWC
Severn Way improvements	£200,000	Directed to SC
Healthcare	£500,000	Directed to the CCG, and a S106 to require the provision of an on-site

		serviced plot; in the event this is not required by the CCG can be released
Public Realm – Play/ Recreation	£96,000	Directed to TWC to be spent within the WHS
Public Realm - Heritage	£350,000	Directed to TWC to be spent within the WHS
Trees	£262,509	Directed to TWC to facilitate mitigation and enhancements in proximity of the site
Trees - SGCT	£128,226	Directed to SGCT to facilitate mitigation and enhancements in proximity of the site/adjacent woodland.
Neighbourhood Fund	£1,000,000	As required by CIL
CIL/ S106 monitoring	£87,064.88	Approx. 0.5% - directed to SC
Provision of Affordable Housing	5%	To be delivered on site, through the S106.
	£16,750,000	

- 6.20.8 Officers from Shropshire and Telford & Wrekin consider that that the contributions set out above are justified based on the relevant tests set out in National Planning Practice Guidance and are appropriately directed towards mitigating the effects of the proposed development as outlined in this report. The primary focus is the impact on highways and education. Appropriate consideration has also been given to other impacts including healthcare, play/recreation, built heritage, trees and public rights of way.
- 6.20.9 The contributions will come forward through both CIL and S106. As a cross boundary application TWC has requested a Memorandum of understanding between the two authorities to ring-fence these requirements. A robust viability review mechanism linked to phasing / period reviews will also be required as part of any S106 agreement. This will provide a mechanism to clawback any future uplift in viability, thereby allowing areas where funding has had to be reduced to be re-visited / redressed, particularly with regard to onsite affordable housing delivery. It is considered that in the circumstances of the proposed development the viability review mechanism should occur at a frequency of no less than 4 years.
- 6.21 Cumulative and in-combination effects - The Environmental Statement (ES) has not identified any additional projects in the local area which would have the potential to give rise to cumulative effects. The mineral extraction proposals would proceed within the first 5 years of the development when other operations would be taking place at the site if the current proposals are approved. However, the earlier phases of the current development are physically separated from the mineral site (and its ancillary operations) and appropriate safeguards would apply in both these operational areas. Both operations would be subject to Construction Environmental Management Plans. As such it is

considered that the masterplan and mineral developments are capable of being controlled individually so as to avoid any unacceptable cumulative impacts.

- 6.22 In-combination effects could arise for instance from a combination of noise, dust and visual impacts occurring at the same time. The ES puts forward measures to control and mitigate individual impacts arising from the proposed development and concludes that each identified issue is capable of being controlled to avoid unacceptable impacts. These conclusions have generally been accepted by relevant technical consultees. There will be times when a particular operation within the site may have the potential to generate both noise and dust or other combination of impacts at the same time. However, given the applicant's mitigation proposals, the phased nature of the development and the large size of the site it is considered that the potential for any in-combination effects is correspondingly limited.
- 6.23 Consideration of alternatives: It is not considered that there are any practicable alternatives to developing the application site. Without this the redundant infrastructure within the site would become dangerous and potentially prone to vandalism and the site would become an eyesore. The applicant has already invested significant money in demolishing redundant structures and remediating the site in advance of development. Had the structures not been demolished within the timescales adopted by the applicant then the structures would have become increasingly dangerous, leading to greater complications for any future demolition and redevelopment process.
- 6.24 The applicant's viability appraisal demonstrates that it is necessary to include the western greenfield part of the site within the development in order to secure a viable redevelopment scheme for the whole site. The masterplan proposals put forward by the applicant are the subject of extensive consultations and stakeholder engagement. It is not considered that a materially different masterplan scheme would be deliverable within the development parameters of the site.

7.0 CONCLUSION

- 7.1 It is considered that the proposals represent sustainable development of previously developed land securing an optimum viable use. Provided an appropriate Design Code is followed at the reserved matters stage the proposals will respect and respond positively to the site and the wider area.
- 7.2 The proposals are considered to be compliant overall with the NPPF, Shropshire Core Strategy, the SAMDev Plan, with the emerging Shropshire Local Plan (in particular policy S20).

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

- 8.1.1 There are two principal risks associated with this recommendation as follows:
- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective

of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

8.1.2 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 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

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. The officer has reviewed available evidence to determine whether these outline proposals would raise any issues with respect to the Equalities Act 2010. No specific issues have been identified. However, subsequent reserved matters applications will need to make appropriate provision for people with disabilities including for wheelchair access where appropriate.

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

Relevant Planning Policies

Central Government Guidance:

- National Planning policy Framework

Shropshire Core Strategy:

- CS4: Community Hubs and Clusters
- CS5: Countryside and Greenbelt
- CS6: Sustainable Design
- CS7: Communications and Transport
- CS8: Facilities, services and infrastructure provision
- CS9: infrastructure contributions
- CS11: Type and affordability of Housing
- CS13: Economic Development, Enterprise and Employment
- CS16: Tourism, Culture and Leisure
- CS17: Environmental Networks
- CS18: Sustainable Water Management

SAMDev Plan:

- MD1: Scale and Distribution of Development
- MD2: Sustainable Design
- MD3: Delivery of Housing Development;
- MD4: Managing Employment Development
- MD7a: Managing Housing Development in the Countryside
- MD7b: General Management of Development in the Countryside
- MD8: Infrastructure Provision
- MD12: The Natural Environment
- MD13: The Historic Environment
- S13: Much Wenlock Area

Emerging Policy:

Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
2016 to 2038

S20. Strategic Settlement: Former Ironbridge Power Station

1. The Former Ironbridge Power Station site will be remediated and redeveloped to form a new strategic settlement which will contribute towards strategic growth aspirations in the east of the County. The part brownfield site is around 140ha and consists of the former Power Stations, associated uses and agricultural land. The location and extent of the site are identified on the Policies Map.
2. The new settlement will be formed through a comprehensive mixed-use redevelopment of the site to provide a range of local services and facilities, around 1,000 dwellings, around 6ha of employment land and extensive green infrastructure.
3. To inform this redevelopment, a comprehensive masterplan will be prepared for the site and then adopted by Shropshire Council. The masterplan and resultant redevelopment will comply with the following site guidelines:

- a. The quantity, quality, design, mix and layout of housing provided on the site will be informed by site constraints and opportunities, identified local needs and relevant policies of this Local Plan.
- b. Employment provision will represent an intrinsic element of the site's redevelopment, occurring alongside the provision of housing. Employment provision will be of an appropriate quantity and quality to contribute towards the objectives of the Shropshire Economic Growth Strategy.
- c. The village centre will comprise of an appropriate range of commercial uses to serve the new settlements community. As the local centre will ensure future occupiers of the site benefit from access to local facilities, its timely provision is an important consideration and will be directly linked to provision of housing on the site.
- d. Green infrastructure provision will be of an appropriate quantity and quality. Its location will protect and enhance key green infrastructure corridors and networks on and around the site and existing areas of public open space.
- e. Appropriate community facilities and buildings will be provided on the site, such as a community hall, art gallery and heritage centre. 2ha of land will be provided for a primary school to serve the needs of the new community on the site. If required by the relevant CCGs, a medical centre will also be provided on the site. These facilities and buildings will tap-into the heritage of the site.
- f. A suitable number of appropriately designed and constructed pedestrian, cycle and vehicular access/egress points will be provided. If current access/egress points to the site are retained, they may need to be upgraded to ghost island right turn and/or roundabout junctions, as determined through appropriate modelling and engagement.
- g. Any necessary improvements to the local and strategic road network will be undertaken, informed by consultation with Highways England and an appropriate Transport Assessment (including consideration of cumulative impact).
- h. Appropriate pedestrian and cycle links will be provided to and through the site, particularly to the proposed nursery, primary school and village centre.
- i. Site design and layout will be high-quality, reflecting and respecting the sites proximity to the Shropshire Hills Area of Outstanding Natural Beauty and minimising landscape and visual impact. This is particularly important to the development of the greenfield elements of the site.
- j. The high-quality design and layout of the site will also reflect and respect the sites heritage, heritage assets on the site and its relationship with heritage assets within the wider area, including the Ironbridge Gorge World Heritage site, Buildwas Abbey Scheduled Monument, the Severn Gorge Conservation Area and Listed Buildings.
- k. The Grade II listed Albert Edward railway bridge on the sites boundary and buildings and structures associated with the Ironbridge A interwar power station will be sympathetically retained, enhanced/maintained and adaptively reused.
- l. Natural environment assets on and in proximity of the site, including Buildwas Sand Quarry Site of Special Scientific Interest (SSSI), Local Wildlife Site and Local Geological Site, Buildwas River Section SSSI, Tick Wood and Benthall Edge SSSI, three areas of ancient woodland, other Local Wildlife Sites and any priority habitats will be retained and appropriately buffered. A sustainable juxtaposition will be created between built form and trees.

- m. Acoustic design, layout and appropriate building materials (including where necessary appropriate glazing, ventilation and acoustic barriers) will be used to appropriately manage noise associated with retained National Grid and Western Power Distribution substations and equipment and nearby roads.
- n. A sustainable juxtaposition will be created between built form and trees. Where possible trees and woodland should be incorporated into areas of open space and planting should occur to connect to / expand adjoining wooded areas.
- o. The site supports a large population of Great Crested Newts; bat roosts and is likely home to other protected species. Appropriate assessment and provision on the site will be required for these species.
- p. Any contaminated land on the site will be appropriately managed.
- q. Mineral extraction opportunities associated with the site will be investigated and where appropriate extraction works undertaken.
- r. The site will incorporate appropriate sustainable drainage, informed by a sustainable drainage strategy. Any residual surface water flood risk will be managed by excluding development from the affected areas of the site, which will form part of the Green Infrastructure network. Development will also be excluded from the small portions of the site located in Flood Zones 2 and/or 3. Flood and water management measures must not displace water elsewhere.

Other relevant considerations:

- Much Wenlock Neighbourhood Plan 2013-2016 (adjoining parish);
- Shropshire Hills AONB Management Plan 2019-2024
- Ironbridge World Heritage Site Management Plan (Feb 2017)

10. RELEVANT PLANNING HISTORY:

- SA/88/1489 Import and grading of fly ash from the power station adjoining the quarry. WDN 30th November 1988
- SC/MS2006/1376/SY Variation of conditions 4 and 5 attached to planning permission MS1996/0056/SY to extend for a further 10 years the life of the existing recycling facility for inert construction and civil engineering waste materials PERMIT 29th June 2007
- SC/MS1996/0056/SY Development of a permanent recycling facility for inert construction and civil engineering waste materials PERMIT 3rd September 1996
- SA/77/0095 Construction of a car park for 12 cars. PERCON 10th March 1977
- SA/74/0618 Permanent retention of existing site office to be used as administrative offices. PERCON 26th November 1974
- SA/84/0784 Scheme of landscaping involving deposit of pulverised fuel ash produced. PERCON 8th November 1984
- SA/77/0472 Erect an 132KV Overhead Line via two steel towers over the railway to connect existing transformer (adjacent to 400KV switch house) to existing 132KV switch house. PERCON 12th July 1977
- SA/75/0524 Erection of pump house and oil overburn installation (amendment to previous planning permission 74/642). PERCON 29th July 1975
- SA/77/0981 Erection of a primary electricity sub-station for electricity distribution. PERCON 20th December 1977

- SA/00/0040 Installation of new precipitators and ductwork in connection with dust abatement project. PERCON 23rd February 2000
- SA/77/0009 Extension of existing vehicle servicing building (30' x 12'). NOOBJC 25th March 1977
- PREAPP/11/01444 Proposed Covered Fuel Store PREAIP 18th October 2011
- 12/00032/MAW Construction and operation of a fuel store for the storage of wood pellets GRANT 5th April 2012
- 12/02134/DIS Discharge of Condition 8a (Dust Management Scheme) 10 (Complaints Procedure) 12a (Construction Management Plan) 12c (Construction Workers Compound) 13 (Fuel Store Design) 15 (Water Drainage) 16B (Site Contours) attached to planning reference 12/00032/MAW - Construction and operation of a fuel store for the storage of wood pellets GRANT 10th July 2012
- 12/02648/AMP Application for Non Material Amendment following grant of planning permission ref. 12/00032/MAW to alter the dimensions of the building. Construction and operation of a fuel store for the storage of wood pellets GRANT 10th July 2012
- 12/04934/DIS Discharge of Conditions 6b, 7b and 17a (Lighting) attached to planning ref. 12/00032/MAW. Construction and operation of a fuel store for the storage of wood pellets DISAPP 3rd December 2012
- 14/00905/DIS Discharge of condition 22a. Construction and operation of a fuel store for the storage of wood pellets. DISAPP 23rd July 2014
- 15/00922/DIS Discharge of Condition 22a (Biofuel Procurement Report) on Planning Application 12/00032/MAW for the submission of report discharging annual reporting requirement under Condition 22a DISAPP 17th February 2016
- 15/05594/VAR Variation of Condition No. 23b attached to Planning Permission 12/00032/MAW dated 5th April 2012 - The building should be removed from site by 31st December 2017 unless a scheme has been submitted to and approved in writing by the Local Planning Authority. GRANT 17th February 2016
- 16/01583/VAR Variation of conditions 4 & 5 (time period) attached to planning permission SC/MS1996/0056/SY (varied on SC/MS2006/1376/SY) to allow for continuation of use as a recycling centre GRANT 9th November 2016
- 16/02486/CPE Importation and storage of a range of aggregates in 20 tonne loads. Sale to local builders in small loads for use in the construction industry. Storage areas have been located around the outside of the central inert waste recycling area, as shown on the Site Plan. Annual inputs of 8,000 to 10,000 tonnes. LA 21st March 2017
- 16/00926/DIS Discharge of Condition 22a (Biofuel Procurement Report) on Planning Permission 12/00032/MAW for the construction and operation of a fuel store for the storage of wood pellets DISAPP 2nd March 2016
- 16/02868/SCR Request for a Screening Opinion under Regulation 5 (2) of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (As Amended) EAN 26th July 2017
- 17/02079/VAR Variation of Condition 23b of permission reference 12/00032/MAW (as varied by 15/05594/VAR) to allow a further 2 year extension for retention of former fuel store building (to 31/12/19) GRANT 22nd June 2017
- 17/02314/DEM Application for prior notification under Schedule 2 Part 11 of the Town & Country Planning (General Permitted Development) Order 2015 for the demolition of Ironbridge power station conveyors 6 and 7 and associated structures PNR 14th June 2017

- 17/04439/DEM Application for Prior Notification under Schedule 2 Part 11B of The Town and Country (General Permitted Development) (England) Order 2015 for the demolition of: Zone 1 - four, natural draft, hyperbolic cooling towers and the cooling water supply channels and pipework; Zone 2 - the turbine hall and boiler house, electrostatic precipitators, chimney and admin block including adjacent workshops and stores; Zone 3 - the auxiliary boiler and associated tanks, and the area of land previously used for contractor welfare during outages; Zone 4 - two heavy fuel oil (HFO) tanks and the water treatment plant, the main site gatehouse, sewage treatment plant, storage buildings; Zone 5 - biomass store, coal stock conveyors, coal plant stores and workshop, the sports pavilion and bungalow REP3J 6th November 2017
- 18/03597/FUL Construction of 20no wildlife ponds GRANT 2nd November 2018
- 19/00627/DIS Discharge of Conditions 9 (Landscaping Plan) and 10 (Habitat Management Plan) on Planning Permission 18/03597/FUL for the construction of 20no wildlife ponds DISAPP 26th March 2019
- 19/05509/MAW Phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site PDE
- 19/01346/DIS Discharge of Condition 4 (Stakeholder Engagement) 5 (Noise Monitoring Scheme) 6 (Dust Management Plan) 7 (Asbestos Management Plan) 8 (Water) 9 (Drainage Scheme) 11 (HGV Routing) 14 (Protected Species/Habitats) 15 (Great Crested Newt) 16 (Reptile Mitigation Strategy) 17 (Badgers) 18a & 18b (Bat Survey) 19 (Otters & Peregrines) 21 (Site Waste Management Plan) attached to planning permission 17/04439/DEM Application for Prior Notification under Schedule 2 Part 11B of The Town and Country (General Permitted Development) (England) Order 2015 for the demolition of: Zone 1 - four, natural draft, hyperbolic cooling towers and the cooling water supply channels and pipework; Zone 2 - the turbine hall and boiler house, electrostatic precipitators, chimney and admin block including adjacent workshops and stores; Zone 3 - the auxiliary boiler and associated tanks, and the area of land previously used for contractor welfare during outages; Zone 4 - two heavy fuel oil (HFO) tanks and the water treatment plant, the main site gatehouse, sewage treatment plant, storage buildings; Zone 5 - biomass store, coal stock conveyors, coal plant stores and workshop, the sports pavilion and bungalow DISAPP 12th June 2019
- 19/01779/SCO EIA Scoping Opinion for construction of around 1,000 residential dwellings, 20ha of commercial floorspace and associated infrastructure, to include a village centre (to potentially include a primary school, health provision and local commercial development) Park and Ride Scheme and leisure facilities SCO 17th July 2019
- 19/02723/FUL Erection of a bat house GRANT 19th July 2019
- 19/03477/SCO Environmental Impact Assessment Scoping Opinion request relating to proposed extension of Buildwas Quarry as part of redevelopment proposals on land at Ironbridge Power Station GRANT 4th October 2019
- 19/04048/DIS Discharge of condition 20 (Construction Ecological Management Plan) on planning application 17/04439/DEM DISAPP 18th October 2019
- 19/04208/DIS Discharge of Condition 13 (Land Stability) on Planning Permission 17/04439/DEM for the application for prior notification under Schedule 2 Part 11B

of The Town and Country (General Permitted Development) (England) Order 2015 for the demolition of: Zone 1 - four, natural draft, hyperbolic cooling towers and the cooling water supply channels and pipework; Zone 2 - the turbine hall and boiler house, electrostatic precipitators, chimney and admin block including adjacent workshops and stores; Zone 3 - the auxiliary boiler and associated tanks, and the area of land previously used for contractor welfare during outages; Zone 4 - two heavy fuel oil (HFO) tanks and the water treatment plant, the main site gatehouse, sewage treatment plant, storage buildings; Zone 5 - biomass store, coal stock conveyors, coal plant stores and workshop, the sports pavilion and bungalow
DISAPP 18th October 2019

- 19/05509/MAW Phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site PDE
- 19/05560/OUT Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works PCO
- 19/05509/MAW Phased extraction and processing of sand and gravel including the erection of processing plant and ancillary infrastructure, temporary storage of minerals, utilisation of existing rail siding and creation of new access road on to Much Wenlock Road; restoration of the site PDE
- 19/05560/OUT Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works PCO
- 20/01792/DIS Discharge of Condition 4 (Landscaping) and 5 (Habitat Management Plan) associated with planning application number 19/02723/FUL DISAPP 20th August 2020
- 20/04930/FUL Erection of a peregrine falcon tower GRANT 18th February 2021
- 20/05301/FUL Phase 1 Earthworks - enabling works to commence upon grant of outline planning permission for the wider redevelopment proposals GRANT 8th March 2021
- 21/02012/FUL Change of use of existing railway track to a demonstrator track for very light rail (temporary permission for 3 years), construction of platform and associated hardstanding area to accommodate temporary buildings for use as office; welfare facilities; and maintenance building INV
- 21/02607/FUL Erection of Electricity Substation. REC

11. ADDITIONAL INFORMATION

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2YLFWTD06Z00>

List of Background Papers: Planning application form for application reference 19/05560/OUT and accompanying environmental statement documents and plans

Cabinet Member (Portfolio Holder) Cllr Ed Potter

Local Member: Cllr. Claire Wild (Severn Valley)

Appendices: APPENDIX 1 – Conditions and legal clauses

APPENDIX 1

Legal Agreement Clauses

- i. On-site provision of primary/nursery school;
- ii. Financial contribution of £4,400,000 towards expansion at William Brookes School for 160 pupils;
- iii. On-site provision of affordable housing (5%);
- iv. Financial contribution of £250,000 towards improvements at the A4169 Smithfield Road/Victoria Road/Bridgnorth junction (i.e. the Gaskell Arms at Much Wenlock);
- v. Travel Plan Monitoring at a cost of £100,000
- vi. Financial contribution of £1,000,000 towards Transport/Bus Strategy (in liaison with Arriva) and to include education transportation requirements;
- vii. Financial contribution of £640,000 towards provision of Sports Pavilion and Sports pitch upgrades including implementation timetables of £640,000
- viii. Financial contribution of £550,000 towards Severn Valley Way improvements to provide improvements/upgrades to facilitate a multi-use route;
- ix. Financial contribution of £200,000 towards Severn Way improvements to provide connection to Buildwas (towards Buildwas only);
- x. Financial contribution of £500,000 towards healthcare requirements highlighted by the CCG;
- xi. On-site serviced plot for healthcare facility;
- xiii. Financial contribution of £96,000 towards Public Realm improvements for Play/Recreation;
- xiii. Financial contribution of £350,000 towards Public Realm improvements for Heritage;
- xiv. Financial contribution of £128,226 towards tree management/safety inspections/planting relating to increased pressure/footfall within land under the management of SGCT;
- xv. Financial contribution of £262,509 towards tree management/safety inspections/planting relating to increased pressure/footfall in the Gorge, in addition to climate change offsetting and biodiversity net gain;
- xvi. Financial contribution of £1,000,000 towards Buildwas Parish Neighbourhood Fund;
- xvii. Financial contribution of £87,065 towards S106 Monitoring;
- xviii. On-site serviced plot for potential Park & Ride Facility;

- xix. Implementation timetable for NEAP/LEAP;
- xx. Implementation of viability review mechanism.

Memorandum of Understanding

- i. Memo of Understanding between Telford & Wrekin Council and Shropshire Council to formally agree the distribution of the above contributions and thereafter, how any monies received from the viability review mechanism will be distributed.

Conditions

STANDARD CONDITIONS

- 1a. Application for approval of the appearance, layout, scale and landscaping (hereinafter called "the reserved matters") for Phase 1 of the development as shown on the approved phasing plan shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. The reserved matters shall be approved in writing by the Authority before any development commences.
- b. Each reserved matter application shall be prepared following the principles set out in the Design and Access Statement, Sustainable Design Brief and the other documents that supported the application and shall include the following information for the prior approval of the Local Planning Authority.
 - i. The number of units
 - ii. The means of enclosure of the site
 - iii. The levels of the site
 - iv. The means of access for disabled people
 - v. The drainage of the site
 - vi. The finished floor levels
 - vii. Sustainability Design Statement
- c. Subsequent reserved matters submissions shall be substantially in accordance with the approved masterplan (Plan Ref 0799-LDA-P1-00-DR-A-08 100).

Reason: No particulars have been submitted with respect to the matters reserved in this outline permission

- 2a. The development shall be commenced not later than 3 years from the date of this permission and or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- b. Following approval of the first reserved matters applications for each subsequent development phase hereby approved shall be submitted not later than 2 years from the date of approval of the last reserved matters for the preceding phase.

- c. Development shall be commenced on each successive development phase not later than three years from the date of approval of the last reserved matters for the preceding phase unless an amended phasing plan and development timescale has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 (2a) and to ensure an orderly and progressive development in accordance with the approved phasing plan (2b).

3. The development shall be implemented in strict accordance with the approved documents and plans accompanying the application which are listed in Appendix 1 attached to this decision notice.

Reason: To define the permission.

4. Concurrent with the first reserved matters application, an updated phasing plan shall be submitted to and agreed in writing by the Local Planning Authority, which shall indicate vehicular access roads and footways to be provided sufficient to serve each agreed phase. The sequencing of the development shall be in general accordance with the Phasing Plan 2021-2031 submitted in August 2020.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

Design Code

5. Notwithstanding the Indicative masterplan and Design & Access Statement, no development, hereby approved, shall commence until a Design Code has been submitted to and approved in writing by the Local Planning Authority. The Design Code shall address all pertinent matters associated with the following subject areas:

1) Strategic Design Principles:

- i. The approach to design quality and its consistent implementation;
- ii. The overall vision and character of the development and its setting;
- iii. The form and character of the site and the vision for Ironbridge Power Station Development and the surrounding area of Buildwas and Ironbridge.
- iv. Design objectives for key areas of the development including local centre, park and ride, retail and heritage assets.
- v. Sequential design principles for the 'approach, entrance and arrival' to key gateways from the existing transport network, internal junctions and primary destinations such as the local centre, primary school, retail and park and ride facilities.
- vi. The approach and design principles to urban form, space and architectural styles to respect the contextual analysis of Ironbridge and Buildwas characteristics.
- vii. The rationale of character districts identifying primary characteristics and differences.
- viii. The approach to designed traffic speeds.

- ix. The approach and design of blocks, the principles of their structure, building typologies, back-to-back distances, car parking, cycle parking and storage, refuse storage and collection, and servicing for commercial properties.
- x. The approach, hierarchy, design principles, species and pallet of materials of hard and soft landscaping in the townscape.

2) Detailed Design Elements

- i. The creation of character areas and neighbourhoods addressing the principles of the mix of uses;
- ii. The location, mass, density, heights, form and design parameters for the buildings in each character area/phase;
- iii. A design framework, including material palettes, landscaping, site constraints, and historical influence for each architectural character area;
- iv. The conceptual design and approach to the public realm, including enclosure, natural surveillance, public art, materials, street furniture and signage, the incorporation of utilities and landscaping;
- v. The principles of, the street and public spaces hierarchy to address, movement and permeability, mobility and visually impaired users and traffic calming measures and making reference to the phasing of land parcels;
- vi. Direction on the creation of an integrated street-scenes along the busway and primary streets, through the consistent use of scale, enclosure and massing, by providing direction on building scale and massing, the proportion of built frontage, house and plot width, associated house types, building heights, and eaves heights;
- vii. The design of the transport network hierarchy, streets, cycle routes, footpaths and public spaces, providing typical street cross-sections, which should include details of tree planting and tree species, underground utility/service trench routes, type and specification, and on street parking, including design details;
- viii. The principles and structure of the blocks addressing key groupings or individual buildings, building form, massing, heights, scale and legibility, building typologies, density and use. This shall include the design principles addressing primary frontages, fronts and backs, pedestrian and vehicular access points, on plot car and cycle parking, threshold definition and surveillance of public realm areas, building materials and performance standards and design features;
- ix. Details of the materials to be used to create design consistency that are sensitive to the local area and provide legibility of the street hierarchy throughout all phases of delivery.
- x. Details of any noise attenuation/mitigation measures where necessary which may impact on the design;
- xi. Approach to incorporation of ancillary infrastructure/buildings such as substations, pumping stations, waste and recycling provision for all building types and recycling points. Approach to the provision of electric vehicle charging points/infrastructure, pipes, flues, vents, meter boxes, external letterboxes, fibres, wires and cables required by statutory undertakers as part of building design;
- xii. Details of the approach to vehicular parking across the entire site including the amount of parking, location and layout of parking for all purposes, including but not restricted to parking for people with disabilities and visitors' parking.

- xiii. Details of the approach to cycle parking for all uses, including the distribution (resident/visitor parking and location in the development), type of rack, spacing and any secure or non-secure structures associated with the storage of cycles.
 - xiv. The approach to the character and treatment of the structural planting to the development areas within the primary open land, secondary open land, hedge or footpath corridors and retained trees (including the approach to SUDS design integration into the green ways);
 - xv. An outline of the conservation of flora and fauna interests, landscape and open space needs, nature conservation mitigation measures and the timing of such provisions;
 - xvi. The approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, so as to maximise energy efficiency, minimise light pollution and avoid street clutter;
 - xvii. Measures to demonstrate how the design can maximise resource efficiency and climate change adaptation through external, passive means, such as landscaping, orientation, massing, and external building features,
 - xviii. Details of measures to minimise opportunities for crime,
 - xix. An understanding of the context of the development in respect of the impact on the setting of the surrounding designated heritage assets including views from or towards the Ironbridge Gorge World Heritage Site and Buildwas Abbey. This should include sections and modelling of views from key locations within or towards the World Heritage Site/Conservation Area/Scheduled Monument];
 - xx. Details of the Design Code review procedure and of circumstances where a review shall be implemented.
- b. The Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply, who should use the Design Code, and how to use the Design Code. All subsequent reserved matter applications shall accord with the details of the approved design code and be accompanied by a statement which demonstrates compliance with the code.

Reason: To ensure design consistency through the site, to ensure users' needs are met and the design is sensitive to the adjacent World Heritage Site. The Design Code shall explain its purpose, structure and status and set out the mandatory and discretionary elements where the Design Code will apply, who should use the Design Code, and how to use the Design Code.

Flexible uses

6. In accordance with The General Permitted Development Order, Schedule 2, Part 3, the development hereby approved is granted a flexible use for the following buildings for a period of 10 years, allowing a change of use between any of the following classes as defined under the Use Class Order as amended:
- a. Employment land comprising the following uses:
 - Offices - Use Classes E(g)(i) and E(g)(ii);
 - Light industry - Use Classes E(g)(iii);
 - General industry - Use Class B2;

- Storage and distribution - Use Class B8.
- b. A local centre comprising the following uses:
- Non-food retail and other facilities - Use Classes E(a), E(b), E(c), E(d), E(e), E(f);
 - Convenience foodstore - Use Classes E(a);
 - Public house and hot food takeaways – Use Class sui generis;
 - Leisure uses – Use Classes E(d);

For the avoidance of doubt the Units excluded from this change of use include:

- residential dwellings - Use Classes C3;
- primary school - Use Class F1(a);
- sports pavilion - Use Class F2(c);
- retirement village.

Reason: For the avoidance of doubt and to ensure the appropriate amenity and sustainability of the site.

Historic Environment

7. The following approved document and plans shall be implemented strictly in accordance with the approved details:
- i. Proposed Masterplan,
 - ii. The Sustainable Design Brief,
 - iii. The Green Infrastructure and Landscape Strategy,
 - iv. The Framework Travel Plan,
 - v. The proposed public transport improvements.

Reason: To enable the impacts upon the significance of the Ironbridge Gorge World Heritage Site and Conservation Area, Buildwas Abbey Scheduled Monument and local listed buildings to be minimised.

- 8a. Prior to the commencement of development on this site, a method statement to secure the safety and stability of the pump house shall be submitted to the LPA for approval. The method statement shall be supported by a structural survey and include measures to protect the building against weather damage and unauthorised access, and any necessary support for walls, floors or roofs. The works shall be carried out in accordance with the approved schedule of works within 12 months of the date of this permission.
- b. Prior to 180th occupation a scheme for the repair and re-use of the pump house for community and leisure use shall be submitted to the LPA for approval, to include proposed new use, elevations, plans, method of repairs, joinery details, details of external services and any other external fixtures, hard and soft landscaping, and any boundary treatments.

Reason: To enable the impacts of subsequent reserved matters schemes on local heritage assets to be reviewed (8a) and to sustain and enhance the significance of the

heritage assets and putting them to viable uses consistent with their conservation, as required by the NPPF (8b).

9. Prior to the commencement of development on this site, a method statement for to secure the safety, stability and use of the bridge 170m east of the pump house as a pedestrian route, shall be submitted to the LPA for approval. This shall include repairs to masonry, ironwork and lighting units, replacement hard surfacing, and any landscaping. The works shall be carried out in accordance with the approved scheme before the occupation of the 180th dwelling.

Reason: To sustain and enhance the significance of the heritage assets and putting them to viable uses consistent with their conservation, as required by the NPPF.

10. The Senior Archaeologist at Shropshire Council shall be notified not less than one week prior to the commencement of soil stripping operations in each new phase of the development hereby approved. Sufficient access and time shall be afforded to allow the recording of any archaeological remains which may be uncovered

Reason: To allow sufficient access and time to record any archaeological remains which may be uncovered at the Site.

Drainage and sewerage

11. No construction of residential properties including groundworks shall commence within the first residential phase of the Site until a written report providing a full hydraulic and operational assessment of the performance of the public sewerage system has been submitted to and approved in writing by the Local Planning Authority in consultation with Severn Trent Water Ltd and the LLFA. Information to demonstrate that the new development will not contribute towards an increased risk of sewer flooding must be submitted including:
- i. Identification of the current capacity of the proposed point of foul discharge from the point of connection up to and including the sewerage treatment works
 - ii. Consideration of the most suitable point of connection to the public sewer, not just in terms of capacity, but in terms of the impact of sewer flooding, with particular reference to the Dale End area, which is topographically vulnerable.
 - iii. Suitable onsite mitigation measures to offset the impacts of any new connection to the public sewerage network
 - iv. A foul drainage phasing plan which identifies key thresholds for onsite and offsite works to be completed in order to mitigate flood risk impacts before additional areas of foul drainage for each phase are brought online.
 - v. The report shall demonstrate that adequate sewerage facilities will be provided to cater for the requirements of the development without ecological damage or an increase in flood risk will be in place prior to the occupation of each phase of development.

Reason: To avoid exacerbating or creating flooding and pollution from foul/ combined sewers and associated ancillaries including the sewage treatment works and to protect residents and the environment.

- 12a. No construction of residential properties including groundworks shall commence within the first residential phase of the Site until a written report providing a full hydraulic and operational assessment of the performance of the public sewerage system has been submitted to and approved in writing by the Local Planning Authority in consultation with Severn Trent Water Ltd.
- b. Within each phase of the development no construction of residential properties including groundworks shall commence until a scheme detailing the proposed foul drainage / sewerage provisions to apply for that specific phase has been submitted to and approved in writing by the Local Planning Authority in consultation with Severn Trent Water Ltd. The submitted schemes shall have appropriate regard to the report required under Condition 11a and shall be designed to cater appropriately for the additional sewerage and foul drainage capacity requirements which each successive phase of the permitted scheme will generate. This shall include details of all offsite works that will be completed prior to occupation in order to prevent an increase in downstream flood risk, as set out under Condition 12a. The submitted schemes shall be implemented in accordance with the approved details.
- c. Within each of the main residential phases of the site no properties shall be occupied until the corresponding onsite and offsite foul drainage and sewerage scheme required under Condition 12b above has been implemented to the written satisfaction of the local planning authority in consultation with Severn Trent Water Ltd.

Reason: To avoid exacerbating or creating flooding and pollution from foul/ combined sewers and associated ancillaries including the sewage treatment works and to protect residents and the environment.

Informative Notes:

- i) *The developer has indicated an intention to connect the development to the mains sewerage system in accordance with section 106 of the Water Industry Act 1991. Given the capacity limitations of the existing system this is likely to require appropriate upgrades on land which falls both within and outside the current application site. Accordingly, this planning condition is supported by an associated legal agreement clause.*
- ii) *The development will be built in a phased manner and over an indicative construction period of 14 years. During this time the number of houses and the corresponding demand on the existing sewerage and drainage system is expected to increase progressively. For the avoidance of doubt this planning condition is designed to ensure that the capacity of the existing sewerage and drainage system is increased appropriately prior to the anticipated increase in demand caused by the occupation of each successive housing phase. It is expected that initial upgrades where the level of on-site housing is relatively low may concentrate more on infrastructure provision within the site whilst off-site improvements to the existing sewerage / drainage system will occur progressively as housing numbers increase*
13. Each Reserved Matters application shall include detailed Flood Risk Assessments for each Phase. This shall include details identifying each flood risk and identifying how fluvial

(main river and ordinary watercourse), pluvial and groundwater flood risks shall be safely managed within the development site, as well as detailed plans for how each culverted watercourse/ordinary watercourse shall be safely accommodated within the development. Plans showing the extent of Flood Zone 2 within the new development shall also be submitted, identifying which new properties would be affected and setting out the required flood risk mitigation for the proposed new properties and infrastructure, as well as identifying and mitigating any flood risk impact on downstream communities. The Flood Risk Assessments shall be agreed in writing by the Local Planning Authority.

Reason: to ensure that flood risk to the new development site can be safely managed and that flood risk offsite is not adversely affected.

- 14a. Development shall not take place on that phase until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall reduce the surface water discharge rate to as near to greenfield rates as possible or by a minimum of 50% of that existing. Any attenuation feature should be designed to attenuate all flows up to and including the 1 in 100 year event +30% for climate change. The approved details shall be implemented in full prior to the first occupation of the development.
- b. No development shall take place on that phase until confirmation of the additional modelling allowance set to address future urban creep as set out in Table 14 in TWC Local Flood Risk Management Strategy has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason: To reduce the impact of this development on the surrounding surface water infrastructure and avoid flooding.

15. Development shall not take place on that phase until a SUDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SUDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. Any SUDS feature shall be located in appropriate POS and the approved SUDS management plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

Highways

Highways - External Lighting Impact Assessment

16. Not later than at the submission of the first of the reserved matters applications for the development the submitted external lighting impact assessment shall be updated and submitted to Local Planning Authority for approval. The updated lighting assessment shall relate to the entirety of the residential development and shall reflect phasing and the comments of relevant consultees as appropriate.

Reason: to ensure a consistent design approach throughout the development and in the interests of ecology and amenity.

Note- see also ecological condition 46 below.

Highways - Infrastructure phasing and completion plan

17. With the exception of enabling works, earthworks and strategic engineering works no development shall commence until a highway infrastructure phasing and completion plan applying within the permitted site has been submitted to and approved in writing by the Local Planning Authority. The plan shall ensure that the vehicular access roads, footways and other highway infrastructure necessary to service the permitted development is provided at appropriate times throughout the permitted development. Highway infrastructure shall be delivered in accordance with the approved phasing plan unless variations to this are first agreed in writing by the Local Planning Authority.

Reason: To clarify how delivery of highway infrastructure within the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that infrastructure provision and environmental mitigation are provided in time to cater for the needs and impacts arising from the development.

Highways – Management plan for on-site Construction

18. No development shall take place on that phase until a construction management plan incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be based on the approved outline construction management plan submitted in support of the application and shall provide for:
- i. A construction programme including phasing of works;
 - ii. A 24-hour emergency contact number;
 - iii. Expected number and type of vehicles accessing the site:
 - Deliveries, waste, cranes, equipment, plant, works, visitors;
 - Size of construction vehicles;
 - The use of a consolidation operation or scheme for the delivery of materials and goods;
 - Phasing of works;
 - iv. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - Programming;
 - Waste management;
 - Construction methodology;
 - Shared deliveries;
 - Car sharing;

- Travel planning;
 - Local workforce;
 - Parking facilities for staff and visitors;
 - On-site facilities;
 - A scheme to encourage the use of public transport and cycling.
- vi. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- vii. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- viii. Locations for storage of plant/waste/construction materials;
- ix. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- x. Arrangements to receive abnormal loads or unusually large vehicles;
- xi. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- xii. Any necessary temporary traffic management measures;
- xiii. Measures to protect vulnerable road users (cyclists and pedestrians);
- xiv. Arrangements for temporary facilities for any bus stops or routes;
- xv. Method of preventing mud being carried onto the highway;
- xvi. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The plan shall be adhered to throughout the construction period

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

Highways - Construction Access

- 19a. Prior to the first occupation of the permitted development full engineering details of the proposed construction access on to A4169 Much Wenlock Road as shown on drawing ADC1776-DR-101 P2 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the occupation of the 250th dwelling.
- b. CCTV shall be installed at the proposed construction access on to the A4169 Much Wenlock Road so that all construction vehicles are traceable.

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

Highways - Traffic Calming works at Buildwas, Leighton and Atcham

20. Prior to the occupation of the 150th dwelling full engineering details of the proposed traffic calming works on B4380 at Buildwas, Leighton and Atcham shall be submitted to and approved in writing by the Local Planning Authority. This is in accordance with the legal agreement accompanying this permission. The works shall be fully implemented in accordance with the approved details prior to the occupation of the 250th dwelling within the permitted site.

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

Highways - Buildwas Bank Roundabout

21. Prior to occupation of the 180th residential property a scheme for the implementation of a roundabout, and other associated works at the A4169 Buildwas Bank/Much Wenlock Road junction shall be submitted to and approved in writing by the Local Planning Authority. This is in accordance with the legal agreement accompanying this permission. The scheme shall be implemented with the approved details and shall be in general conformity with the approved indicative roundabout plan ref ADC1776-DR-007 P3.

Reason: In the interest of highway safety and to avoid congestion in the surrounding area

Highways - Bridge Access onto Buildwas Road

22. At not later than the submission of the first reserved matters application a full plan and timetable for the proposed use of the extant road bridge serving the development from Buildwas Road shall be submitted for the approval in writing of the Local Planning Authority. The submitted details shall include:
- i. A timetable for the implementation of use and the subsequent cessation or part cessation in use of the bridge, once primary vehicular site access is fully operational from the Much Wenlock Road.
 - ii. Details of the specific users of the bridge at each phase of the development programme prior to any cessation or part cessation and the measures proposed to control such uses.
 - iii. The specific engineering measures to be implemented, following the requisite bridge condition surveys, to ensure the bridge is to the necessary structural standards for the uses proposed in part (ii)
 - iv. A plan for the private management and/or highway adoption of the bridge including any financial arrangements and/or commuted payment sums for its ongoing maintenance.
 - v. Details of the specific secondary vehicular access solution onto the Much Wenlock Road, prior to the installation of the primary site accesses, in the event that Buildwas Road is closed and the bridge access is unusable.
 - vi. Details of the strategy and timetable review procedure and of circumstances where a review shall be implemented.

The plan shall be implemented in accordance with the approved details and timetable.

Reason: To ensure a satisfactory access strategy for the site

Highways - Travel Plan

- 23a. Notwithstanding the submitted Employment Framework Travel Plan, before the 250th residential dwelling is occupied details of a new Travel Plan for the development including an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Authority Travel Plan Co-ordinator. This

is in accordance with the legal agreement accompanying this permission. The Travel Plan shall set out proposals, including a timetable and bus strategy, to promote travel by sustainable modes which are acceptable to the Local Planning Authority.

- b. The Travel Plan shall be implemented in accordance with the approved details and timetable unless the Local Planning Authority has previously provided written approval for proposed changes to the plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to Local Planning Authority for approval for a period of ten years from the 250th occupation of the development.

Reason: To promote sustainable modes of transport in line with both local and national objectives

Highways - Railway Link

24. Prior to first occupation a long term strategy for the sustainable use of the extant railway line shall be submitted for the approval in writing of the Local Planning Authority in accordance with the legal agreement linked to this permission. The submitted details shall include:
- i. Details of connection to the main line at Stafford Park 12 following the export of mineral and PFA from the site.
 - ii. A timetable for the implementation of uses, other than those for the industrial removal of material from the site.
 - iii. The full scheme and extent of works to facilitate the uses proposed in part (i)
 - iv. Details of the strategy and timetable review procedure and of circumstances where a review shall be implemented.

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

Reason: To promote sustainable modes of transport in line with local and national objectives and to ensure the long-term sustainable use of the railway asset.

Highways - A4169 Much Wenlock Northern Access

25. Prior to the occupation of the 250th dwelling full engineering details of the proposed signalised junction on to A4169 Much Wenlock Road and traffic calming measures on the approach to the junction as shown on drawing ADC1776-DR-006 P2 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before the occupation of the 400th dwelling.

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

Highways - A4169 Much Wenlock Southern Access

26. Within 5 years of commencement or prior to the occupation of the 400th dwelling, whichever is the sooner, full engineering details of the proposed roundabout junction on to A4169 Much Wenlock Road as shown on drawing ADC1776-DR-002 (Phase 6) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details.

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

Highways – Castlefields Way

27. The 250th residential occupation of the development, authorised by this permission, shall not begin until a full scheme of highway improvement works for the implementation of partial traffic signal control, lane widening, incorporated pedestrian crossing facilities and all other necessary and associated works, at the A4169/B4373 Castlefields Way Roundabout, as broadly propounded in submitted drawing ADC1776-DR-012, have been delivered in full and certified in writing by the Local Planning Authority as complete. The Local Planning Authority is to approve in writing the detailed design for the full scheme of these aforementioned works, which shall be in accordance with a modelled design year of 2036, prior to the commencement of its delivery.

Highways - Road construction

28. A scheme detailing the design and construction of all new internal roads, footways and accesses together with measures for the disposal of highway surface water shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place in any phase until these details have been approved for the corresponding phase. The scheme shall be fully implemented in accordance with approved details.

Reason: In the interests of highway safety.

Highways - Electric Vehicle Charging Points

29. No building hereby permitted shall be occupied until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points for that phase has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change.

Rights of Way

- 30a. Development of the site and its connection to existing sustainable green routes, shall be in general accordance with the “Existing Public Rights of Way network with proposed links and diversions” plan (ref: ADC1776-DR-008-P1) dated 10/12/2019 submitted within the “response to comments on Public Right of Way” dated 17th August 2020.

- b. A scheme confirming arrangements for dedication of the public rights of way and timescales for bringing them into use shall be submitted to and approved in writing by the Local Planning Authority within 12 months of the date of this permission.

Reason: To deliver sustainable green routes in line with both local and national objectives

Construction Environmental Management Plan

- 31a. Development, ground clearance and remediation on any individual phase shall not take place until a Construction Environmental Management Plan (in respect of that phase) has been submitted to and approved in writing by the Local Planning Authority. The plan shall take account of the principles set out in the Environmental Statement and should comply with the Considerate Constructors Scheme, as well as the principles set out in the Provisional Construction Environmental Management Plan by FRCR and ADC Infrastructure dated December 2020. The CEMP should also take into account the results of the update ecology surveys undertaken for that phase, and any adjacent phases. The proposed scheme shall include the following details:

- i. Location of site compound
- ii. Parking of vehicles of site personnel, operatives and visitors
- iii. Defined routes for construction vehicles
- iv. Protection to pedestrians and cyclists
- v. Proposed temporary traffic management
- vi. Arrangements for the turning of construction traffic within the site
- vii. Loading and unloading of plant and materials
- viii. Storage of plant and materials in constructing the development
- ix. Storage of oil, fuel and chemicals
- x. Protection of archaeology
- xi. Prevention of mud being deposited on highway
- xii. Measure for the control and reduction of noise from construction works
- xiii. Measures for control of construction traffic within the site and on the surrounding highway network
- xiv. Hours of operation of construction works and others works on the site
- xv. Measures for the monitoring and enforcement of the plans
- xvi. The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate
- xvii. The establishment of a stakeholder group that shall meet at regular intervals throughout the construction period
- xviii. Procedures for maintaining good public relations including complaint management, public consultation.
- xix. Dust management plan
- xx. Construction lighting
- xxi. Protection of ecology – including:
 - Pollution prevention measures;
 - Risk Assessment of potentially damaging construction activities;
 - Identification of 'biodiversity protection zones';

- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid damage to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The roles and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

- b. Subject to Condition 31c construction work shall not take place other than between the hours of 7.30am – 6.00pm, Monday to Friday and 8am until 12 noon on Saturdays and there will be no Sunday or Bank Holiday working. This is unless details of extended working proposals have first been submitted to and approved in writing by the Local Planning Authority.
- c. Notwithstanding Condition 31b noisier operations capable of generating noise levels exceeding 10dBA above background levels at nearest noise sensitive properties shall not be undertaken outside the hours of 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays.
- d. A bower shall be employed on site during the construction phase in order to control dust and adequate water shall be made available for this purpose.

Reason: In the interests of amenity protection, highway safety and wildlife protection.

Tree protection

32. No phase or part of the development hereby approved shall commence until a tree survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan specific to that part or phase of the development, prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations, or its current version, have been submitted to and approved in writing by the LPA. Thereafter the development shall be carried out strictly in accordance with the recommendations of these approved plans and reports.

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.

Note: In this condition 'retained tree' means an existing tree, woody shrub or hedge which is to be retained in accordance with the approved plans and particulars; and any tree, woody shrub or hedge planted as a replacement for any 'retained tree'.

33. Notwithstanding the conclusions set out in the Arboricultural Impact Assessment by FPCR and associated Tree Retention Plans (revised August 2020), the strategic trees which were planted for the purpose of softening the appearance of existing building(s) shall be retained. These include the following trees/groups as annotated in the AIA:

G42(B), G46(C), G58(C) and G60(C) in their entirety;

These tree groups shall be protected from damage for the duration of works on the site, by the erection of protective fencing in accordance with British Standards 5837 : 2012. Any trees removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by no later than the end of the first available planting season, with plants of such size and species and in such positions as approved in writing with the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing trees.

34. No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Any approved tree works shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations, or its current version.

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.

- 35a. No ground clearance or construction work shall commence within each phase of the development until a scheme has been approved in writing by the Local Planning Authority to safeguard trees to be retained on site as part of the development. The submitted scheme shall include the provision of a tree protection plan that reflects the guidance given in BS5837:2012. The approved scheme shall be implemented for the duration of the construction works.

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

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

36. No ground clearance or construction work shall commence within each phase of the development until a detailed tree, woodland and hedgerow management plan for the phase has been submitted to and approved in writing by the Local Planning Authority in accordance with the legal agreement accompanying this permission. The plan shall cover the sustainable management of these features in the long term, beyond any post-planting aftercare period stipulated in the approved landscape plans and/or governed by planning conditions.

37. The destruction by burning of any materials during the construction period shall not take place within 6 metres of the furthest extent of the canopy of any tree groups or hedgerow to be retained on site.

Reason: To prevent trees and hedgerows on site from being damaged during building works.

38. The soil levels within the root protection zone of the retained trees shall not to be altered, raised or lowered, without the prior written approval of the Local Planning Authority.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

Ecology

Ecology - Updated Surveys

- 39a. Each submission of Reserved Matters shall include a complete set of updated ecological surveys for the site area covered by that Reserved Matters permission (and beyond for appropriate species e.g badger). The update surveys shall be used to update and amend, as necessary, the approach to ecological mitigation where appropriate.
- b. If the approved development, or any phase thereof, does not commence within 3 years of the date of the outline planning consent the approved ecological measures secured through the planning conditions shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) to establish if there have been any changes in the presence and/or abundance of any protected species or priority habitat and (ii) to identify any new ecological impacts that might arise from any changes.
- c. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development or the relevant phase of development.

Works shall then be carried out in accordance with the approved new ecological measures and timetable.

Reason: To ensure the protection of biodiversity in accordance with NPPF.

Ecological Method Statements

40. Each submission for Reserved Matters shall include the submission of an Ecological Mitigation Strategy and Reasonable Avoidance Measures Method Statement to be approved in writing by the Local Planning Authority. The information required by this condition shall cover:

- i. Great crested newts;
- ii. Amphibians’
- iii. Reptiles;
- iv. Badgers;
- v. Breeding birds;
- vi. Protected notable plants;
- vii. Otter;
- viii. Bats;
- ix. Invasive species;
- x. Protection of retained habitats;
- xi. Protection of the riparian zone; and
- xii. Protection of designated sites.

All works shall then be carried out in accordance with the approved details.

Reason: To ensure the protection of biodiversity in accordance with NPPF

Ecology - European Protected Species

41. Prior to works to any tree with low, moderate or high bat roosting potential as identified on ecology figure 7.11 by FPCR a reasonable avoidance measures method statement for the protection of bats shall be submitted to, and approved in writing by, the Local Planning Authority. Works shall then be carried out in accordance with the approved details.

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

- 42a. All works on the site shall be carried out in accordance with the European Protected Species (EPS) Mitigation Licences already in place with respect to bats (in buildings) and Great Crested Newts. Copies of the required European Protected Species Mitigation Licences shall be provided to, and acknowledged in writing by, the Local Planning Authority prior to the works covered by the licence(s) commencing.

- b. Works within 50m of the former pump house which will impact upon individual otters shall not commence until a copy of the European Protected Species Mitigation Licence with respect to otter has been obtained from Natural England and submitted to the Local Planning Authority.

- c. Works shall be carried out strictly in accordance with the granted EPS Mitigation Licence and the associated method statement and shall be supervised, where appropriate, by an experienced, licensed ecologist.

Reason: To ensure the protection of bats, great crested newts and otter, which are European Protected Species

Ecology - Badger update surveys

- 43a. Each submission of reserved matters shall include an updated badger survey and an accompanying update to the Badger Mitigation Strategy by FPCR (2020) which shall be

approved in writing by the Local Planning Authority. Works shall occur in accordance with any Badger Disturbance Licences already in place on the site following on from the demolition phase, the minerals extraction phase or any phase of residential development already permitted.

- b. Works shall be carried out strictly in accordance with agreed mitigation strategy, the granted Licence(s) and the associated method statement and shall be supervised, where appropriate, by an experienced, licensed ecologist.

Reason: To ensure the protection of badgers

Ecology - Erection of artificial nesting/roosting boxes

44. Each submission for reserved matters shall include details of the provision of artificial nesting and/or roosting boxes to be erected within that phase. The type and location of the features shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details. Across the whole outline permission the following artificial nesting/roosting boxes shall be provided:

- i. A total of 200 integral bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species
- ii. A total of 200 bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species
- iii. A total of 50 bat boxes suitable for winter/hibernation roosting for small crevice dwelling bat species
- iv. A total of 250 artificial nesting boxes suitable for a range of bird species, including robin, blackbird, tit species, starling, woodpecker, grey wagtail and stock dove
- v. A total of 70 artificial nesting boxes suitable for house sparrow
- vi. A total of 100 artificial nesting boxes suitable for bird species such as swallows, house martins and swifts
- vii. A total of 3 artificial nest boxes for tawny owl
- viii. A total of 20 kingfisher nest tunnels incorporated into bridges or vertical banks beside the river
- ix. A total of 10 hedgehog boxes and 5 hedgehog hibernation boxes
- x. A total of 10 hedgehog boxes and 5 hedgehog hibernation boxes
- xi. A total of 50 invertebrate bricks.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with the National Planning Policy Framework

Ecology - Reptile and Amphibian Mitigation

45. The first submission of reserved matters shall include a site wide Reptile and Amphibian Mitigation Strategy to be submitted to, and agreed in writing by, the Local Planning Authority setting out:
- i. The principles of proposed aquatic and terrestrial habitat provision across the whole site;

- ii. The provision of hibernacula and refugia including number and approximate locations of features;
- iii. The provision of amphibian and reptile friendly road crossing features;
- iv. The provision of amphibian friendly highway drainage features in appropriate locations on the site;
- v. The proposals relating to the long term management of the offsite great crested newt and reptile mitigation area (including roles and responsibilities and ongoing funding mechanisms);
- vi. The proposals (including working measures and timing) relating to the eventual integration of the offsite mitigation area into the completed scheme through the sensitive removal of semi-permanent amphibian fencing

Each subsequent reserved matters application shall include a detailed Reptile and Amphibian Mitigation Strategy for that phase to be submitted to, and approved in writing by, the Local Planning Authority. All works carried out in line with the relevant detailed strategy which will link to the landscaping proposals, habitat creation proposals and landscape and habitat management plans as appropriate.

Reason: To ensure the provision of appropriate aquatic and terrestrial habitat for reptiles and amphibians and to ensure appropriate connectivity of those habitats across the whole site.

Ecology – Wildlife Connectivity Strategy

46. Each submission of reserved matters shall include a Wildlife Connectivity Strategy for that phase setting out measures including, but not limited to, wildlife underpasses, wildlife crossing points, amphibian friendly gully pots, sensitive lighting, protective fencing and other wildlife friendly design measures to be submitted to, and approved in writing by, the Local Planning Authority. The Wildlife Connectivity Strategy for each phase will have regard to the principles set out on the Wildlife Connectivity Parameters Plan by FPCR Figure 7.26 and the scheme will then be undertaken in accordance with the agreed details.

Reason: To ensure the provision of appropriate wildlife mitigation design measures and to ensure appropriate connectivity for species across the whole site.

Ecology – Little Ringed Plover

47. Prior to commencement of development full details of the creation, maintenance and ongoing management of the little ringed plover habitat provision indicated on the Wildlife Connectivity Parameters Plan by FPCR Figure 7.26 shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall then be undertaken in accordance with the agreed details.

Reason: To ensure the provision and appropriate management of suitable habitat for little ringed plover.

Ecology - Lighting Plan

48. 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. Lighting shall be designed to have particular regard to the Light and Light Spill Avoidance Mitigation Zone shown on the FPCR Figure 7.18a. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme(s) shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK.

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

Note – See also highway lighting condition 14 above.

Ecology - Habitat Creation and Management Plan

- 49a. A habitat creation and management plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of each phase of development on the site. The plan shall be prepared by an experienced ecologist and shall include:

- i. Description and evaluation of the habitat features to be retained and managed;
- ii. Description and location of habitat features to be created;
- iii. Aims and objectives of habitat creation;
- iv. Mechanisms and timescales for habitat creation including soil levels and types, seed mixes, tree and shrub specifications and planting specifications;
- v. Procedures to deal with failures;
- vi. Personnel responsible for implementation of the plan;
- vii. Monitoring and remedial/contingency measures.
- viii. Appropriate management options for achieving aims and objectives;
- ix. Mechanisms for ensuring funding in perpetuity;
- x. Identification of the parties responsible for all elements of management;
- xi. Prescriptions for management actions for establishment, ongoing maintenance and repairs to both hard and soft landscaping, habitat and woodland features;
- xii. Preparation of an ongoing works schedule, detailed for the first 5 years with review and agreement of ongoing work planning with the LPA at least every 5 years in perpetuity;

- b. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of a similar species, size and number by the end of the first available planting season.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and to enhance biodiversity.

Note: Landscaping details will be determined at reserved matters stage. Submitted details should include:

- i. Existing and proposed finished levels or contours;

- ii. *Means of enclosure;*
- iii. *Car parking layouts;*
- iv. *Other vehicle and pedestrian access and circulation areas;*
- v. *Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);*
- vi. *Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.);*
- vii. *Retained historic landscape features and proposals for restoration, where relevant;*
- viii. *Highways features designed to make the site permeable to reptiles and amphibians (particularly great crested newts) including offset or sumpless gully pots, dropped kerbs and newt underpasses;*
- ix. *Planting plans;*
- x. *Woodland planting plans;*
- xi. *Planting plans for aquatic features;*
- xii. *Written specifications including cultivation and other operations associated with plant and grass establishment;*
- xiii. *Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate. The planting scheme shall include a mix of native species of local provenance, berry-producing shrubs and/or nectar-rich flowers;*
- xiv. *Implementation timetables;*
- xv. *Procedures to deal with failures.*

Ecology – Protection of SSSI and Ancient Woodland

50. Development shall occur in accordance with the SSSI and Ancient Woodland Buffers Plans by FPCR Figures 7.23a through to 7.23e. The 15m buffer zone will be fenced prior to the commencement of development and fencing will remain in place with no access to the buffer during the construction phase. Works will generally remain over 50m from the woodland edge with the exception of the 3 'focus areas' identified on figure 7.23a where demolition, reinstatement and infrastructure construction activities are required.

Reason: To ensure the protection of designated sites and irreplaceable habitats

Ecology – Biodiversity Net Gain

51. Each submission of reserved matters shall include a detailed assessment of Biodiversity Net Gain for that phase based on the detailed habitat creation and landscaping proposals for that phase to be submitted to, and approved in writing by, the Local Planning Authority. Each phase will be required to demonstrate delivery of a net gain in biodiversity units in line with local and national policy and shall then implement the net gain as agreed. Assessments of Biodiversity Net Gain will be linked to detailed habitat creation and landscaping proposals for each phase as well as to long term management mechanisms and financial arrangements to ensure that the unit gains can be delivered. A schedule of monitoring and arrangements for interventions will also need to be submitted and agreed.

Reason: To ensure the delivery of appropriate net gains for biodiversity

52. No development shall take place, including ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the

local planning authority. The purpose of the strategy shall be to ensure the delivery of species and habitat mitigation measures and the implementation of the required Biodiversity Net Gain set out in the planning conditions. The strategy shall include the following:

- i. Aims and objectives of monitoring to match the stated purpose;
- ii. Identification of adequate baseline conditions prior to the start of development;
- iii. Appropriate success criteria, thresholds, triggers for intervention and targets against which the effectiveness of the various conservation measures being monitored can be judged;
- iv. Method for data gathering and analysis;
- v. Location of monitoring;
- vi. Timing and duration of monitoring;
- vii. Responsible persons and lines of communication; and
- viii. Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results of the monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: To ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is also required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved scheme.

Pollution control

53. Development shall not take place on any individual phase other than that required to be carried out as part of an approved scheme of remediation until parts a. to d. have been complied with, unless otherwise agreed by the Local Planning Authority. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part d has been complied with in relation to that contamination.

Site Characterisation

- a. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject

to the approval in writing of the Local Planning Authority. The report of the findings must include (where applicable):

- i. a survey of the extent, scale and nature of contamination
- ii. an assessment of the potential risks (where applicable) to:
 - human health
 - property (existing or proposed) including buildings, crops (including the location of the proposed allotments), livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Submission of Remediation Scheme

- b. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Implementation of Approved Remediation Scheme

- c. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reporting of Unexpected Contamination

- d. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part c.

Long Term Monitoring and Maintenance

- e. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Noise Mitigation

54. The use of any commercial or industrial development, or fixed plant or machinery, within the site shall not commence until a written scheme for noise assessment (and where necessary) mitigation has been approved by the Local Planning Authority in respect of the potential noise impact from that development to existing or proposed noise sensitive receptors. The proposed mitigation methods shall take account of the principles identified within the Environmental Statement submitted with the application, and any associated documents. The approved scheme shall be carried out in full and maintained/ retained for the life of the development.

Reason: In order to protect amenity of the area in respect of noise pollution created by the proposed development.

55. Development (excluding any ground clearance and remediation) on any individual phase shall not commence until a detailed scheme for appropriate noise mitigation relevant to that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be prepared taking account of the principles as set out in the Environmental Statement and include any or all of the following:
- i. Location and orientation of noise sensitive receptors
 - ii. Location, orientation, specification and details of any noise barriers
 - iii. Noise insulation and noise protection schemes to noise sensitive receptors (specifications and other details as appropriate)
 - iv. Identification and mitigation of noise sources introduced into the development (specification and mitigation as appropriate).

The approved scheme shall be carried out in full prior to first occupation of any individual unit within that phase and thereafter maintained / retained in perpetuity.

Reason: In order to protect amenity of the development in respect of noise pollution from the surrounding sources.

56. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Ground Stability

57. Development shall not take place in any individual phase until details of any earthworks relating to that phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding within the site including the existing and proposed levels and contours to be formed, and the relationship of proposed mounding to existing vegetation and surrounding landform and for their future maintenance. Such details shall have particular regard to the proximity of the railway line, ensuring the safety of the wider area. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interest of maintaining the amenity value of the area, and to protect the adjacent railway line.

PFA Removal

58. A scheme detailing how PFA will be excavated and removed from the permitted site including any processing operations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any PFA excavation operations at the permitted. The scheme shall set out the measures which will be put in place to ensure that the PFA removal operation does not impact adversely on the local environment and nearby land uses (including existing residential uses and new homes which may be constructed at the site during the PFA operation) through control of noise, dust and visual impact. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of environmental protection and to protect local amenities.

Sports and Recreation Provision

59. No development shall take place until a scheme which sets out proposals for the provision of a sports pavilion on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following matters:
- i. Programme for the implementation of the sports pavilion (which shall ensure that the pavilion is fully constructed on site prior to the 251st dwelling)
 - ii. Detailed specification of the building and associated facilities

- iii. Finished levels and contours
- iv. Means of enclosure
- v. Vehicle and pedestrian access and circulation
- vi. Hard surfacing
- vii. Landscaped areas

The approved scheme shall be implemented in full in accordance with the approved implementation programme.

Reason: To ensure provision of new pavilion on the site and to ensure that the pavilion is provided in a timely manner in the interests of the amenity of future residents.

60. Before the commencement of each phase of the development the following details relating to on-site open space and recreation shall be submitted to and approved in writing by the Local Planning Authority:
- i. A long-term landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens.
 - ii. A schedule of long-term landscape maintenance including details of the arrangements for its implementation and management.

The landscape management plan shall identify the principle of public access and who is to manage the landscaped areas (e.g. resident management company), how it is to be managed and how it is to be funded (e.g. service charge). The landscape management plan shall be carried out in full as approved. The landscape implementation and maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that due regard is paid to the continuing enhancement and long-term maintenance of amenity afforded by landscape features of communal public, nature conservation or historical significance.

61. No development shall take place until a scheme which sets out proposals for the provision of a combined Locally Equipped Area of Play (LEAP) and Neighbourhood Equipped Area of Play (NEAP) within that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following matters:
- i. Programme for the implementation of the combined LEAP/ NEAP (which shall ensure that the LEAP/NEAP is fully constructed on site prior to the first occupation of any approved dwelling overlooking (and within 30 metres of the LEAP/NEAP)
 - ii. Detailed specification of the equipment to be provided
 - iii. Finished levels and contours
 - iv. Means of enclosure
 - v. Vehicle and pedestrian access and circulation
 - vi. Hard surfacing
 - vii. Landscaped areas

The approved scheme shall be implemented in full in accordance with the approved implementation programme.

Reason: To ensure provision of new play facilities on the site and to ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

62. Reserved matters consent for the relevant phase, inclusive of the local centre, shall include full details of the allotments, and associated parking areas (to include the timing of the implementation of those details).

Reason: In order for the full consideration of the layout and interaction of these facilities with the proposed dwellings, and that the development is of an appropriate standard.

63. Prior to the occupation of the 150th dwelling the following details will be submitted to and approved in writing by the local planning authority following consultation with Sport England:

- i. A detailed assessment of ground conditions (including drainage and topography) for playing pitches which identifies any constraints which could adversely affect playing field quality;
- ii. A detailed Scheme for the establishment of the playing pitches which also addresses any constraints identified by the assessment carried out under (i) above. The scheme shall include a Written Specification of the proposed soil structure, proposed drainage, cultivation and other operations consistent with the standards and methodologies set out in the Technical Guidance Note "Natural Turf for Sport" (Sport England 2011) and the design guidance of the relevant National Governing Bodies for Sport;
- iii. a phased programme of implementation for the playing field and pavilion which shall be fully constructed on site prior to the 251st dwelling or before the first occupation of the education establishment (whichever is earlier);
- iv. A Schedule of playing field maintenance allied to the programme of implementation and for a minimum period of five years in relation to each phase.
- v. Details of the pavilion / changing rooms including car parking, and which shall be fully constructed on site prior to the 251st dwelling.

The approved Scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the approved Schedule and made available for playing field use in accordance with the approved Scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy.

64. No development shall commence on Phase 3, or the 251st dwelling, until a Management and Maintenance Scheme for the playing fields and associated ancillary facilities, including management responsibilities, a maintenance schedule including a long term programme for implementation for a minimum period of [five] years starting from the commencement of use of the development [or other specified time period], and a mechanism for review has been submitted to and approved in writing by the Local

Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy.

65. No development shall commence until details for the phasing of the development, including the provision of the playing fields and ancillary facilities have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The details shall ensure that the works comprised in (specified part) of the development hereby permitted shall not be commenced before the works comprised in (specified part) are completed. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy.

66. No development shall commence on Phase 3, or the 251st dwelling, until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing fields and ancillary facilities and include details of pricing policy, hours of use, access by community users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

Notes:

- i. *Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.*
- ii. *It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.*

Linkage with mineral application reference 19/05509/MAW

(Condition to be included if application reference 19/05509/MAW is permitted)

67. No development, apart from the preliminary works involving the construction of the new access road onto the Much Wenlock Road shall take place within the limit of mineral extraction shown on drawing No. HE014_D.1003B until all approved mineral extraction works have been completed in accordance with application reference 19/05509/MAW. This is unless a scheme setting out the details of the proposed additional preliminary works has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that mineral extraction and associated restoration has been completed in accordance with approved details prior to commencement of other development under this permission within the area of permission reference 19/05509/MAW.

Informative Notes

Ecology

- i. *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.*
- ii. *All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences. If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.*
- iii. *Bat roosts are present in the structure of Albert Edward Bridge. No works to the bridge are proposed as part of this planning application. Works to the bridge will require a European Protected Species Licence from Natural England and Shropshire Council will have to consider the Habitats Regulations '3 derogation tests' as part of a planning application where works to the bridge are proposed. The submission of a future planning application where works are proposed will need to include the results of the hibernation survey and a mitigation strategy.*
- iv. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as*

amended). It is a criminal offence to kill, injure, capture or disturb a 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.

- v. *Japanese knotweed and Himalayan balsam are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to allow this species to be released into, or cause it to grow, in the wild and landowners should not allow it to spread onto neighbouring land, although they may not be obliged to remove or treat it on their own land. Treatment of Japanese knotweed and Himalayan balsam should be carried out by an experienced contractor and development cannot commence until the plant has been completely removed from the site. Use of herbicides alongside water courses should only be undertaken by experienced, licensed contractors following advice from the Environment Agency. Japanese knotweed and Himalayan balsam are classed as a controlled waste and should be disposed of by an experienced contractor to an approved waste site in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991).*
- iv. *The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings or other suitable nesting habitat should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees>. If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.*
- vii. *Otters are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb 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 ecologist and*

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

Drainage:

viii. *As part of the SuDS, the applicant should consider employing measures such as the following to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner:*

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

ix. *Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:*

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage' means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

x. *Highway gully spacing: Close spacing of gullies on a development will increase maintenance liability for both emptying and of the road surface around the ironwork. Amending the vertical profile or installing kerb drains should be considered where spacing's are less than 20m. Alternatively, to reflect the increased liabilities, a commuted sum would be applied to any gully within the minimum 20m spacing. Vulnerable areas of the development, where exceedance is likely to result in the flooding of property, or contribute to flooding outside of the development site, highway gully spacing should be doubled over the entire length of highway contributing to the vulnerable area to ensure a 100mm/hr storm event is managed or attenuated on site.*

xi. *Exceedance flows: Shropshire Council's 'Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12' requires that exceedance flows up to the 1 in*

100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site, or contribute to surface water flooding of any area outside of the development site. Therefore the proposed management of exceedance flows generated by this return period must also be considered and catered for.

- xii. *Urban creep: Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. This is to ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces. The allowances set out below must be applied to the impermeable area within the property curtilage:*

<u>Residential Dwellings per hectare</u>	<u>Change allowance % of impermeable area</u>
Less than 25	10
30	8
35	6
45	4
More than 50	2
Flats & apartments	0

Right of Way Diversion:

- xiii. *Footpath 7 is affected by the development at its northern end. If it is not possible to keep the footpath open and available at all times then the applicant will have to apply for a temporary closure of this route and the applicant will need to apply to the Mapping and Enforcement Team for such a closure.*

Highways:

- xiv. *Protection of visibility splays on private land: The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.*
- xv. *Disabled needs: The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways. 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.*
- xvi. *Waste Collection: The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of*

*any obstruction or impediment, at all times, in the interests of public and highway safety.
<https://new.shropshire.gov.uk/planning/faqs/>*

- xvii. *Landscaping: Should any proposed trees or shrubs be located in close proximity of any proposed or existing public highway infrastructure (>3 m), appropriate root protection systems will need to be submitted and approved prior to construction. In order to mitigate against any future root damage to roads, footways and the utility services beneath. Also any other landscaping/planting adjacent to the future highway will require appropriate maintenance and service arrangements, in perpetuity. In order to maintain any required visibility splays and to keep leaf litter clear of footways and drains, etc., in the interests of highway safety.*
- xviii. *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/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 a new utility connection, or*
 - *undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway*

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

- xix. *Section 278 Agreement (off site highway works): No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into: <http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>*
- xx. *Section 38 Agreement details (internal roads) If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into: <http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>*

Sporting Provision

- xxi. *It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.*
- xxii. *Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.*

West Mercia Police

- xxiii. *As part of the planning process, West Mercia Police encourage the applicant to aim to achieve Secured by Design (SBD) status for the development. Appropriate guidance can be found here: <https://www.securedbydesign.com/guidance/design-guides>*

Fire Authority

- xxvi. *As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications' which can be found at <<https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>>.*

Coal Authority

- xxv. *The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: <http://www.gov.uk/government/organisations/the-coal-authority>*

Scope of Consent - Section 106 Agreement

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

National Design Space Standards (Ndss)

- xxvii. *Applicants are advised of their obligations under the Government's Technical Guidance on National Design Space Standards (NDSS) and the need to meet minimum requirements set out in the current publication of this guidance. A compliance statement should be submitted with all reserved matter applications; templates can be made available upon request from the Local Planning Authority.*

APPENDIX 2:

SUPPORTING DOCUMENTS SCHEDULE:

December 2019 submission (original planning application):

- i. Planning Application Forms
- ii. Community Infrastructure Levy Forms
- iii. Site Location Plan (drawing no: 0799-LDA-P1-00-DR-A-20001)
- iv. Illustrative Masterplan (drawing no: 0799-LDA-P1-00-DR-A-08100)
- v. Illustrative Masterplan – with uses key (drawing no: 0799-LDA-P1-00-DR-A-08101)
- vi. Proposed Site Sections (drawing no: 0799-LDA-P1-SZ-DR-A-08102)
- vii. Proposed Phasing Strategy (drawing no: 0799-LDA-P1-00-DR-A-08103)
- viii. Proposed Visualisation (drawing no: 0799-LDA-P1-LL-DR-A-08104)
- ix. Landscape Strategy Plan (drawing no: P17-1052_15)
- x. Initial Sustainable Drainage Appraisal by RPS
- xi. Much Wenlock Road (Northern Access) (drawing no: ADC1776-DR-006-P1)
- xii. Much Wenlock Road (Southern Access) (drawing no: ADC1776-DR-006-P4)
- xiii. Design and Access Statement by Leonard Design
- xiv. Planning Statement by Pegasus Group
- xv. Consultation Statement by Pegasus Group
- xvi. Arboricultural Assessment by FPCR
- xvii. Lighting Assessment by RPS
- xviii. Environmental Statement, (including a Non-Technical Summary) incorporating:
 - Chapter 1 Introduction
 - Chapter 2 Assessment Methodology
 - Chapter 3 Application Site
 - Chapter 4 Proposed Development and Alternatives
 - Built Form Parameters Plan
 - Chapter 5 Socio Economic
 - Chapter 6 Landscape
 - Figure 6.1 Preliminary Zone of Theoretical Visibility
 - Figure 6.2 Site Location and Planning Designations
 - Figure 6.3 Topography
 - Figure 6.4 Landscape Character
 - Figure 6.5 Viewpoint Locations and PROW
 - Figure 6.6 Viewpoint Photographs
 - Figure 6.7A Landscape and Visual Analysis
 - Figure 6.7B Landscape and Visual Analysis
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- Chapter 13 Hydrology
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- Chapter 14 Ground Conditions
 - Appendix 14.1 Prelim Risk Assessment and Ground Investigation Report
 - Appendix 14.2 Landslide Report
 - Appendix 14.3 Geological Report and Mineral Resource Assessment

August 2020 submission (Regulation 25 response):

- i. Illustrative Masterplan (drawing number: 0799-LDA-P1-00-DR-A-08100_Rev01), supersedes drawing number: 0799-LDA-P1-00-DR-A-08100;
- ii. Illustrative Masterplan – annotated (drawing number: 0799-LDA-P1-00-DR-A-08101_Rev01), supersedes drawing number: 0799-LDA-P1-00-DR-A-08101;
- iii. Much Wenlock Road (Northern Access) (drawing number: ADC1776-DR-006-P2), supersedes drawing number: ADC1776-DR-006-P1;
- iv. Much Wenlock Road (Southern Access) (drawing number: ADC1776-DR-002-P5), supersedes drawing number: ADC1776-DR-002-P5;
- v. Proposed Phasing Plans (dated 05/08/2020);
- vi. Green Infrastructure and Landscape Strategy Plan (drawing number: P17-1052_15A), supersedes drawing number: P17-1052_15);
- vii. Landscape Sections (drawing number: P17-1052_20) – new drawing;
- viii. Public Rights of Way Network (with proposed links and diversions) (drawing number: ADC1776-DR-008_P1);
- vix. Construction Environmental Management Plan (Provisional) by FPCR (Confidential);
- x. Deculverting Technical Note by RPS;
- xi. Planning Statement (updated) by Pegasus Group, supersedes previously submitted version;
- xii. Leisure Strategy by Pegasus Group – new document;

- xiii. Sustainable Design Brief by Leonard Design – new document;
- xiv. Arboricultural Assessment (updated) by FPCR, supersedes previously submitted version;
- xv. Combined Tree Survey Plans by FPCR – new document;
- xvi. Combined Tree Retention Plans by FPCR – new document;
- xvii. Environmental Statement Addendum, (including a Non-Technical Summary) incorporating:
 - Chapter 1 Introduction (to be read in conjunction with the original ES chapter)
 - Chapter 2 Assessment Methodology (no change)
 - Chapter 3 Application Site (no change)
 - Chapter 4 Proposed Development and Alternatives (no change)
 - Chapter 5 Socio Economic (no change)
 - Chapter 6 Landscape (supersedes the previously submitted version)
 - Figure 6.5A Viewpoint Locations and Public Rights of Way
 - Figure 6.5B Viewpoint Photographs
 - Figure 6.6A Location of Reg 25 Requested Viewpoints
 - Figure 6.6B Reg 25 Viewpoint Photographs
 - Figure 6.8 Green Infrastructure and Landscape Strategy
 - Figure 6.9 Landscape Sections
 - Figure 6.10 Landscape Vignettes
 - Chapter 7 Biodiversity (supersedes the previously submitted version)
 - Figure 7.9a Habitat Survey Plan (East)
 - Figure 7.9b Habitat Survey Plan (West)
 - Figure 7.14a Effect on the Shropshire Ecological Network
 - Figure 7.15a Recreation and Urbanisation Mitigation Strategy – Zone of Potential Recreation Impacts
 - Figure 7.15b Recreation and Urbanisation Mitigation Strategy – ‘within development’ Circular Walks
 - Figure 7.17a Phase 2 Botanical Survey (East)
 - Figure 7.17b Phase 2 Botanical Survey (West)
 - Figure 7.18a Light and Light Spill Avoidance Mitigation Zone
 - Figure 7.18b Light and Light Spill Key Zones for Sensitive Lighting Design
 - Figure 7.19 Badger Survey Results (Confidential)
 - Figure 7.19a Badger Sett Closures (Confidential)
 - Figure 7.19b Retained Created Proposed Badger Sett Closures (Confidential)
 - Figure 7.20 Provisional Construction Environmental Management Plan (Confidential)
 - Figure 7.21 Air Quality (Ecology) Assessment Scoping Plan
 - Figure 7.22 Peregrine Nest Location (Confidential)
 - Appendix 7.9 Regulation 25 Response (and Appendices A – E):
 - Appendix 7.9A Recreation and Urbanisation Mitigation Strategy
 - Appendix 7.9B Phase 2 Botanical Survey
 - Appendix 7.9C Peregrine Strategy (Confidential)
 - Appendix 7.9D Badger Mitigation Strategy (Confidential)
 - Appendix 7.9E Provision CEMP (Confidential)
 - Chapter 8 Cultural Heritage (supersedes the previously submitted version)
 - Appendix 8.1 Built Heritage Assessment

- Chapter 9 Archaeology (no change)
- Chapter 10 Transport (supersedes the previously submitted version)
 - Appendix 10.3 Transport Assessment Addendum
- Chapter 11 Air Quality (supersedes the previously submitted version)
 - Appendix 11.1 Glossary
 - Appendix 11.2 Traffic Data Utilised in the Air Quality Assessment
 - Appendix 11.3 Wind Rose
 - Appendix 11.4 ADMS-Roads Model Verification
 - Appendix 11.5 Operational Phase Road Traffic Emissions Assessment Sensitivity Analysis
 - Appendix 11.6 Construction Phase Dust Assessment
- Chapter 12 Noise and Vibration (supersedes the previously submitted version)
- Chapter 13 Hydrology (supersedes the previously submitted version)
 - Appendix 13.1a Flood Risk Assessment Addendum
 - Appendix 13.2 Ground Water Monitoring
 - Appendix 13.3 EA Response
 - Appendix 13.4 Drainage Strategy
- Chapter 14 Ground Conditions (supersedes the previously submitted version)
 - Appendix 14.1a Prelim Risk Assessment and Ground Investigation Report
 - Appendix 14.2a Landslide Report
 - Appendix 14.3a Geological Report and Mineral Resource Assessment
 - Appendix 14.4 EA Response Letter
 - Appendix 14.5 Ground Water Monitoring

December 2020 submission (Further clarifications following Regulation 25 submission):

- i. Illustrative Masterplan (drawing number: 0799-LDA-P1-00-DR-A-08100_Rev02), supersedes drawing number: 0799-LDA-P1-00-DR-A-08100_Rev01;
- ii. Illustrative Masterplan – annotated (drawing number: 0799-LDA-P1-00-DR-A-08101_Rev02), supersedes drawing number: 0799-LDA-P1-00-DR-A-08101_Rev01;
- iii. Green Infrastructure and Landscape Strategy Plan (drawing number: P17-1052_15A)
- iv. Residential Sections (dated December 2020) by Leonard Design;
- v. Leisure Strategy (dated December 2020) by Pegasus Group – updated document;
- vi. Heritage Clarification Note (December 2020) by Pegasus Group – new document;
- vii. Combined Tree Retention Plans by FPCR (December 2020) – updated document, supersedes previously submitted plans;
- viii. Landscape and Visual Issues – Response to Further Clarification Request (December 2020) by Pegasus Group – new document;
- vix. Albert Edward Bridge Bat Report (December 2020);
- x. Technical Note – Outline Biodiversity Impact Assessment (December 2020) by FPCR;
- xi. Technical Note – Great Crested Newt Mitigation Strategy (December 2020) by FPCR;
- xii. Technical Note – General Response (December 2020) by FPCR;
- xiii. Preliminary Biodiversity Metric Calculation 2.0 by FPCR;

- xiv. Appendix 7.9 Provisional Construction and Environmental Management Plan (CEMP) (Revision B – December 2020) – please note that this document contains sensitive information and should not be placed in the public domain;
- xv. Appendix A Recreation and Urbanisation Mitigation Strategy (Revision B – December 2020);
- xvi. Figure 7.20 Construction and Environmental Management Plan (CEMP) (drawing number: 8258-E-MD-35_RevA)– please note that this document contains sensitive information and should not be placed in the public domain;
- xvii. Figure 7.23(a-e) SSSI and Ancient Woodland Buffers (drawing numbers: 8258-E-MD-38a-e);
- xviii. Figure 7.24(a-b) BIA Calculation Baseline (East and West);
- xix. Figure 7.24a BIA Calculation Baseline (East) (drawing number: 8258-E-MD-39a);
- xx. Figure 7.24b BIA Calculation Baseline (West) (drawing number 8258-E-MD-39b);
- xxi. Figure 7.25 Albert Edward Bridge Bat Roost Location Plan (drawing number: 8258-E-MD-40);
- Figure 7.26 Wildlife Connectivity Parameters Plan (drawing reference: 8258-E-MD-41).



Committee and date

Southern Planning Committee

10 August 2021

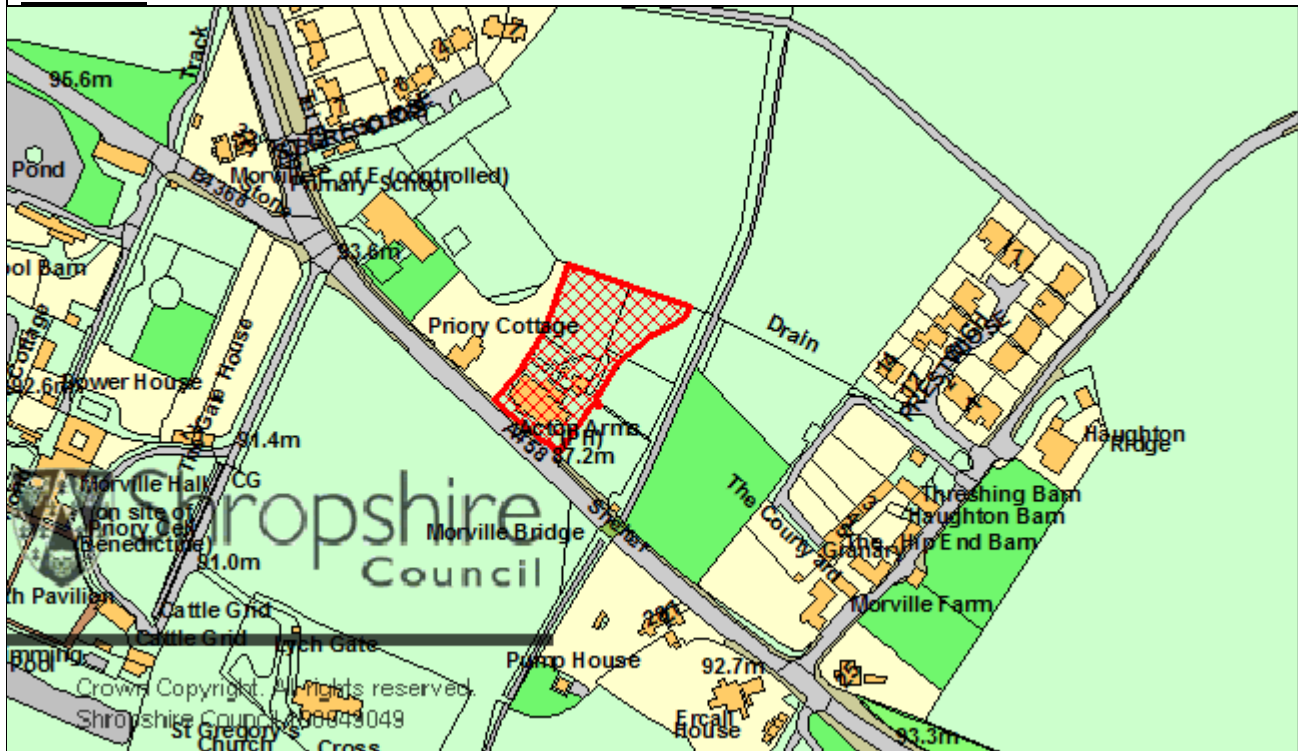
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/02251/OUT	Parish:	Morville
Proposal: Outline application for residential development of 3No. detached dwellings to include means of access and refurbishment work to the public house and grounds		
Site Address: Acton Arms Hotel Morville Bridgnorth Shropshire WV16 4RJ		
Applicant: Mr J Collins		
Case Officer: Sara Jones	email	: sara.jones@shropshire.gov.uk

Grid Ref: 367050 - 294022



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Recommendation:- Refuse

Recommended Reason for refusal

1. Whilst it is recognised that an appropriately worded S106 Agreement could secure the refurbishment of the PH thereby increasing the likelihood of it re-opening which would contribute to the social objective of sustainable development and the development of three additional dwellings would add to the supply of housing in the village, and provide some limited economic benefit through the construction process, these benefits would be outweighed by the fact that the development would result in the number of commitments and completions more than doubling the housing guideline (15 dwellings) set out in SAMDev policy S3.2 (iii) by an additional 3 dwellings which is significant in this case, in the light of the existing number of dwellings completed and commitments made (28 dwellings). This over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities and as such, would not represent a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is essentially a resubmission of application 20/03647/OUT which was refused at Committee earlier this year (13.04.2021) and is the subject of an Appeal which has yet to be determined.
- 1.2 The outline application proposes the erection of three dwellings and seeks approval for the scale of the development together with the access and layout. Details of the appearance and landscaping are reserved for future consideration. Unlike the previous application the Public House (PH) has been included in the application site and the scheme includes refurbishment works to the PH and its grounds. This includes replacing an existing window on the rear elevation of the single storey extension with doors, to provide easier access to the PH garden.
- 1.3 As previously the applicant points out that the Acton Arms PH has been closed for over 2 years and is the only pub in the village. As part of this proposal it is intended to use funds from the sale of the land to the rear of the pub to finance the repairs and work necessary to re-open to Acton Arms. This scheme will involve the creation of 3 letting rooms to enable the tenants of the pub to have an additional source of income which will help ensure long term viability of the business. Additionally money is proposed to be provided to ensure the rent can be set at a suitably reduced level in order to allow the new tenants to develop and grow the trade at the pub and that without the development of the land to the rear of the pub it is difficult to see how the long term future of the pub can be secured.
- 1.4 It is noted that full planning permission was previously granted on 10th April 2017 (application No. 15/00304/FUL) for the erection of 6 dwellings (4 detached houses and two semi-detached houses) on this site, subject to a Legal

Agreement to ensure an affordable housing contribution of £10k subject to an overage clause and open book appraisal on completion. At that time it was considered that whilst the level of development went beyond that envisaged in the SAMDev Plan, in the light of the policy provisions as a whole, and considering the specific circumstances of the application proposal in relation to the criteria in MD3(2) i-v, and considering the balance between full and outline approvals at the time in the cluster the detailed proposal was acceptable in this location and represented sustainable development.

- 1.5 It should also be noted that application site has been amended to take into account new technical information regarding the potential for the site to flood and that has driven the reduction in the number of dwellings proposed as the layout shows that the development is no longer in Flood Zones 2 or 3. The scheme was also subsequently amended to delete a plot proposed immediately to the rear of the Acton Arms PH.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site extends to approximately 1970 square metres and, is located to the rear of the Acton Arms PH and the north of the A458. Adjacent to the PH is the existing car park and to the rear of the PH there is a pub garden, beyond which is an informal grassed area containing a number of trees. The northern boundary of the site is delineated by a post and wire fence and a hedgerow beyond which is a field. The eastern boundary indicates an irregular eastern site boundary. There are various trees beyond this boundary and a river course. The residential curtilage of Priory Cottage is located to the west of the site a grade II Listed building.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Member has requested the application is considered by the Planning Regulatory Committee. The Principal Officer, in consultation with The Chair and Vice Chair of the South Planning Committee, consider the material planning considerations in this case, including the site history, warrants this application being determined by Committee.

4.0 Community Representations

Consultee Comment

- 4.1 **Morville Parish Council** – No objections.
- 4.2 **SC Conservation** – No objection in principle.

As per the previous comments there was no principle objection to the proposed dwellings that are more tucked away at the rear, where the submitted HIA is noted with regards to the view that there would be 'negligible' impact upon the adjacent listed building (29-30 Morville) as well as the existing conservation area, although there is no view with regards to the Acton Arms which is a non-designated heritage asset. The main principle of concern is whether it can be

accepted that the proposed housing would benefit the reopening and long-term viability of the public house, and to cover any relevant costs in order to bring the building back into operating use. The Bruton Knowles report is noted, where there does not seem to pick up any major structural issues with the existing building where it mainly covers some repair items, upgrading of kitchen equipment, redecorating, health and safety and landscaping where upon visual inspection it seems generally sound with some attention to the windows/doors shall be necessary such as minor joinery repairs and repainting etc. Whilst the reopening of the public house is strongly supported, there is some reticence that any weight should be attached with regards to enabling, as the physical state of the existing public house should not have a significant bearing on the overall merits of the proposal as a whole (i.e. not 'reward' neglect of a heritage asset), though this shall need to be balanced in accordance with paragraph 202 of the NPPF.

No objection, subject to the decision maker being satisfied that the paragraph 202 (NPPF) is met. Should approval be given then details of repair items for the public house should be given along with all facing materials and finishes along with joinery details for the new proposed dwellings.

4.3 SC Archaeology – Recommend condition.

The results of a geophysical survey (TigerGeo, April 2016, ACT161) of the proposed development site were submitted with a previous planning application for this site and identified a number of anomalies of potential archaeological interest, including a buried surface or debris that might be the remains of a former structure and possible associated ditches. These features have been interpreted as a possible outbuilding with associated drainage. The survey did not identify any anomalies that would indicate substantial wall footings that could be associated with priory buildings.

In the light of the above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. Phase 1 of this programme of archaeological work should comprise a field evaluation in the form of trial trenching of the proposed development site prior to construction commencing, with further archaeological mitigation thereafter if deemed necessary.

4.4 SC Trees – No objection in principle on arboricultural grounds.

I would, however like to express concern over a point of detail in the indicative layout shown on the Block Plan (U.2-03), regarding the location of the eastern most of the three dwellings and its detached garage. The red line of the application site boundary appears to impinge somewhat on the frontage of the dwelling and the garage could not be accessed without going beyond the red line boundary. Extending beyond the submitted site boundary in this location could result in the loss of, or damage to, established trees on the neighbouring land. Any final layout based on the red line as submitted with this application should take account of this constraint.

Should permission be granted for this outline application, I would recommend attaching the following tree protection and landscape conditions to be dealt with under reserved matters:

No part of the development hereby approved shall commence until a tree survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction Recommendations, or its current version, have been submitted to and approved in writing by the LPA. Thereafter the development shall be carried out strictly in accordance with the details and specifications of these approved plans and reports.

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.

In this condition retained tree means an existing tree, woody shrub or hedge which is to be retained in accordance with the approved plans and particulars; and any tree, woody shrub or hedge planted as a replacement for any retained tree. This condition shall have effect until a Reserved Matters application is submitted and approved: No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Any approved tree works shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations, or its current version.

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.

The plans and particulars submitted in support of a reserved matters application shall include a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, to the written satisfaction of the LPA. The approved scheme shall include:

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

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

4.5 **SC Drainage** – The Flood Risk Assessment is acceptable. Recommend condition and informative notes.

Condition : No development shall take place until a scheme of surface and foul

water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4.6 **SC Affordable Housing** – No comment received.

4.7 **SC Ecology** – Recommend conditions and informatives.

Ecological Clerk of Works condition

Prior to first occupation / use of the building [or each phase of the build], an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Reasonable Avoidance Measures (RAMS) and other ecological mitigation and enhancement measures appropriate to the phase, as set out in the Preliminary Ecological Appraisal (Arbor Vitae, October 2020). This shall include photographs of installed features such as bat, bird, hedgehog and invertebrate boxes and landscape features.

Reason: To demonstrate compliance with the RAMMS to ensure the protection of wildlife.

Landscaping Plan condition

No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan illustrating biodiversity net gain has been submitted to and approved in writing by the Local Planning Authority. The plan shall incorporate recommendations in Section 6 of the Preliminary Ecological Appraisal (Arbor Vitae, October 2020) and include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements e.g. bat and bird boxes/features, hedgehog-friendly gravel boards, amphibian-friendly gully pots, hedgehog and bug boxes;
- b) Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.
- c) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- d) Access layout and visibility splay in line with Highways requirements in order to demonstrate their compatibility with the retention of existing trees and hedges, or measures to replant or translocate hedges behind the visibility splay if required;
- e) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- f) Native species used are to be of local provenance (Shropshire or surrounding counties);
- g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- h) Implementation timetables.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the provision of amenity and biodiversity afforded by

appropriate landscape design.

Wildlife enhancement condition

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

- A minimum of 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 Hedgehog box is to be provided, suitable for breeding and/or hibernating hedgehogs (Hedgehog Dome, Hogitat Hedgehog Home).
- A minimum of 2 artificial invertebrate boxes, suitable for nesting invertebrates.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.

The boxes shall be sited in suitable locations and where they will be unaffected by artificial lighting. The bat, bird and invertebrate boxes should be at suitable heights from the ground, with a clear flight path. The boxes shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of opportunities for local wildlife in accordance with MD12, CS17 and section 180 of the NPPF.

Lighting Plan condition

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, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

Informatives regarding: Bats, nesting birds, hedgehogs, great crested newts and landscaping.

4.8 SC Highways – No objections. Recommend conditions and informative notes.

Visibility Splays

Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 43 metres from the centre point of the junction of the access road with the public highway shall be provided and thereafter be kept clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

Reason: To ensure the provision of adequate vehicular facilities, to avoid

congestion on adjoining roads and to protect the amenities of the area.

Parking, loading, unloading and Turning No development shall take place until details for the parking, loading, unloading and turning 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.

Informatives regarding: Works on, within or abutting the public highway, drainage, waste collection.

4.9 **SC Regulatory Services** – No comment received.

4.10 **Public Comments**

Advertised – 01.06.2021. Site notice displayed 27.05.2021.

8 letters sent 25.05.2021. 14 representations received supporting the application on grounds which may be summarised as follows:

Support the re-opening of the Acton Arms PH and consider that this is probably the best and only viable option.

Consider that the addition of 3 properties will make little difference to the community of Morville while the Acton could once again become a thriving community hub as well as reaping benefits for the high volumes of passing trade on the A458 - a main route from The Midlands to Wales.

Save The Acton Arms Group" [STAAG] committee and support the Acton Arms planning application Ref. No: 21/02251/OUT with the following two conditions:

1. that the proposed beer garden is located as set out in the previous application (Ref. No: 20/03647/OUT) i.e. to the north east of the car park.
2. that the remaining land leading to the brook and the car park remain for the use of the pub for as long as the pub is open and operational.

The current run-down state of the premises is a detraction rather than asset to the village.

Support the refurbishment and re-opening of the Acton Arms and consider that this needs to be done to a high standard. Query whether a condition can be attached to ensure that the PH is re-opened.

Recommend conditions to ensure the car park and beer garden area (as proposed in the previous planning application) are tied to the Acton Arms for as long as it remains classified as a pub.

Need the developer to work with local residents to provide the type of community

pub/shop that would be of real benefit to the village and all those who pass through Morville on the A458.

A representation has also been received from the National Trust which comments on the sites location in the Conservation Area and the potential to affect the setting of the grade 1 listed St Gregory's Church and Morville Hall, and considers that any development on this site needs to be of the highest quality, appropriate to the character and appearance of the conservation area and the setting of the church and Hall.

5.0 THE MAIN ISSUES

Principle of development
Historic Environment
Highways
Ecology
Drainage
Residential Amenity
Affordable Housing/Developer Contributions
Benefits of the Development /Planning Obligation

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. The National Planning Policy Framework (NPPF) also advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration that constitutes guidance for local planning authorities as a material consideration to be given weight in determining applications.
- 6.1.2 A key objective of both national and local planning policies is to concentrate new residential development in 'sustainable' locations which are easily accessible and which offer a range of services and community facilities.
- 6.1.3 Policy CS1 of the Shropshire Council Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. Development in rural areas will be predominantly in Community Hubs and Community Clusters.
- 6.1.4 Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev

identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.

- 6.1.5 Core Strategy policy CS5 and also SAMDev policy MD7a strictly controls development in the countryside whilst providing a number of exceptions for new dwellings.
- 6.1.6 Under the current adopted SAMDev Plan the settlement of Morville forms part of a Community Cluster with Acton Round, Aston Eyre, Monkhopton, and Upton Cressett as set out in SAMDev Schedule MD1.1: Settlement Policy Framework. The specific policy requirements for development in the Community Cluster are set out in Policy S3.2 (iii). The delivery of housing development in general is set out in Policy MD3.
- 6.1.7 The Policy S3.2 (iii) states that the settlements of Acton Round, Aston Eyre, Monkhopton, Morville and Upton Cressett are a Community Cluster in Morville Parish where development by infilling, conversions and small groups of dwellings may be acceptable on suitable sites, with a housing guideline of around 15 additional dwellings over the period to 2026. New housing will be delivered through appropriate small-scale infill and windfall development within or immediately adjoining these villages.
- 6.1.8 The housing guideline for the Community Cluster is for around 15 new dwellings (from 2011) up to 2026. As of 31 March 2020 there were 16 completions (since 2011) and 18 dwellings with outstanding planning permission (Five Year Land Supply Statement – Published March 2021). The supporting text refers to the housing numbers as guidelines and having regard, amongst other things, to the aspirations of those communities as well as matters such as past rates of development and site suitability.
- 6.1.9 With respect to these figures it is noted that the previous consent (now expired) for 6 dwellings at this site (15/00304/FUL) was included in the 18 dwellings with outstanding planning permission. Taking this into account there are 12 dwellings with outstanding planning permission. Although it is recognised that the settlement policy guidelines are not maximum figures (encapsulated by the inclusion of ‘around’ in the Policy wording) the proposal would clearly take the level of completed and committed development beyond the guideline figure.

6.1.10

Date	Permission No. /Type	No. dwellings	Location
27.08.2015	14/02894/OUT	14	Haughton Lane, Morville.
15.12.2015	14/02921/OUT	Up to 9	Manor Farm, Monkhoppton.
10.04.2017	15/00304/FUL	6	Acton Arms, Morville. - now expired.
25.05.2017	17/00827/REM	14	Haughton Lane, Morville. - development now completed.
18.03.2019	18/05511/REM	9	Manor Farm, Monkhoppton.

The remaining consents included in the figure refer to dwellings created as a consequence of the conversion of existing buildings.

- 6.1.11 Policy MD3(2) is clear that the settlement housing guideline is a significant policy consideration. MD3(2) recognises that where proposals within settlements would take the overall level of development (committed and completed) above the guideline the policy tests set out under Policy MD3(2) i-v are the relevant considerations in conjunction with the principles established in MD3(1). In this case, the site is considered to be within the settlement of Morville (negating the need for consideration of MD3(3)).
- 6.1.12 The policy tests set out under Policy MD3(2) i-v are that regard will be had to the following:
- i. The increase in number of dwellings relative to the guideline; and
 - ii. The likelihood of delivery of the outstanding permissions; and
 - iii. The benefits arising from the development; and
 - iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
 - v. The presumption in favour of sustainable development.
- 6.1.13 Given the fact that Morville is, at the time of writing this report identified as part of a Community Cluster, it is accepted that Morville is a sustainable settlement. Although there is no hierarchy of settlements within the Cluster, where proposals trigger an assessment under Policy MD3(2) due to the guideline being exceeded, these wider considerations form part of the assessment of the suitability of the proposal against the policy provisions. It is recognised that Morville is the largest settlement within the Cluster and one which offers opportunity for sustainable development due to its central location on the A458 and the facilities therein (school, village hall and PH, albeit currently closed).

- 6.1.14 The ability of the settlement to accommodate the proposed development is central to consideration of whether the development represents sustainable development. However, it is also considered relevant to look at the wider impacts (both positive and negative) of the proposal as part of the overall planning balance. On this point the site is well located within the existing curtilage of the Public House and does not encroach into the wider countryside beyond. Furthermore, Officers are unaware of any local infrastructure issues resulting from this modest level of development and consider that the development may facilitate some enhancement of local services and facilities in line with the objectives of Core Strategy Policy CS4. Indeed, as noted above the applicant states that he intends to use the residential development proposed to finance the refurbishment of the Acton Arms PH with a view to it reopening, this discussed further below.
- 6.1.15 It is noted that the previously approved full planning permission for development on this site has now expired, and significantly the development of 14 dwellings in Haughton Lane (which was only approved in outline when the expired permission was approved) has now been delivered. Additionally, the Reserved Matters for the Outline planning permission for a further 9 dwellings in Monkhopton has also been approved and a commencement has been made. This is it considered significantly changes the planning balance in this case.
- 6.1.16 Paragraph 3.21 of the SAMDev supporting Policy MD3 confirms that the guideline figures reflect detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period. Moreover, while not a maximum figure, going beyond it by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill to breaking point. As part of the on-going partial Local Plan Review the Parish Council has requested that the Community Cluster of which Morville forms part, is deleted returning the settlement to countryside for planning policy purposes. This request has been accepted by the Council and forms part of the emerging Pre-Submission Draft of the Shropshire Local Plan and Schedule of Minor Modifications which has now been submitted to the Planning Inspectorate for examination. It is noted however that the NPPF states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. Whilst reference has been made to a Local Plan review it is at an early stage, consequently, it carries little weight in the determination of this application. It does however signal the communities reluctance to accept any additional dwellings and a breaking point of their "goodwill".
- 6.1.17 If approved this development would result in the number of commitments and completions further exceeding the housing guidelines by an additional 3 dwellings which in the light of the existing number of dwellings completed and commitments made (28 dwellings) this exceedance would be significant. The over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities.

- 6.1.18 It is acknowledged that the proposal would contribute to the housing stock in the area and the NPPF seeks to significantly boost the supply of housing. There may also be benefits associated with spending and on job creation during the construction period and from future occupants of the dwellings with regards to the local facilities and services.
- 6.1.19 As previously the applicant has stated that he intends to use funds from the sale of the land to the rear of the pub to finance the repairs and work necessary to re-open to Acton Arms. Furthermore, that he would reduce the rent to enable the tenant an opportunity to grow the business. The applicant has submitted a legal obligation which he considers would secure the required linkage between the development and the sustainability of the Acton Arms Public House. The weight which can be attached to that potential benefit in the overall planning balance is discussed below.
- 6.1.20 On balance it is considered that the proposal would not be a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.
- 6.2 Historic Environment
- 6.2.1 As with the previously approved detailed scheme, the current outline scheme includes the construction of a new vehicular access off the A458 positioned close to the existing car park access. This access would provide access to the proposed re-planned public house and the new dwellings. The access road would lead to a turning head around which the proposed dwellings would be positioned.
- 6.2.2 The National Planning Policy Framework (NPPF) Paragraph 194 "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."
- 6.2.3 It is noted that a thorough HIA was submitted at the time of the previous full detailed application where it was established that the development proposal is located close to Morville Hall Garden (HER PRN 07538), the Grade I Listed Morville Hall (National Ref: 254759), the Grade I listed Church of St Gregory (National Ref: 254758) and the Medieval cross in St Gregory's Churchyard which is a scheduled monument (National Ref: 1015292). The site of Morville Priory, a college of secular priests of late Saxon to medieval date (HER PRN 00603) is now thought to lie between Morville Hall and the Acton Arms with the possibility of collegiate buildings being located north of the A458 which itself is possibly located along the line of a former Roman road (HER PRN 04076). Remains from the deserted medieval village of Membrefeld may also be located in this area.

Evidence for prehistoric occupation in the immediate area has been collected from various dispersed find spots.

- 6.2.4 The previously submitted Heritage Assessment identified the potential for priory buildings on the site of the proposed development. If present, any such remains could potentially be of demonstrable equivalent significance to designated heritage assets. In view of the above, a geophysical survey of the development site was undertaken, and the results submitted to the Local Planning Authority. This identified a number of anomalies of potential archaeological interest, including a buried surface or debris that might be the remains of a former structure and possible associated ditches. These features have been interpreted as a possible outbuilding with associated drainage. The survey however did not identify any anomalies that would indicate substantial wall footings that could be associated with priory buildings. In view of the above, and in accordance with the NPPF paragraph 205 (which states that local planning authorities should make information about the significance of the historic environment gathered as part of development management publicly accessible) , SC Archaeology Team recommends that a programme of archaeological work be made a condition of any planning permission. This would comprise a field evaluation in the form of a targeted trial trenching exercise, followed by further mitigation as appropriate.
- 6.2.5 The applicant for this current application seeks to rely largely on the outcome of the HIA submitted with the previous application which concluded that the application would have a minor effect upon listed buildings which following the implementation of planting mitigation measures would be neutral and that the development would have a minor effect on the Conservation Area. However a proportionate HIA has been submitted during the course of this application.
- 6.2.6 With regards to this it is noted that the SC Conservation Officer is content that the amended layout would result in the development being tucked in further towards the rear of the Acton Arms PH and considers that the scheme should have a lesser impact than that previously approved, especially when viewed from the principal frontage/highway.
- 6.2.7 Furthermore, there are a number of trees on the site/close to the site and the retention of trees within the site is considered key to ensuring the development sits well within its context and would help to minimise the impact upon the Conservation Area. With respect to this it is noted that the amended scheme has allowed the retention of a number of trees in the vicinity of the stream to the east of the site that were previously due to be removed. Further consideration is given to the impact of the development on the existing trees is given below.
- 6.2.8 Whilst it is accepted that the appearance of the development would be reserved for future consideration, it is considered that the layout is acceptable and dwellings could be designed as evidenced by the previous approval to ensure that the development would preserve or enhance the character of the conservation area and preserve the setting of listed buildings, namely the Grade II listed 29 & 30 Morville and the wider setting of the Grade I listed Church of St Gregory and scheduled medieval cross. Therefore, it is considered that the scale and layout of the proposed residential development would be acceptable in terms

of policies CS6 and CS17 of the Shropshire Core Strategy and to accord with sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.2.9 Turning to the proposed works with respect to the refurbishment of the PH. It is noted that the information submitted with the application does not identify any major structural issues with the existing building, the scheme some repair items, upgrading of kitchen equipment, redecorating, health and safety items and landscaping. On visual inspection of the building appears to be generally sound, but requiring joinery repairs and repainting etc. Accordingly, the SC Conservation Officer raises no objections in principle to the refurbishment works. However as noted above, the SC Conservation Officer cautions about placing any significant weight on facilitating these works, as the physical state of the existing PH should not have a significant bearing on the overall merits of the proposal as a whole (i.e. not 'reward' neglect of a heritage asset). It is recommended that should Members be minded to approve this application, conditions would be required to ensure that details of repair items, together with the proposed new doors for the public house should be given along with all facing materials and finishes along with joinery details for the new proposed dwellings in the first application for Reserved Matters.

6.3 Trees

6.3.1 Policy MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets.

6.3.2 The SC Tree Officer has been consulted on this application and raises no objection in principle but has raised a matter of detail as identified above. Should permission be granted for this outline application, appropriate conditions have been recommended.

6.4 Highways

6.4.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel reduced. It seeks to achieve safe development and where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

6.4.2 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 110 – 111 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and 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.”

6.4.3 Vehicular access to the site is proposed to be provided from the redesigned access on the A458. Visibility splays of 2.4 x 43m were shown to be achieved in the previously approved scheme which conforms with the required stopping sight

distance for vehicles travelling at 30mph.

- 6.4.4 It is noted that at the time of the previously approved application SC Highways confirmed that the access onto the A458 is well established with good sightlines in both directions. Furthermore, they noted that the inclusion of an informal crossing point from the car park area to the pub would assist patrons and residents alike. The provision of such a crossing point has not been included in this outline application but could be made a condition should outline planning permission be granted.
- 6.4.5 It was established previously that the existing car park which serves the Acton Arms PH can accommodate some 37 cars. The scheme, as previously indicates no loss of pub car parking spaces. It was also established that service vehicles could enter and exit the site in forward gear utilising the vehicular entrance and manoeuvring using the internal road network. With respect to the service/delivery vehicles for the Public House this situation would be no more onerous than the existing situation which involves the use of the existing public house car park.
- 6.4.6 The SC Highways Team has been consulted on the current proposal where they raise no objection subject to appropriate conditions to ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.
- 6.5 Drainage
- 6.5.1 The Mor Brook lies some 220 metres to the south west of the site with one of its tributaries running to the south east of the site. A FRA has informed the revised scheme submitted in connection within this application. The whole of the amended application site now lies within Flood Zone 1 which has a low risk of flooding and outside any identified Critical Drainage Area. It is also noted that there is good opportunity within this site to implement SuDS mitigations measures such as permeable paving, rainwater harvesting and soakaways. As such it is considered that the site can be developed without risk of flooding for the occupants or increasing the risk of flooding elsewhere.
- 6.5.2 The submitted FRA recommends that as the development will increase the site impermeable area and, as such, it may have an adverse impact on surface water run-off rates, appropriate mitigation measures are proposed which could be conditioned, together with an appropriate Sustainable Drainage Scheme.
- 6.5.3 The SC Drainage Team has been consulted on this aspect of the proposals and raises no objection and recommends conditions and informatives.
- 6.6 Residential Amenity
- 6.6.1 Policy CS6 seeks to ensure that residential amenity is protected. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that development 'creates 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'. Furthermore the Councils Supplementary Planning Document – Type and Affordability of Housing, makes it clear that in assessing planning applications for residential developments the Council will take account of the

internal and external space provided, with a view to ensuring reasonable living space requirements for the occupants, as well as protecting the living conditions of neighbours who might be affected. Developments that provide unacceptably cramped accommodation will be resisted.

- 6.6.2 Whilst the application is in Outline form with details of the appearance of the dwellings reserved, details of the layout and the scale of the development have been submitted for consideration.
- 6.6.3 Given the potential for noise and disturbance emanating from the existing PH and the general disturbance from staff undertaking their duties; and the principle that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established it is recommended that should planning permission be granted, a condition is recommended to ensure that there would be no 'beer' garden to the rear of the PH and that this space is retained as a private space and the back entrance to the kitchen. The position of the PH beer garden should be located as currently where the beer garden and old children 's play area is, to the north of the PH car park.
- 6.6.4 The nearest existing dwelling is Priory Cottage the garden of which adjoins the northwest boundary of the site and the PH. In respect of this it is noted that the development would be set towards the northern boundary of the site and to the northeast of Priory Cottage and that the proposed dwellings would be largely side onto the residential curtilage of the Priory Cottage. It is considered however that, whilst the proposed development would be visible from Priory Cottage, given the distance separation and the size of the residential curtilage of Priory Cottage the proposed dwellings could be designed so as not unduly harm the existing amenities enjoyed by the occupiers of this property.
- 6.7 Affordable Housing/Developer Contributions
- 6.7.1 The scheme would be liable for CIL. Turning to the issue of Affordable Housing. The site lies in a Designated Protected Area where the affordable housing threshold is applied to developments comprising 5 dwellings or fewer. As the number of dwellings has been reduced to 3 (from that previously approved) no affordable housing contribution would be required.
- 6.8 Benefits of the Development /Planning Obligation
- 6.8.1 In support of the application the applicant contends that the proposed residential development would be of benefit to the community by ensuring the refurbishment and re-opening of the Acton Arms Public House. To support this contention the applicant has submitted a viability statement of the PH and the estimated works, undertaken by Bruton Knowles. This Statement concludes that the PH in this position would have an opportunity to attract a reasonable amount of trade and that the business would be profitable and could be sustainable. *However, as with all pubs it is vital to ensure a high-quality tenant is in place and this makes all the difference. Given the rent subsidy and refurbishment offered we see no reason why the premises would not be very attractive to a range of prospective tenants. Having considered all the various factors and submissions, we are of the opinion that The Acton Arms could be financially viable with the proposed investment and would be capable of being re-opened in the future..... It is noted however that the*

trade figures are based on an established business and the rent subsidy allows the time for the business to be established. It is likely that in the first year the business may make a loss, but this should be more than made up in the following 5 years.

6.8.2 In addition, as previously the applicant has submitted a legal obligation which requires the owner to

(1) use the sale proceeds from the sale of the Land to carry out refurbishment and repair works at the Public House as set out in the obligation. These Works include items such as, landscaping the beer garden and play area, beer garden tables and chairs, play equipment, fencing, garage door replacement, scaffolding and repainting exterior PH, repairs windows; interior works such as repair flooring, selective repainting, testing electrics/fire system/cellar equipment, replacement rear door, repair front door, creation of 2 en-suite letting rooms and owners accommodation.

(2) The Owner shall commence the Works within 2 weeks of the completion of the sale of the Land.

(3) Any balance of the sale proceeds remaining after completing the refurbishment and repair works shall be used by the Seller to subsidise the rent payable by the tenant of the Public House.

6.8.3 The applicant has provided information which details the works required for the PH to reopen and the potential funds that could be raised by the sale of the land.

6.8.4 Planning obligations may however only mitigate the impacts of a development and can only constitute a reason for granting permission if they meet three tests: necessary, directly related to the development, and fairly and reasonably related to the scale and kind of development.

6.8.5 For the obligation to meet the required tests the LPA would need to consider that the benefits of refurbishing the pub would make the development acceptable. The planning obligation must be necessary to make the development acceptable in planning terms i.e. to mitigate the impacts of a development proposal.

6.8.6 The development in this case is the erection of 3 dwellings and the application does now include works to the public house. SC Legal Services have confirmed that whilst a S106 (planning obligation) allows for payment of money to the Authority it cannot be used ensure that monies are paid to someone else or that this money is ringfenced to certain activities i.e. to be applied to the refurbishment works. However if the s106 agreement meets the tests it would be possible for the s106 agreement to be reworded to require the refurbishment works to the public house, the implication of this being that based on the information provided by the applicant the works are to be funded by the sale proceeds. Additionally, a S106 agreement cannot be used to ensure that any remaining sale proceeds are used to subsidise rent in the way proposed. However should it be considered that the refurbishment of the PH would increase the likelihood of the PH re-opening and that this was, in planning terms, a community benefit of sufficient weight to

outweigh the harm identified of the proposed residential development to the Council's Housing Strategy and the development plan, then a S106 agreement would be necessary in order to secure the refurbishment works to make the development acceptable i.e. meet the test of necessity. The details of refurbishment works as currently submitted are considered to be insufficiently precise to allow drafting of a S106 agreement. To make it acceptable a detailed schedule of works would need to be submitted together with details of the stage of the development at which these works would need to be completed.

- 6.8.7 Notwithstanding the issues raised above the details put forwards seek to demonstrate that, once costs are deducted the available moneys would potentially be around £191,000 and the refurbishment costs would be approximately £130,000. The applicant has suggested that in order to ensure the pub has time to establish itself and to ensure that the proposed benefits lead to the long-term prospering of the pub in addition to the refurbishment there is a rent subsidy. The figure put forward would leave approximately £61,000 for this purpose and the applicant suggests a mechanism which would involve a decreasing percentage of this money being used over a five-year period to be included in the obligation. However, there would be no guarantee that funds would be available as it would rely on what the developer advises as remaining after the sales costs and completion of the refurbishment works which would be dependent on the sale proceeds and the cost of the refurbishment works to the PH. It would constitute merely a financial transaction and the public house is a private business. The legal obligation submitted does not specify the sums involved and neither does it ensure that these would be provided. It is possible that they could be reduced to an inconsequential level rendering the obligation of no value and undermining the justification for approval of the scheme only on the basis that there would be a financial contribution to the PH of a level that stands a reasonable chance of making it viable. However as stated above a S106 Agreement cannot be used to ensure that any remaining sale proceeds are used to subsidise rent in the way proposed so no weight can be attached to this.
- 6.8.8 It is considered that, whilst a S106 Agreement could secure the refurbishment of the PH and this may increase the likelihood of it re-opening which would represent a community benefit it would not necessarily ensure that it re-opened /traded, or indeed continued to trade into the future. As such it is considered limited weight can be given to an appropriately drafted S106 Agreement which would secure the refurbishment of PH in the planning balance and this benefit would be insufficient to outweigh the harm identified of the proposed residential development to the Council's Housing Strategy and the development plan.
- 6.8.9 It has also been drawn to Officers attention that the PH has been successfully been designated as an Asset of Community Value (ACV) following its nomination by the Friends of The Acton, community action group. The current owner (the applicant) has notified the Council of his intentions to dispose of the asset through a sale of the freehold, as such this opens up a process for the community (valid community groups such as the Parish Council, incorporated community group which meets these definitions:
- It has a local connection, meaning that its activities partly or wholly occur in the local area

- It is a charity, a company limited by guarantee, a Community Interest Company or an Industrial and Provident Society or Community Benefit Society;) to take over the asset. It is understood that a valid community group has in fact made a request to be treated as a potential bidder.

6.8.10 The effect of this is that the asset owner is not permitted to sell the asset for a period of 6 months (02.12.2021) except to the community group and if it is then not sold, the owner benefits from a protected period of 12 months during which time the owner can sell it on the open market. If it is not sold during the protected period, then the process starts again with a period of 6 weeks during which time a valid community group may request in writing to Shropshire Council, to be treated as a potential bidder to purchase the asset. If no further written request is received prior to the end of the 6 weeks the owner is free to sell the asset on the open market. A designated asset may stay on the register for 5 years if it remains unsold or is rendered no longer capable of use as a community asset, for example by implementing a valid planning consent.

7.0 CONCLUSION

7.1 Although it is recognised that an appropriately worded S106 Agreement could secure the refurbishment of the PH thereby increasing the likelihood of it re-opening which would contribute to the social objective of sustainable development and the development of three additional dwellings would add to the supply of housing in the village, and provide some limited economic benefit through the construction process, these benefits would be outweighed by the fact that the development would result in the number of commitments and completions more than doubling the housing guideline (15 dwellings) set out in SAMDev policy S3.2 (iii) by an additional 3 dwellings which is significant in this case, in the light of the existing number of dwellings completed and commitments made (28 dwellings). This over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities and as such, would not represent a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Core Strategy and SAMDev Policies:

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the
Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S3 - Bridgnorth

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

RELEVANT PLANNING HISTORY:

PREAPP/14/00307 Proposed development of 6 new detached dwellings PREAMD 1st July
2014

15/00304/FUL Erection of four detached houses and two semi-detached houses, access,
parking and landscaping GRANT 10th April 2017

20/03647/OUT Outline application for residential development of 3 no. detached dwellings to
include access, layout and scale (Amended description 25.01.2021.) REFUSE 15th April 2021

BR/APP/FUL/07/0967 ERECTION OF EXTERNAL DRINKING SHELTER REFUSE 10th
January 2008

BR/APP/FUL/01/0907 Retention of floodlights on the front elevation GRANT 6th February 2002

BR/APP/FUL/07/0398 ERECTION OF A SHELTER TO PROVIDE EXTERNAL
DRINKING/DINING AREA AT THE FRONT AND REPLACEMENT ENTRANCE LOBBY AT
THE SIDE REFUSE 5th July 2007

BR/97/0117 ERECTION OF SINGLE STOREY REAR EXTENSION GRANT 1st April 1997

BR/96/0558 ERECTION OF A SINGLE STOREY REAR EXTENSION AND CONSTRUCTION
OF PITCHED ROOF OVER EXISTING FLAT ROOF EXTENSION GRANT 10th October 1996

BR/85/0090 Retention of former paddock as beer garden, including barbecue, climbing frame,
slide, swings and 8 four metre high lighting poles GRANT 2nd July 1985

Appeal

21/02923/REF Outline application for residential development of 3 no. detached dwellings to
include access, layout and scale (Amended description 25.01.2021.) INPROG

BR/APP/FUL/01/0907 Development Appeal W 22nd November 2002

11. Additional Information

View details online:

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

List of Background Papers

Design and Access Statement
Heritage Impact Assessment
Geophysical Survey Report
Flood Risk Assessment
Ecology Report
Tree Survey
Tree Protection Method Statement
Affordable Housing & Transport Statement
Draft S106 Agreement
S106 Plan

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Robert Tindall

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.

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

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

Shropshire Core Strategy policies:
CS4 Community Hubs and Community Clusters
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev policies:
MD2 Sustainable Design

MD3 Delivery of Housing Development

MD7a Managing Housing Development in the Countryside

MD12 Natural Environment

MD13 Historic Environment

S3.2 (iii) Acton Round, Aston Eyre, Monkhopton, Morville and Upton Cressett Community Cluster

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.



<u>Committee and date</u>
Southern Planning Committee
10 August 2021

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

<u>Application Number:</u> 20/00820/FUL	<u>Parish:</u>	Sheriffhales
<u>Proposal:</u> Formation (relocation) of pig farm including erection of two pig rearing buildings, two straw storage buildings, one hospital/lairage building, one workshop/machinery storage building and one bio-security building; with all associated works		
<u>Site Address:</u> Proposed Pig Farm South West Of Manor Farm Sheriffhales Shropshire		
<u>Applicant:</u> Meadow Farm Ltd		
<u>Case Officer:</u> Richard Fortune	<u>email</u> : richard.fortune@shropshire.gov.uk	

Grid Ref: 374846 - 311474

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Recommendation:- Grant Permission, subject to the completion of a Section 106 Agreement to secure the permanent cessation of intensive livestock operations at the existing Manor Farm buildings on commencement of the use of the livestock buildings hereby approved and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This proposal is for the erection of new pig farm buildings on the western side of the holding to allow for the re-location of an existing intensive pig rearing business which takes place in buildings immediately to the west of Sheriffhales village. The existing pig rearing operation is the source of a statutory nuisance with respect to odours. The applicants are currently responding to the statutory nuisance notice and the Court Order/Abatement Notice by employing best practicable means (BPM) to mitigate the odour impact by operating at a reduced capacity. While this has had the effect of reducing the odours it does not fully address the statutory nuisance. The solution proposed is to move the intensive pig rearing to a location on the holding that is further way from residential properties.
- 1.2 The proposed location for the new group of pig farm buildings would be some 550 metres to the north of the A5, on a site adjacent to an unclassified road, and some 800 metres to the west of the village. These buildings would comprise of two pig rearing buildings, measuring some 60 metres by 15.3 metres; two straw storage buildings also each 60 metres by 15.3 metres, a hospital/lairage building of some 45 metres by 15.3 metres, a workshop/storage building that would be 42.67 metres by 30.5metres, and a bio-security building some 12 metres by 7 metres. They would be positioned on the western side of the unclassified road with the buildings on a north west-south east axis parallel to that road. The five buildings which would form the southern, closely spaced group would have the two straw storage buildings on the western side, the shorter hospital/lairage building in the centre, and the two pig unit buildings on the eastern side, closest to the access road. These buildings would all have a very similar external appearance, with shallow dual pitched roofs and ridge heights of some 7.73 metres. Raised ridges would provide ventilation. The lower two metre sections of the external walls would be of concrete panels, with the upper walls areas being a mix of cladding and a gale breaker vent system (which lowers and retracts depending on weather conditions) provided for the livestock buildings. The grey fibre cement roofs would incorporate roof lights. One bay on each side elevation would be a full height opening. Their southern end elevations would contain no openings, with the lower wall areas functioning as a retaining wall. Their north elevations would feature sliding access doors. (The straw storage buildings have subsequently been amended to remove the ridge vents and to have fully open northern gable ends). The small bio-security building immediately to the north of them would have a ridge height of some 4.0 metres with vertical cladding to the walls and also similar cladding for the roof. The workshop and machinery storage building would be positioned on the northern part of the application site and would be a combination of two dual pitched roof structures abutting each other, with a central valley formed by the roofs and with monopitch roof elements on either side. Its ridge height and external finishes would match those of the main building group, with two large roller shutter doors and two personnel doors in the south eastern end elevation.
- 1.3 The road junction of the unclassified road with the A5 would be improved by the

provision of improved turning radii on either side and widening to allow for passing of entering and emerging vehicles to avoid the former having to stop on the A5. This work would require the removal of three trees on the eastern side of the junction. The roadside hedge on either side would be cut back or relocated outside of the visibility spays that would be provided in each direction.

- 1.4 The agent has explained that a 3m high concrete block wall is proposed around the rear muck area of the buildings. This area is intended to be large enough for muck to be stored during each daily muck out, for the duration of the batch. It will be fully cleared and stored on a field elsewhere on the farm (as is current situation) during the clean down period where the building are fully disinfected ready for the next batch of 3 week old piglets to be brought onto the site and reared to finishing weight. The unit will house 2000 fattening pigs per batch. There is predicted to be approximately 2.2 batches per year. The pigs will be delivered to the site at a weight of approximately 10kgs and will be grown to finishing weights in the range of 90-110kgs. It is proposed to be based on a 'bed and breakfast system'. Whereby the pig producer supply 3 week old weaned pigs at around 10kgs in weight and the farmer then raises the pigs to the finishing weights over an approx. 22 week period. The pigs will be grown by the farmer on behalf of a pig producer, who supplied the weaned piglets, their feeds, haulage and technical support/vets. The producer also provides field staff to offer technical assistance to the farmers rearing the pigs. The farmers inputs are buildings, labour, equipment and straw. The buildings are of a standard design and size suitable to raise 2000 pigs. The system is straw based with a scrape through system, automatic ab lib feeders and drinkers. The pigs are in pens of 50 all through the batch. The building will not be heated but the ventilation will be required and is shown on the submitted drawings. Ridge vents are shown along the roof of the buildings and gale breaker systems along the side. These are controlled via sensors and extend and retract as the weather changes throughout the day to control the temperature within each building.
- 1.5 A screening opinion has been issued stating that the proposal is not EIA development requiring an Environmental Impact Assessment. The proposal would replace an existing intensive livestock facility of the same scale in the locality and so would not lead to a cumulative increase. The potential localised impacts of the proposed development are however a very important consideration and matters to be assessed in appraising this proposal.
- 1.6 The application is accompanied by a Planning Statement, Archaeology Report, Drainage Report, Flood Risk Assessment, Transport Note, Odour Assessment, Noise Assessment, Heritage Impact Assessment, a Landscape and Visual Impact Assessment and an Ecological Appraisal.
- 2.0 **SITE LOCATION/DESCRIPTION**
- 2.1 The proposed new site for the pig unit is located off an unclassified road which connects to the A5. The site is bound by existing agricultural fields with the A5 to the south. It is an open, relatively flat site and part of a large, rectangular field. The village of Sheriffhales and properties at Crackley Bank are some 800-900 metres to the north east and east/south east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council view is contrary to the Officer recommendation. The Principal Planning Officer, in consultation with the Chair and Vice Chair of the South Planning Committee consider that the context which has resulted in the submission of this application and the matters raised by this case warrant consideration by Committee.

4.0 Community Representations

- Consultee Comments

(Where consultees have submitted more than one set of comments the latest are listed first below, in order to show whether any earlier concerns/issues have been addressed through submitted amendments. Please note also that the revised National Planning Policy Framework was published on 20th July 2021 which has changed some of the paragraph numbers quoted by Consultees).

4.1 Sheriffhales Parish Council (04.03.2021) - Objection:

This application is closely linked to an enabling works proposal outlined in 20/00821 in which it is proposed by the applicant that housing development at the Manor Farm site is permitted despite this being contrary to national and local planning policy. This to finance the relocation of a currently profitable private business (the current pig farm) . A number of reports required to appropriately evaluate the proposal 20/00820 were not provided at the time the application was validated despite the significant concerns raised not least the application being outside of existing national and local planning policy. In the period since reports relating to Heritage Impact and Landscape and Visual Impact reports have incrementally been submitted by the applicant. All these 3 proposals need to be considered together to appreciate in full the significant impacts these changes may have on our community. We understand they were considered together in the pre-application process.

These additional comments principally relate to 20/00820. We note the comments of SC Conservation (Historic Environment) submitted on 15 February with respect to inter-visibility impact and would agree that provided the mitigation suggested is undertaken this risk should be minimal.

There remain significant community concerns in respect of odour particularly given the prevailing wind direction. Given the footprint of the site we note there is potential for well over 2000 pigs in the space. SC Regulatory Services were a key consultee with regard to the granting of Planning Permission in respect to the existing pig unit and we assume they must have been satisfied this could be undertaken without causing a nuisance to neighbouring properties. This has clearly not proven to be the case and has resulted in the same SC Regulatory Services serving a Statutory Nuisance abatement notice on the operators of the existing pig unit who in this case are the applicants.

Consequently Sheriffhales Parish Council quite reasonably has little confidence in

any assessments made of unacceptable impacts of this new application or SC Regulatory Services ability to adequately enforce any conditions or monitoring required Having permitted a development previously which was subsequently found to be operating outside of the environmental standards required by law why would SC planning services wish to repeat this ?

The landscape assessment submitted notes in 8.1 and 8.2 that although there will be a direct impact on landscape and landscape character the impacts are not significant and there is no significant impact on residential receptors. It further states in 5.3 as it replaces the existing Pig Unit (replacing it with a large housing development) this should benefit the conservation area and represents a net betterment in terms of impacts on our community.

We are not convinced by this argument at all.

4.1.1 Sheriffhales Parish Council (17.01.2021) - Objection:

- Comments on Transport Assessment:

- report weakened by only considering the residential development proposal and not all three related applications.

4.1.2 Sheriffhales Parish Council (13.05.2020) - Objection:

The existing pig unit was extended, and the numbers of pigs doubled in 2015. Prior to this no significant nuisance had been reported by our community. In response to the planning application enabling that extension the Environmental Protection service of Shropshire Council commented "due to the betterment in waste water provisions, the management of the current operations and the site setting and location I have no objections to this proposal and do not anticipate any odour or noise implications to surrounding receptors. As a result, I have no conditions to recommend."

This is the same service that is now championing the relocation of the pig unit as "the only solution " to the established environmental nuisance.

It is unclear how the planning application in 2015 was managed and the process followed but Sheriffhales Parish Council cannot confirm it received notice of this application which was subsequently approved through officer delegations.

In the period since 2015 the pig rearing unit has been subject to enforcement notices from Shropshire Council relating to nuisance arising from its operation. In subsequent appeal proceedings a Court Order was made that required the applicant to reduce pig numbers and to alter the cycling period between batches of Pigs. These changes were to be made over a period of time. It also required an Odour Management Plan to be established and adhered to. No direction from the Court was or could have been made to relocate the Pig rearing Unit.

Despite our best efforts we have found it difficult to get information from Shropshire Council that verifies if they believe all requirements of the Court Order have been met including the establishment of an Odour Management Plan and adherence to it. It is not accepted Shropshire Council has used all of its powers of enforcement available under the Environmental Protection Act 1990 and no evidence has been provided to demonstrate the "only solution" to enable the pig business to operate

within the terms of its environmental obligations is through its relocation to another site

We note the conclusions of Pre- application discussions between the applicant and Shropshire Council PREAPP/ 18/00212 were submitted on 11 July 2019. The Parish Council was not given an opportunity to participate in these discussions.

We are disappointed this Full application has been validated and submitted with so much material information unavailable to assist in our response.

We note that no attempt by the Applicants to engage publicly with the Community has been undertaken.

2. Specific Objections and concerns

A. Planning Policy and Enabling case

PREAPP/18/00212 prepared by Shropshire Council examines the proposal that the relocation of the existing Pig Rearing Unit can be facilitated by redevelopment of the existing farmyard and buildings using this as a means to generate the funds required rather than other means of financing the relocation. Continued use of the Farm and Farm buildings for other agricultural activity has not been considered even though they are not associated with any "nuisance" issues.

The submission assumes the Pig Rearing Unit cannot continue to operate from its current location at the number of Pigs currently. We note historically the unit had been able to operate at albeit a lower number of Pigs without reportable nuisance, but the preferred decision is to relocate. The evidence that supports this case has not been provided to us within this application. We agree with Pre App observations that the proposed development that "enables" ie finances the relocation of the pig rearing unit is a very significant departure from both the NPPF and Shropshire Core Strategy.

We do not accept the very special circumstances required to set aside relevant Planning Policy have been demonstrated.

B. Environmental context

We have been given no evidence to support the contention that moving to the proposed new location is the only option available to deal with nuisance caused or what other options were considered.

In respect to the existing pig rearing unit we are not given the reasons why nuisance would be unmanageable at a lower number of pigs specifically or how the number of Pigs deemed suitable for the location was arrived at in discussion with Shropshire Council.

We are concerned that at present no conditions on the maximum number of Pigs the unit in the new location could process is given in material submitted. The footprint of the site would also potentially allow for significant growth in Pig Rearing Capacity.

As there is also the potential for expansion of the proposed unit to a much larger unit given the Plans submitted and this needs to be considered at this stage in Planning given the way the existing unit had expanded by doubling in size.

Most importantly we clearly need to have reassurance that whatever the eventual solution is the requirements for "Environmental Protection" in the broadest sense across our Community are met.

Critical to this are the comments in both the Pre App and subsequently from Shropshire Councils Regulatory officers, emphasizing the need for detailed and specialist Odour and Noise assessments to test the suitability of the proposed new site. It is alarming therefore that neither of these assessments are available and makes it impossible to fully consider the appropriateness of this application at this time.

We also note the strong prevailing wind direction towards the settlement of Sheriffhales is similar from both the existing and the proposed new location and Nuisance may still occur and actually spread along Crackly Bank North of Sheriffhales.

C. Waste Management and/or Manure Management Plan

We have not had sight of a plan of this sort in submitted literature. This is needed to support this application in addition to the Odour Impact and Noise assessments mentioned previously. Again this makes it impossible to fully evaluate the application at this time.

D. SC Conservation (Historic Environment)

The comments on impact due to the topology of the land which is flat and the likelihood of intervisibility and visual impact between sites in the Village and a large pig Unit is clearly a very significant concern.

As suggested a correctly conducted Impact assessment requires submission but the enclosed document does not meet this requirement.

We note this phrase in the submitted response the statement is made that "as a private enterprise it is not considered the proposal has any public benefits as such " With respect to Visual Impacts the report suggests mitigation of impacts by use of associated landscaping appropriately coloured materials and hedging as appropriate is provided. No detail is provided. We require this to be able to fully evaluate the application.

We note the comment the application is contrary to paragraphs 189190 and 196 of the NPPF and policy MD13 of SAMDev

E. Financial Viability Assessment.

The "funding model "being proposed through the 3 related applications and how they interrelate requires a detailed Financial Viability assessment which can be independently reviewed.

We note within the enclosed PREAPP /18/00212 in the section on Planning Policy it is stated "it is going to be necessary to submit a robust financial appraisal which breaks down the cost of relocation of the pig farm in detail".

This has not been provided and again makes full evaluation of the application impossible.

Clearly if the funding model for this application was not reliant on application 20/00821/OUT there may not be a need for such an assessment.

F. Landscape and Visual Impact Assessment

Noting the comments in "D "above regarding SC Conservation we are concerned no Landscape and Visual assessment has been provided. The potential visual impacts in a locality such as Sheriffhales are significant and it is essential such an assessment is provided to be able to fully evaluate the application.

G. Highway and Site Access

A transport note is provided within the submission as the only Highways assessment provided. Section 3.4 of the note suggests at the number of Pigs being processed currently no capacity modelling is required and that no highway safety issues anticipated. We note an assessment from Highways England has been obtained now and expresses no concern. We believe a detailed Highways assessment should still be undertaken as slow-moving traffic moving onto the fast A5 road at this junction and stationary lorries waiting to turn across the fast A5 down the access road at this site is a new hazard that must be Risk assessed.

H. Validation Dates and Outstanding Reports

As highlighted above there are a whole series of additional reports and assessments required to enable the application to be fully evaluated.

3. Summary and Conclusion

Due to the reasons set out above Sheriffhales Parish Council has no option other than to Object strongly to this application and recommend its refusal.

Taking our objections to application 20/00820 / OUT (as set out in a separate response) as read we do not accept the " enabling case " or the " very special circumstances " to been established to set aside existing national and local planning policy .

We do not accept that alternative solutions may not be available to the existing pig business meeting its environmental obligations or if it was relocated that sufficient evidence has been provided to determine if problems related to environmental nuisance associated with intensive pig farming would be eliminated .

It is virtually impossible to fully evaluate the suitability or otherwise of this specific application due to the absence of detailed assessments in respect to a whole range of critical issues including Odour, Noise, Waste management, Heritage, Highways and transportation and Visual amenity. The very significant concern amongst local residents has been expressed to us and is reflected in submissions to the Planning Portal.

4.2 SC Highways (24.03.2021) - No Objection:

It is considered that the relocation of the pig rearing unit will overall provide betterment to the existing highway network as the existing unit is accessed via the

village of Sheriffhales and the proposed unit will have direct access off the A5. It should be noted that as per the submitted transport statement, the A5 at the proposed access location is the responsibility of the local highway authority and does not form part of the trunk road network. It is considered that the anticipated number of vehicle movements likely to be generated by the proposed development are not likely to have a detrimental impact on the surrounding highway network, especially in view of the existing number of vehicles using the A5.

Details of the upgrade of the existing junction with the A5 have been submitted in support of this application and are detailed on drawing SA29727_H_02. It is considered that the proposed visibility splays are acceptable and meet the required standard for the vehicle approach speeds. However, any visibility splay should be kept clear of any obstruction it is therefore recommended that the existing hedge line is relocated so the proposed visibility splay is not obstructed. It will also be necessary to relocate the existing telegraph poles referenced on the submitted drawing. It is recommended that a planning condition is attached to any permission granted that requires the applicant to submit details of construction prior to commencement of any works onsite to ensure these matters have been fully addressed.

It is also recommended that a condition is placed upon any permission granted that requires a construction management plan to be submitted to ensure that the construction works are fully controlled.

1. New Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

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

2. On-site Construction

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

The Statement shall provide for:

the parking of vehicles of site operatives and visitors

loading and unloading of plant and materials

storage of plant and materials used in constructing the development

the erection and maintenance of security hoarding including decorative displays and

facilities for public viewing, where appropriate

wheel washing facilities

measures to control the emission of dust and dirt during construction

a scheme for recycling/disposing of waste resulting from demolition and construction works

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

of the area.

4.3 SC Archaeology (24.04.2020) - No Objection:

The proposed development site lies in an area rich in archaeological sites of the Prehistoric and Roman periods. The line of Watling Street Roman road (PRN 00099) runs c. 500m to the south of the proposed development site, and cropmarks of an enclosure (Shropshire Historic Environment Record [HER] No. PRN 02004) and a double-ditched enclosure (PRN 01391) marking the site of Iron Age or Roman farmsteads are located adjacent to the Roman road to the south and southeast of the proposed development site. The development site is therefore deemed to have some archaeological potential.

An archaeological evaluation in the form of a geophysical survey (TigerGeo, February 2020, PFS191) has been undertaken of the proposed development site and an adjoining area to the south down to the line of the Roman road. The geophysical survey located responses that were probably associated with the cropmark enclosure PRN 02004 and another possible enclosure immediately to the north. The proposed development site itself was shown to be relatively free of geophysical anomalies.

RECOMMENDATION:

In the light of the above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This 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: -

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.

4.4 SC Conservation (15.02.2021) - No Objection:

These comments supplement those previously submitted on 24/4/20, where there was objection with regards to the lack of a Heritage Impact Assessment (HIA), in accordance with paragraphs 189-190 of the NPPF, Historic England guidance GPA3 and HEAN12, along with policy MD13 of SAMDev. This is required in order to assess the setting of the Sheriffhales Conservation Area, Lilleshall Registered Park and Garden (grade II), Manor Farm (grade II listed) and St Mary's Church (grade II* listed).

The submitted HIA and Landscape report is noted where it states that there shall be a lack of intervisibility between the site and the relevant heritage assets and from a landscape perspective that impact is 'not considered to be significant'. It is

acknowledged that there is some tree cover and high hedges which characterise the locality mitigates impact despite the topography of the site being flat. It is noted that further mitigation shall be provided by consolidating the existing hedges with further planting rather than extensive new planting or the erection of new bunds.

Overall it is considered that impact shall be 'slight-adverse' considering the existing setting of the site and distance from the relevant heritage assets subject to the full implementation of the mitigation measures. This is also balanced against the Environmental concerns with regards to residential amenity and the benefits of removing the existing operation from the site in this regard and also to aid the existing heritage assets and Manor Farm in particular which should be afforded some weight.

Overall therefore previous objection is withdrawn subject to conditions with regards to proposed finishes of the new building (cladding) and relevant landscaping.

4.4.1 SC Conservation (24.04.2020) - Objection:

In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

There are concerns that the proposal may have an impact upon the setting of the following

designated heritage assets:

- Sheriffhales Conservation Area;
- Sheriffhales Manor (grade II listed) and associated farmstead that contains curtilage listed barns (which is subject to accompanying outline application 20/00821/OUT);
- Sheriffhales Lodge (grade II listed);
- Sheriffhales War Memorial (grade II listed); and
- Church of St Mary (grade II* listed) where the churchyard contains three tombs (Hughes, York and Glover) which are all grade II listed structures in their own right.

Whilst many of the designated assets are up to 900m away such as the border with the conservation area, the topography of the land is very flat so there would be likely visual impact and intervisibility between the respective sites, especially with The Manor. Therefore a Heritage Impact Assessment should be submitted in accordance with paragraphs 189-190 of the NPPF, Historic England guidance GPA3 (with regards to setting) and policy MD13 of SAMDev. This should also include the paragraph 196 balance with regards to harm versus public benefits. As a private enterprise it is not considered that the proposal has any public benefits as such though the environmental health implications are acknowledged in terms that the proposal tries to deal with the smell issue that has adversely impacted the amenity of the residents of Sheriffhales, where this could be afforded some weight. Also the proposal needs to provide relevant details on how the visual impact could

be mitigated such as the use and colour of facing materials for the sheds and any associated landscaping, especially given that the topography of the site is flat.

Therefore there is objection to this proposal where it is considered to be contrary to paragraphs 189-190 and 196 of the NPPF, Historic England guidance GPA3 and policy MD13 of SAMDev.

4.5 SC Regulatory Services (15.02.2021) - No Objection:

Since previous comments were submitted on this application no new information has been provided which would alter comments on the technical documents, namely noise and odour, which have previously been provided. It is noted that several comments made on the application make reference to an abatement notice served on the current pig rearing site. For clarity the following points are made to help explain the regulatory controls in place and the scope of regulatory regimes to deal with, primarily, odour from the pig rearing units.

Prior to a second pig rearing building being built at Manor Farm no justified odour complaints had been received by the Council. Following the installation of the second shed complaints were received in respect of odour. An investigation ensued and found a statutory nuisance, under the Environmental Protection Act 1990 s79, existed. The Council served a notice as required by the aforementioned legislation. An appeal was lodged as is the right of anyone served with a notice of this type. During legal proceedings two experts, independent from the Council and the operator of the Manor Farm pig rearing operation, provided reports considering odour and what may be considered best practicable means. Both reports provided commentary on what the site could do to reduce odour. It was concluded that even if the applicant employed what is called Best Practicable Means (BPM) that odour may be a nuisance at closest residential receptors. If BPM is taking place this provides an operator with a defence against any further action under the Environmental Protection Act 1990 provisions for statutory nuisance. The operations at Manor Farm have been considered following the court case by officers of Shropshire Council and by an external expert on behalf of Shropshire Council. Compliance with the notice issued by Shropshire Council has been found to exist. Commentary has been provided by the external expert who audited Manor Farm to Shropshire Council's Regulatory Services. This suggests BPM is available on the site.

The reason for providing this commentary is to highlight a couple of important points. The current site can continue to operate and cause a statutory nuisance on an ongoing basis as long as it applies BPM at all times. As such the Council has no further way to address the odour nuisance being created. No further significant betterment to odour is likely to be available by following statutory nuisance provisions. Secondly the relocation of the site to a different location has assessed odour. Due to the large distances involved the new site is not considered likely to have a significant impact on amenity. I would go as far as saying it will have a negligible impact on amenity at nearby residents and other sensitive receptors including the school. This is taking into account prevailing wind and management practices. No significant likelihood of the new site creating a statutory nuisance is found having considered the documents provided with the application.

It is noted that concern has been raised as to the ability to the new site to expand in future. This is not subject to scrutiny through this planning application which must be judged on its merits. However, it is perhaps fair to point out that should any increased operation be sought in future planning approval would be required. This would ensure an odour assessment is provided to consider odour impact of any increased activity. The relocation site has the advantage of being in a location where future expansion would be likely to be available in respect of odour impacts.

In conclusion the odour assessment provided is considered acceptable. A negligible odour impact is considered likely which would be a significant improvement from the current scenario. The current site is creating a statutory nuisance and could continue to do so as long as it can continue to demonstrate BPM is in place.

4.5.1 SC Regulatory Services (20.10.2020) - No Objection:

With regard to the submitted odour assessment and management reports, the modelling information indicates that the odour impact, in terms of accepted benchmark parameters Odour Units for the 98th percentile, will be negligible to nearest sensitive receptors as identified within the report. This is by the main virtue of the dispersal distance of approximately 800m to Sheriffhales and approx. 600m to the nearest resident. The assessment details a 98th Percentile of 0.5 OU, at the boundaries of the nearest sensitive receptors and naturally reducing further on approach to the properties and village which, given the distance dispersion, it would not be to a standard to interrupt amenity or cause nuisance.

Mitigation is also further achieved by building design and husbandry techniques including feed content, ventilation, temperature control, bedding arrangements, water controls and manure storage as detailed in the management plan. As with other intensive rearing techniques, it is the clearing out of the buildings, which is an infrequent occurrence during the cyclical process of rearing, which will likely result increased odour for the duration of the process, but this is a very short duration. It must be noted that as manure will be spread on local agricultural land for fertilization of soil, there will be increased odour for the duration of spreading and ploughing in within the typical weeks associated with such practices, namely after Autumn Harvest and to a lesser extent the spring preparation of land. This common agricultural practice currently occurs, with manure sourced either from the farm at its existing location or manure imported from other farms.

The decision maker ought to be aware that the existing pig units which are located on the immediate outskirts of the village, at Manor Farm within tens of meters of sensitive receptors, and have been subject to statutory nuisance enforcement of which a resolution is to relocate operations to a location which allows the pig numbers wanted by the business and also minimising the impact on receptors. As such, the supporting information indicates that this outcome will be achieved by moving the operation to an increased distance from receptors and facilitate an increase in animal numbers. If the proposal is granted, it should be conditioned that, as based on the number of pigs to formulate the assessments, that the capacity of the units should not exceed 2000 pigs without further assessment on

odour, as to exceed this would bring the number within the units within the Environment Agency permitting regime and further odour assessments will be necessary. Previous comments on vehicle movements and times of operation should be conditioned.

4.5.2 SC Regulatory Services (04.05.2020) - Comment:

The proposal to relocate the pig rearing enterprise from the current location to one more remote is supported as the only way to remove the Statutory Nuisance that has been found to occur as a result of the pig rearing units at the current site. This is the opinion of Regulatory Services having considered the existing site and hearing information from two specialist consultants in this field. Indeed, it was the conclusion of experts that with 1000 pigs being reared at the current site, which has been the case historically for several years, there would likely be a statutory nuisance at nearest residential properties. Currently the pig rearing operation is creating an odour nuisance at a number of properties in Sheriffhales with odour also impacting on the school. For this reason the proposal is supported in general by Regulatory Services as this would be likely to remove the odour nuisance in full.

To provide the necessary detail on both odour and noise assessment is necessary. Preapplication advice suggested this would be the case when the following information was provided, " In order to ensure no new issues are raised by any location in terms of noise and odour a suitable assessment will be required with any future application". However, having given thought to the actual location being brought forward it is noted that this is some 700m away from nearest downwind receptors. As such no noise assessment is considered necessary as noise from the unit is not anticipated to be a concern over this distance. It would however be advised that in lieu of a noise assessment a condition is placed to ensure that feed deliveries take place between the hours of 0700 - 1900 hours only to protect against noise created by this activity.

It is imperative that an odour assessment is provided with the application. Once this has been provided please consult regulatory services for additional comment.

4.6 SC Drainage (04.05.2020) - No Objection:

The proposed surface water drainage strategy in the Flood Risk Assessment is acceptable in principle. The final drainage calculations of the attenuation pond should be submitted for approval.

Details and plan on how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system should be submitted for approval to ensure that polluted water does not enter the water table or watercourse.

Condition:

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4.7 SC Rights of Way (12.05.2020) - Comment:

Although not acknowledged within the Design Statement or on the block plan there is a public footpath that runs along the southern boundary of the proposed development and the continuation of the footpath continues on the eastern side of the access track which will be used as access to the pig farm.

Officers have strong concerns that by placing the development so close to the public footpath there will be a considerable impact on both the enjoyment and safety of users of the public footpath and the size and noise created will detract from the open countryside which at present can be viewed for the footpath. The size, noise and odours produced by the farm will all impact on the usage of this public footpath which will be detrimental to the connectivity within the local area. The footpath should be taken into consideration at the early planning stage particularly with regards to the safety of walkers crossing the track to use the continuation of the footpath which continues to the village.

The applicants should liaise with the Rights of Way Officer for the area to discuss measures to alleviate any potential conflict of use across the access and the applicants will need to adhere to the criteria stated below:

- 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. If this is not possible then we would like to see a temporary diversion application submitted to close the Definitive line and create a safe alternative for users through the site as soon as development starts to take place.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way. A 2 metre width is required throughout with a clear demarcation boundary between the site and the footpath to ensure the public's safety whilst walking the footpath.
- The alignment of the right of way must not be altered.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

4.8 Shropshire Fire and Rescue - Comment:

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m²
Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5. provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

4.9 Historic England (24.02.2021) - Do not wish to offer any comments.

Suggest that views of the Council's specialist conservation and archaeological advisors be sought.

4.10 SC Ecology - No comments. (Reference made to standing advice).

-Public Comments

4.11 20 Objections to application as originally submitted:

-Moving pig farm to another location will not change how the pig unit is run and reason for abatement order.

-Not a satisfactory solution to the odour nuisance.

-Prevailing westerly winds will bring odours across open fields back to the village and school.

-With good husbandry there should not be smells and aromas.

-Application will go back to full capacity during all months of the year and odour will be back to the levels when original complaints were made.

-Study needed into disbursement of likely odours.

-Odours should not reach edge of village and the proposed dwellings in winds.

-Total area of relocated site will be 2625sqm compared to 5000sqm on the existing site, only a quarter of which is occupied by the pig farm - how can increase in size be justified to accommodate no more than 2000 pigs?.

-Matters could get worse as proposal significantly increases the capacity of the farm.

-No Environmental Impact Assessment to assure local residents that history would not just be repeating itself with this re-siting.

-Smells would affect properties in Back Road, Crackley Bank, some 800 metres from the proposed site, as would others due to the westerly winds.

-Reduction in the number of pigs at the existing site last year has significantly reduced the odour nuisance and this application appears to be based on the desire to grow the business.

-Pig farm has only operated for six or seven years and since that time there has been many complaints to Shropshire Council.

-Increased traffic through the village and past the school and preschool.; concern for welfare of children and parents.

-Detailed assessments required on odour management and impacts, noise, waste

management, highway management, landscape and visual impacts and heritage, and the financial appraisal link to application 20/00821/OUT to determine whether this is an acceptable development.

-May become a statutory nuisance.

-Contrary to National Planning Policy and Core Strategy policy CS5 which states there should be no environmental impacts from developments.

-Manor Farm Limited is in a sound financial position.

-Provided existing pig farm remains capped at under 2000 and cycling runs to fit in more appropriately with the seasons when people are most likely to be enjoying their outdoor space and the historical rural location it should not be a problem.

-Existing pig unit should not have been granted planning permission in the first place.

-Believe that use of the 'straw units' which are identical to the pig units could result in up to 5000 pigs being housed at any one time.

-Site too close to existing chicken rearing farm at Crackley Bank and a second site involving intensive farming is too much to impose upon this small community.

-The four large buildings would be harmful to the setting of designated Heritage Assets and therefore contrary to the NPPF.

-Detrimental impact on both the enjoyment and safety of users of the public footpath, with views of open countryside obscured by the four large farm buildings in addition to the smell and noise that would be produced; path would effectively be out of bounds during construction work due to health and safety risks.

4.12 Shifnal Town Council (23.02.2021) - Object to support the concerns of the local parish council and residents and the impact of increased traffic flow in respect of this application.

Shifnal Town Council (15.05.2020) - No comments.

4.13 5 Objections following re-consultation on receipt of additional supporting information:

-No requirement to relocate the current pig unit at Manor Farm following service of notice by Shropshire Council's Regulatory Services to abate odour nuisance.

-No requirement to re-locate if correct protocols for odour control are adhered to.

-Has an odour management plan been submitted to the Council to demonstrate that there are other solutions available so as not to cause nuisance to nearby residents?

-Has Shropshire Council used all of its powers of enforcement under the Environmental Protection Act 1990 following service of notice.

-Not prepared to risk odours from a large proposed pig farm only approximately 800 metres on the prevailing wind from their property.

-Would move the nuisance to Crackley Bank instead.

-Expect a certain amount of farm odours living in the countryside, but this is at a whole different level.

4.14 1 Support:

- A shame that a historic and innovative farm has been forced to take this action to relocate due to odour.
- Farming allows for open countryside to be maintained and offered to residents of rural villages and it is a tragedy that Sheriffhales has treated a farm in this way.
- Believe odour from the proposed farm location will no longer affect the village due to the new distance from the village and expert odour modelling showing complete dispersion over a 400m radius regardless of wind direction.
- Hope that this farm can continue to provide British food which complies to high welfare standards in a future where food security and supporting local produce is paramount.

5.0 **THE MAIN ISSUES**

Principle of development
Siting, scale and design of structures
Landscape and Heritage Setting Impacts
Highway Safety
Residential Amenity
Right of Way
Drainage
Ecology
Archaeology

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

6.1.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015.

6.1.3 Core Strategy policy CS5 relates to development in the Countryside and Green Belt. (This site is outside of the Green Belt, whose northern extent in Shropshire is defined by the A5). It states that agricultural related development will be permitted in countryside areas, with the proviso that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse impacts. Policy CS13 relating to Economic Development, Enterprise and Employment recognises in rural areas the continued importance of farming for food

production and supporting the rural economy. SAMDev Plan policy MD7b is also supportive of agricultural development in the countryside where it is of a size/scale and type consistent with it required agricultural purpose and nature of the agricultural enterprise; well designed and located and will have no unacceptable impacts on environmental quality and existing residential amenity. These policies are consistent with the National Planning Policy Framework (2021) which, at paragraph 84, is supportive of a prosperous rural economy, stating planning decisions should enable development for agricultural purposes.

- 6.1.4 There is, therefore, no in-principle planning policy objection to the proposed development. The acceptability or otherwise of the proposal rests on the detailed matters which are examined below.

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

- 6.2.1 Core Strategy policies CS6 and CS17 seek to ensure that developments are appropriate in scale, density, pattern and design taking into account the local context and character. This objective is further bolstered by SAMDev Plan policy MD2. The application site is in an area with no special landscape designations and the proposed buildings would be of designs typical of the modern farm buildings found throughout countryside areas. It has been queried with the agent how the design details of the store storage buildings, which have similarities to the livestock buildings, would render them suitable for the stated 'straw shed' and 'straw store' uses and it is hoped to receive a response in time for the Committee meeting. The impact of agricultural buildings on the rural landscape can be mitigated by the external finishes/colours used. Their scale and grouping would not appear incongruous in this rural location but would benefit from some boundary landscaping to soften their form and in the selection of colours for their external finishes: These are both matters which can be controlled through conditions attached to any grant of planning permission.

6.3 **Landscape and Heritage Setting Impacts**

- 6.3.1 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF), Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The Council's Conservation Officer for the area initially raised concerns about the potential visual impact and inter-visibility between the site of the proposed buildings and the listed buildings and conservation area at Sheriffhales some 900 metres away, due to the topography of the land being very flat. A Heritage Impact Assessment was requested to explore this issue and meet the requirements of the NPPF. A Heritage Impact Assessment and a Landscape and Visual Impact Assessment have now been supplied. This information has been reviewed by the Conservation Officer who acknowledges on the inter-visibility issue that there is some tree cover and hedges which characterise the locality and have the effect of providing some local mitigation despite the flat topography. He notes also that further mitigation would be provided by consolidating existing hedges with new planting. Overall, he concludes the impact would be 'slight-adverse' which, in accordance with paragraph 202 of the NPPF (2021), must be weighed against the public benefits of removing the exiting intensive pig activity from a location much

closer to residential properties and the designated heritage assets. His previous objection is withdrawn subject to there being conditions with regard to the external finishes of the buildings and relevant landscaping. (As recommended at 6.2.1 above). The Case Officer concurs with his assessment and a refusal on the grounds of harm to the setting of designated heritage assets or to the visual amenity of the wider landscape could not be sustained in this case.

6.4 **Highway Safety**

- 6.4.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 110 it advises that sites should give opportunities to promote sustainable transport modes appropriate to the type of development and its location, have a safe and suitable access for all users and that whether any significant impacts on the transport network or highway safety can be cost effectively mitigated to an acceptable degree. It continues at paragraph 111 stating development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Core Strategy policy CS6 seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.
- 6.4.2 The Transport Note submitted with the application states that at present heavy goods vehicle traffic accessing the existing pig units at Manor Farm are travelling through Sherifhales along 'The Rock' from the B4379 and the proposal would enable that traffic to be redirected away from the village and the B4379 and would travel to and from the site via the A5 using the unclassified road. The existing junction of the unclassified road with the A5 has radii of some 6 metres on either side and is of a single vehicle width but has good visibility. Improvements to the junction are proposed as part of the application. These improvements include the widening of the unclassified road to 7.3m over a length of 20m, tapering down to tie-in with the existing road width of approximately 4.6m. The junction radii would be increased with a 12m entry radius and 15m exit radius, including a 1:10 exit taper onto the A5. The proposed junction geometry has been selected to avoid prejudice to the free flow of traffic along the A5, by allowing simultaneous entry and exit movements. 215m visibility will be achievable from a 4.5m set-back. The agent advises that the applicants are willing to repair and improve drainage along the unclassified road from the A5 junction to the access point of the proposed pig farm buildings. Traffic count data has established that traffic volumes mean a simple major/minor road junction (Without for example a right-hand turning lane) would be appropriate provision.
- 6.4.3 The proposed development is predicted to generate a total of 71 2-way vehicle movements per 20 week batch duration. of this total 51 would be HGV movements connected with piglet delivery, feed delivery, fallen stock removal and finished pig removal, with a detailed breakdown being provided in the Transport Note. (All manure and slurry would be retained on site for reuse as per the existing operations). No additional traffic movements would arise on the highway network as a result of this application, but it would remove HGV traffic associated with the farm from the village.

6.4.4 The Council's Developing Highways Manager considers that the proposals would overall provide a betterment to the existing highway network and would not be detrimental to highway safety. The anticipated number of vehicle movements likely to be generated by the proposed development are not likely to have a detrimental impact on the surrounding highway network, especially in view of the existing number of vehicles using the A5. The proposed junction improvements and visibility splays shown on the application drawings would be acceptable, but the relocation of the existing telegraph poles within the visibility splays would be sought. A condition attached to a grant of planning permission requiring the submission of details of construction relating to the access improvements prior to the commencement of site works would enable these matters to be fully addressed. With respect to comments made that vehicles could still use the unclassified road through the village to access the site during the construction period and subsequently, this can be addressed by requiring the approval and adherence to a construction traffic routing plan as part of the Construction Method Statement to be submitted for approval. A traffic routing plan for the pig farm unit when it is in operation, to ensure that HGVs servicing it only use the improved access route from the A5 could also be conditioned on a grant of planning permission.

6.5 Residential Amenity

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The principal reason for this application is to seek to overcome an unacceptable adverse impact on residential amenity caused by the intensive pig rearing operation at the existing Manor Farm buildings. It is necessary to ensure that relocating the pig farm enterprise to new buildings in another location does not just displace that harm which then affects different properties. The proposed siting of the buildings would be some 700-900 metres to the west/ north west of dwellings at Sheriffhales and Crackley Bank and some 700 metres from a dwelling on the A5 to the south west. With respect to the noise likely to be generated by the pig farm in the new location, a noise appraisal has been submitted with the application. This identifies dwellings as a receptor type in three locations some 710m, 720m and 900m from the proposed farm buildings and amenity space some 900m away. Those same receptors are currently 12m, 25m, 70m and 1700m respectively from the current pig farm buildings. The noise appraisal concludes:

"This review indicates that the relocation of the pig farm would result in significant reductions in noise levels at the nearest receptor locations, with reductions of between 20dB and 38dB for the closest properties. The exception to this is location AL03 (The dwelling on the A5 to the south west of the site) which may see noise levels from the livestock increase by up to 8dB. However, the distance between the proposed relocation site and the receptor (AL03) would still be significant and in itself gives substantial reductions in noise from the new location and as such, the impact of the relocation of the pig farm is considered to be beneficial overall to sensitive receptor locations considered."

The Council's Regulatory Services Team is content with the findings of the noise study. It is considered that the noise likely to be generated by the operation of the relocated pig farm would not unduly harm the residential amenities of the locality.

6.5.2 An Odour Assessment has also been submitted with the application, along with an

Odour Management Plan produced by ADAS. The modelling carried out by the assessment used 10 receptor points comprising points in close proximity south of the site, on the western approach to and within Sheriffhales village and at Crackley Bank. The assessment concludes:

"The modelling predicts that five year average 98th percentile annual hourly mean odour exposure levels are below the suggested benchmark range of 3.0 to 5.0 ouE/m³ at all modelled discrete receptor points.

The modelled odour exposures at all residential receptors are below the EA H4 benchmarks of 3.0 ouE/m³ for moderately offensive odours, and also below the more demanding 1.5 ouE/m³ benchmarks.

Use of the IAQM guidance on odour effects results in predictions of "negligible" effects at all receptors. Based on the odour dispersion modelling undertaken, it is concluded that the proposed relocation of the pig unit would not result in any significant effects on local amenity."

The Odour Management Plan sets out how best practice would be adhered to by identifying the roles and responsibilities for site management, staff training, maintenance, record keeping, odour controls and routine maintenance, setting out an odour complaints procedure and contingency control measures. This assessment and management plan has been reviewed by the Council's Regulatory Services Team and are considered to be sound.

6.5.3 Regulatory Services comment in addition that, as with other intensive rearing techniques, it is the clearing out of the buildings, which is an infrequent occurrence during the cyclical process of rearing, which will likely result increased odour for the duration of the process, but this is a very short duration. It must be noted that as manure will continue to be spread on local agricultural land for fertilization of soil, there will be increased odour for the duration of spreading and ploughing in within the typical weeks associated with such practices, namely after Autumn Harvest and to a lesser extent the spring preparation of land. This common agricultural practice currently occurs, with manure sourced either from the farm at its existing location or manure imported from other farms. From the planning perspective of considering impact on residential amenity, this aspect of the farming operation would not change with the proposed development and the cap on stock numbers and the odour nuisance has arisen from smells emanating from the buildings.

6.5.4 It is concluded therefore that due to the large separation distances from receptors that would be achieved by the proposed site, the proposed development would not have a significant impact on the amenity of residents in the locality and other sensitive receptors including the school, taking into account the prevailing wind and management practices. It is the view of the Regulatory Services Team that there is no significant likelihood of the proposed site creating a statutory nuisance in the future. To ensure that residential amenity is safeguarded and the objective of removing the source of the statutory nuisance is achieved any grant of planning permission would need to be restricted by conditions to a maximum of 2000 pigs being housed in the buildings at any time and requiring the farming operation to be carried out in accordance with the submitted odour management plan. There would also need to be a Section 106 Agreement as part of a grant of planning permission which secures the permanent cessation of intensive livestock operations at the

existing Manor Farm buildings on the commencement of use of the livestock buildings contained in this application. The traffic routing plan for the operational phase of the development, proposed as a condition at 6.4.4 above would have all HGVs, including feed deliveries, routed from the A5 to the south and it is considered this would be sufficient to avoid the need for a specific condition on noise grounds restricting when such deliveries might take place which was suggested by Regulatory Services in lieu of a noise assessment (Which in fact was provided subsequently) in their earlier comments at 4.5.2 above. On this basis, a refusal on the grounds of the proposal being detrimental to the residential amenities of the locality could not be sustained.

6.6 **Right of Way**

6.6.1 There is a public footpath which crosses this agricultural holding and this runs along the southern boundary of the application site before then heading in a south westerly direction towards the A5 and, on the opposite side of the unclassified road, in a north easterly direction towards the village. It is accepted that the presence of the livestock buildings could affect the enjoyment of the users of this section of path, but this must be weighed against the public benefit which would be achieved by moving the intensive livestock production away from the edge of the village. It is considered that more weight should be given to the latter in the circumstances for this case. The safety of the footpath users during the build would be a matter covered by the construction management plan.

6.7 **Drainage**

6.7.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing run-off rate and not result in an increase in run-off. The Council's Drainage Consultants have advised that proposed surface water drainage strategy in the Flood Risk Assessment is acceptable in principle. They are content that drainage interests can be safeguarded adequately, to ensure the satisfactory drainage of the site and to avoid flooding through a pre-commencement condition requiring the scheme of surface and foul water drainage to be submitted and approved before development commences.

6.8 **Ecology**

6.8.1 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. SAMDev policies MD2 and MD12 supplement these policies. An Ecological Appraisal has been submitted, updated in June 2021. In summary it states:

“No designated sites were found within the vicinity of the site. The proposed development is not situated within a Shropshire Environmental Network core habitat or ecological corridor and therefore no negative impact is expected from the development. Records of protected species within 2km include typical bat species, badger and brown hare.

The site is formed of a smaller part of a larger agricultural field, of negligible ecological value. The north, south and west boundaries are open to the larger field,

the east boundary a species-poor defunct hedgerow along the side of the proposed buildings. Where the proposed entrance to the field is located is an area with no hedging and has a mature ash tree with low value for bats, this will be protected through development and will not be felled in the active season for bats.

The access track has mixed hedgerows along its length that won't be affected by the proposed development, the new access from the A5 will see works needed on some species rich defunct hedgerow and will pass through the RPZ of three mature trees of negligible value for bats.

The main development area is of negligible ecological value.”

The Ecological Appraisal recommends that the biodiversity is enhanced post-construction with the inclusion of bat and bird boxes and new hedgerow planting. The Ash Tree would be protected with a lighting plan and any other trees planned for removal will be removed outside the active season for bats and nesting birds.

The recommended landscaping scheme comprises hedging and tree planting (locally sourced native species) to gap up defunct hedges and replace hedges damaged by the new visibility splay to enhance the area for biodiversity. With respect to tree planting the Ecology Appraisal states that oak should be particularly encouraged as it is the dominant species in the vicinity and it supports a large diversity of invertebrates. Other tree species recommended include lime, rowan and silver birch. In addition it proposes the provision of two bat boxes suitable for day roosts and provision of bird boxes, together with the lighting scheme being in accordance with ILP and BCT Guidance note 08/18.

The above confirms existing hedging would be largely maintained but there would be impacts from the access works which would need to be compensated for through the recommended landscaping condition. The proposed works to improve the road junction with the A5 would entail the removal of three trees and compensatory planting would be sought through the landscaping condition. These trees would need to be checked for nesting birds and protected species before their removal and the need to ensure no breach of wildlife protection legislation can be the subject of informatives on any planning permission issued. Planning conditions relating to bat and bird boxes and external lighting are recommended to safeguard ecological interests.

6.9 **Archaeology**

6.9.1 A geophysical survey report has been submitted. The Council's Archaeology Team comment that this investigation focused on the proposed site and an adjoining area to the south down the line of the Roman road. The responses located may be associated with a crop mark enclosure and another enclosure. In the light of the findings of this investigation, it is their recommendation that a programme of archaeological work in the form of watching brief be conditioned as part of a grant of planning permission.

7.0 **CONCLUSION**

7.1 There is no in-principle planning policy objection to the proposed development in this countryside location.

- 7.2 The proposed buildings would be of designs typical of the modern farm buildings found throughout countryside areas. The impact of agricultural buildings on the rural landscape can be mitigated by the external finishes/colours used. Their scale and grouping would not appear incongruous in this rural location but would benefit from some boundary landscaping to soften their form and in the selection of colours for their external finishes: These are both matters which can be controlled through conditions attached to any grant of planning permission. The proposals would not significantly impact on the setting of designated heritage impacts in the locality or the visual amenity of the wider landscape, and the impact that would arise would be outweighed by the public benefits of removing the existing intensive pig farming activity contained in buildings from a location much closer to residential properties and designated heritage assets.
- 7.3 The local highway network would be able to accommodate satisfactorily the anticipated number and type of vehicle movements likely to be generated by the proposal, with the improvements proposed to the junction of the unclassified road with the A5, allowing for the removal of HGV traffic from the minor village roads through a traffic routing plan. This combination of highway improvements and traffic routing can be secured by condition prior to the buildings being first brought into use, with vehicle routing also being part of a construction method statement during the build phase.
- 7.4 Due to the large separation distances from receptors that would be achieved by the proposed site, the proposed development would not have a significant impact on the amenity of residents in the locality and other sensitive receptors including the school, by reason of odour and noise, taking into account the prevailing wind and management practices. The permanent cessation of intensive livestock use of the current farm buildings, to avoid any cumulative effects, is a key factor in this conclusion on amenity impacts, and would need to be secured through a Section 106 Agreement as part of any grant of planning permission. In addition, the total number of livestock that could be accommodated would be restricted by condition to a maximum of 2000 pigs to tie in with the impact studies carried out. A further planning application would be needed in the future should the current proposal be granted planning permission and built. and there then be a wish by the operator to increase stock numbers, allowing the potential impact on matters including residential amenity to be fully reviewed at that time. There would also be Environment Agency Permitting Requirements to be met should a further increase in stock numbers be sought.
- 7.5 It is accepted that the presence of the livestock buildings could affect the enjoyment of the users of the adjacent section of public footpath, but this must be weighed against the public benefit which would be achieved by moving the intensive livestock production away from the edge of the village. It is considered that more weight should be given to the latter in the circumstances for this case. The safety of the footpath users during the build would be a matter covered by the construction management plan.
- 7.6 Drainage interests can be safeguarded adequately, to ensure the satisfactory drainage of the site and to avoid flooding through a pre-commencement condition

requiring the scheme of surface and foul water drainage to be submitted and approved before development commences. Archaeological interests can be safeguarded through a watching brief planning condition and ecological interests through conditions relating to the provision of bat and bird boxes and external lighting. The landscaping condition would compensate for the works to hedgerows and trees that would be required as part of the development.

7.7 The application is therefore recommended for approval on the basis of the above assessment of the material planning considerations.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

recommendation.

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Shropshire Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7b - General Management of Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S15 - Shifnal

RELEVANT PLANNING HISTORY:

15/01103/FUL Erection of portal steel framed agricultural livestock building GRANT 23rd July 2015
20/00821/OUT Outline application (access for consideration) for residential development PDE
20/00822/FUL Erection of building for the stabling of horses and associated equipment

including change of use of land and formation of vehicular access PDE
BR/98/0095 ADDITIONAL USE OF FARM FOR EQUESTRIAN ACCOMMODATION AND
GRAZING GRANT 20th May 1998
BR/98/0094 ERECTION OF A FARM DWELLING AND INSTALLATION OF SEPTIC TANK
REF 20th May 1998

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 Archaeological Report Drainage Report Flood Risk Assessment Highways Transport Note Odour Assessment Noise Assessment Heritage Assessment Landscape and Visual Impact Assessment
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Kevin Turley
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, in the interests of the visual amenities of the area.

4. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in association with the development. in the interests of the visual amenities of the area and enhancing biodiversity.

5. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

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

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

The Statement shall provide for:

the parking of vehicles of site operatives and visitors

loading and unloading of plant and materials

storage of plant and materials used in constructing the development

the erection and maintenance of security hoarding including decorative displays and

facilities for public viewing, where appropriate

wheel washing facilities

measures to control the emission of dust and dirt during construction

a scheme for recycling/disposing of waste resulting from demolition and construction works
construction traffic routing plan
measures to protect safety of users of public right of way

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

7. Before the buildings hereby approved are first brought into use a traffic routing plan for Heavy Goods Vehicles serving the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved traffic routing plan shall be adhered to for the life time of the development.

Reason: In the interests of highway safety and to safeguard the residential amenities of the locality.

8. The total capacity of the buildings hereby approved shall not exceed 2000 pigs.

Reason: To safeguard the amenities of the area and to allow for further assessments of impacts from matters such as odour and noise should it be proposed at any time to exceed the stock numbers.

9. 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.

10. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

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

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

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 180 of the NPPF.

13. Prior to first occupation / use of the building(s), the number, makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups) shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

14. The relocated Manor Farm Pig Unit shall be operated in accordance with the Odour Management Plan (Ref:443491) dated September 2020 prepared by RAK ADAS Ltd.

Reason: To safeguard the amenities of the locality.

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. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

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

fledged chicks are still dependent.

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

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

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

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

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

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

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

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

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in

skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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

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

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

[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

5. 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.

6. 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 (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.



Committee and date
 Southern Planning Committee
 10 August 2021

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 20/00821/OUT	Parish:	Sheriffhales
Proposal: Outline application (access for consideration) for residential development		
Site Address: Manor Farm Sheriffhales Shropshire TF11 8QY		
Applicant: Meadow Farm Ltd		
Case Officer: Richard Fortune	email : planning.southern@shropshire.gov.uk	

Grid Ref: 375601 - 312067

The map shows a site plan for Manor Farm Sheriffhales. A red boundary outlines the main site area, which includes several buildings and a 'Spreads Pond'. To the right of the site is a road labeled 'A4'. Other features include 'The Manor', 'St Mary Church', and 'Manor Cottages'. The map is overlaid with a grid. A scale bar indicates 113.4m. The Shropshire Council logo is visible in the bottom left corner of the map area.

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Recommendation:- Refuse.

Recommended Reasons for refusal

1. With the exception of the proposed conversion of two traditional farm buildings to residential dwellings, the proposed development would be predominantly new-build open market housing. Sheriffhales is not identified as a location for new build open market housing by the adopted Development Plan comprising of the Shropshire Core Strategy and Site Allocations and Management of Development (SAMDev) Plan, whose housing policies are up-to-date in the context of paragraph 11 of the National Planning Policy Framework (2021) due to Shropshire Council currently being able to demonstrate a housing land supply of in excess of five years. It has not been claimed that the dwellings are required to house essential countryside workers or that they would be affordable dwellings to meet an identified need. There are no other material considerations, which include the cessation of pig farm use of the existing buildings, that would be sufficient to justify the scale of new build residential development proposed as a departure from the Development Plan. The proposal is therefore contrary to the Development Plan housing strategy set out in Core Strategy policies CS1 and CS5 and SAMDev Plan policies MD1; MD3 and MD7a.

2. Whilst acknowledging that the proposed development would make a small contribution economically and socially by boosting housing supply, and would result in the cessation of the current farming activity on the application site, these public benefits are not material considerations sufficient to outweigh the permanent harm to the landscape setting of the Sheriffhales Conservation Area and nearby listed buildings which would result from the extent of plots subdivision and loss of woodland planting that would be required to accommodate the number of dwellings set out in the supporting information and shown on the indicative site plan. The proposed development would also therefore be contrary to Core Strategy policies CS6 and CS17, SAMDev Plan policies MD2, MD12 and MD13 and would fail to satisfy the environmental objective of sustainable development set out in the National Planning Policy Framework.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an outline with matters relating to appearance, landscaping, layout and scale reserved for later approval. Access is a matter for which approval is sought as part of the outline application. The description of development given by the agent on the planning application form is "...residential development following the relocation of the existing farm to a greenfield site." That new farm proposal is the subject of the separate report elsewhere on this agenda (ref 20/00820/FUL) and is an intensive pig rearing agricultural business. The application site for the proposed residential development also includes an existing equestrian enterprise and the relocation of that enterprise is the subject of planning application 20/00822/FUL.
- 1.2 There is a degree of inter-dependence with the decision taken on application 20/00820/FUL in the consideration of this proposal. Should application 20/00820/FUL be refused, then the supporting case put forward by the agent for this residential development application fails, as there would then be no development which it is proposed the housing development would 'enable' through

providing the funding. However, if application 20/00820/FUL is approved, it does not follow that a consent should be automatically forthcoming for the proposed residential development, as the source of funding for the new pig farm.

- 1.3 The application form states that a total of 31 market houses are proposed. An illustrative site layout drawing has been submitted showing how this number of units could be accommodated on the site. This illustrative plan shows four existing large farm buildings would be demolished, with two smaller, more traditional brick buildings retained and converted into five dwellings. The other 26 units to make up the envisaged total would be new-build and a mix of detached and semi-detached dwellings, providing a mix of three, four and five bedroomed accommodation. There would be a landscaped area of public open space in the centre of the southern half of the site, with an existing pool retained and landscaped at the northern end of the site, with a further area of public open space.
- 1.4 The existing farm access point onto the public highway would be used by the proposed residential development. A package treatment plant is proposed for foul drainage, with a sustainable drainage system proposed for surface water.
- 1.5 The agent advises in the supporting statement that the type of farming operation being carried out at Manor Farm is deemed to be a statutory nuisance in terms of odour having a detrimental impact upon the amenity of local residents. They state that it has been recommended by the Court that the farming enterprise is relocated away from the existing site to a more appropriate location, well away from residential properties. (The applicants' proposals for a relocated farm are those contained in planning application 20/00820/FUL). It is proposed that the residential redevelopment of the existing farmyard site would be 'enabling' development to fund the relocation of a purpose-built pig rear facility on as new greenfield site on the farm holding. The re-location of the equestrian activity would be privately funded by the applicant and not related in that respect to this housing proposal.
- 1.5 The application as originally submitted was accompanied by a Planning Statement; Ecological Survey; Tree Report; Heritage Impact Assessment and a confidential financial scoping valuation. During the course of the consideration of this application a more detailed confidential feasibility appraisal; a Transport Statement; revised Heritage Impact Statement and a Landscape and Visual Impact Assessment have been submitted.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The application site is some 2.54 hectares and currently contains a group of agricultural livestock buildings and buildings used of equine/livery purposes. The site is bounded to the by an unclassified, largely single track road, with agricultural land on the opposite side of the lane to the south, to the west and to the north. To the east are residential properties and the older core of Sheriffhales village which includes the grade 2* St Marys Church and the primary school. The vehicular access to the site from the B4379 road to the east is through this older part of the

village via Church Lane or The Rock. The site is immediately to the west of the Sheriffhales Conservation Area which, in addition to the Church, contains other designated heritage assets including the immediately adjacent grade 2 listed Manor House.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This is a complex application raising material planning considerations which the Planning Services Manager, in consultation with the Chairman and Vice Chairman, consider should be determined by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

Where consultees have submitted more than one set of comments, the latest are listed first below in order to show whether any previous concerns have been addressed by amendments/new information. Please note also that the revised National Planning Policy Framework was published on 20th July 2021 which has changed some of the paragraph numbers quoted by Consultees).

- 4.1 Sheriffhales Parish Council (04.03.2021) - Object:
Sheriffhales Parish Council objected to this application on 18 May 2020. A further response by the Council was submitted on 17 January 2021 following submission of a Transport Statement commissioned for the Developers.

A number of other reports and comments from the public and Consultees have also now been received. Planning proposal 20/00821 is an enabling development allegedly to finance the relocation of the existing Pig Rearing Unit to a new location further away from the centre of Sheriffhales (see 20/00820) and additionally to support relocation of the Equestrian business operated from the same site (see 20/00822) . We understand the Pre-application assessment resulted in these 2 additional planning applications being submitted and all 3 being considered together. The effects of these three planning applications also need to be considered collectively as the negative impacts on our community are very considerable and contrary to the planning policy position for a rural community of CS5 status.

With respect to this particular Planning application we note the response from English Heritage advising referral to appropriate Officers Opinion and the detailed response provided by SC Conservation (historic environment) submitted 15 February updating their initial submission last year.

We quote " ...the proposed quantum and layout of the new build is still of considerable concern ,especially with regards to the loss of rural agricultural character and appearance to the immediate historic farmstead as well as the wider historic landscape/historic parkland where it would dilute its significance as well as the overall setting of the principal listed farmhouse and the adjacent conservation

area. The loss of woodland to the west is also a concern with regards to setting of the site and also potential views into the site ..."

We note a Heritage Impact assessment has been commissioned and now submitted. The conclusions of the applicants report are that the farm is no longer fit for purpose and the traditional barns can no longer be retained. Further, that development for residential use is the optimum viable use. The report considers that the principle of residential development and conversion of heritage assets is sustainable development with indirect impacts being considered neutral provided careful design and layout is undertaken. SPC absolutely refute these conclusions and highlight that no significant or clear evidence is provided to support these assessments.

We note that the Farm buildings can and are still used for farming activity and Equestrian work and note that Farming activity is currently undertaken and managed by the applicant.

The report does not make clear the very close association of some of the Heritage asserts in question with the Sheriffhales Manor immediately adjacent and negative impacts resulting from the large residential development proposed.

A Landscape and Visual Assessment Report commissioned by the applicant was submitted on 2 February. It's conclusions 8.2 accept there will be direct impacts on landscape and landscape character but assert these impacts will not be significant despite the proposed housing development representing a huge growth in housing units within the locality . Paragraph 8.3 asserts that if designed appropriately redevelopment with housing as suggested in Figure 2.2 could represent betterment to the Conservation area.

Again SPC absolutely refute these assertions which are not supported by evidence within the report.

The Parish Council has already responded to the Transport Statement and associated Traffic Calming and Parking Feasibility study submitted in November which we believe evidences the significant negative effect throughout the Conservation area and Village that this development will cause should it go ahead.

No substantive evidence to support setting aside the NPPF or Shropshire Councils own Planning Policy framework in any of these or associated reports and submissions is provided .

The Parish Council remains of the view there is no evidence to support setting aside national and local planning policy and no " special case or exceptional circumstances " has been evidenced SPC has no option other than to continue to Object to this application for all of the reasons set out in our various responses and continue to hold the view if the application were approved it would result in very significant harm and loss of character to the local area and community.

- 4.1.2 Sheriffhales Parish Council (17.01.2021) - Comments on Transport Assessment:
- report weakened by only considering the residential development proposal and

not all three related applications.

- do not agree there are no safety concerns with using both Church Lane and The Rock for the projected increase in traffic arising from the development.

-There is already a significant traffic speeding issue on The Rock which narrows towards the B4379 junction and traffic currently must stop on the steep hill down to the centre of the village to allow safe passing. There is no footway or space for one on this road. More pedestrian traffic uses Church Lane which has limited footway availability but does have traffic generated by the Village playing field entranceway and is congested at school times.

-The statement that narrow sections of either road provide an element of traffic calming is surprising and certainly not accepted as the reality on the ground. In addition we would agree that increasing congestion on these roads is a highly likely impact and clearly undesirable.

-The visibility at the crossroads junction at the top of The Rock is significantly restricted to the North. Vehicles travelling south towards Shifnal accelerate out of the village across this junction. Sightlines at the top of Church Lane South are not optimal and the traffic calming in place on the B4379 just to the north of this junction directs traffic into the middle of the road here. The B4379 is increasingly busy at all times of day but particularly early mornings, school times and at the end of the working day. Traffic using this route has increased since traffic lighting the B4379 A5 junction. The data on collisions in the centre of the village does not record the fatal traffic accident that occurred over 5 years ago and in part resulted in the traffic calming now introduced.

-We have concern that the car ownership, number of journeys generated, and infrastructure impact is underestimated given trends in car ownership, type of housing being considered and distance to services.

-We have noted that no modelling of impacts should the scale of the Residential development or the size of Pig Unit change is included in the report.

-The data as presented does not suggest the housing development supports the national or Shropshire's sustainability agenda or indeed benefits our community locally.

-Feel the trip vehicle rates are an underestimate.

-The modelled increases of traffic density on The Rock and Church Lane arising from the development at a split of 70%/30% are not realistic and are presumably based on assumptions relating to traffic flows to the B4379 north and south from the development not just School or Village Hall activity. We remain concerned that safety and congestion on both roads will increase.

-The suggested routes from the development increase the use of Church Lane considerably. It is unclear how much an off-road parking solution would mitigate road congestion in the area around the school. Traffic is still generated on both roads out of the area even if congestion due to Parking is reduced.

-With the proposed parking bay there would still be a need for vehicles to turn and children arriving or leaving by car still need to walk through a congested area.

-The total volume of traffic using Church Lane and The Rock is not mitigated in any way by this proposal. It further creates an additional congested area and further nuisance to residents and indirectly impacts the conservation area appearance.

- 4.1.3 Sheriffhales Parish Council (13.05.2020) -- Object:
Comments from Sheriffhales Parish Council on this application
1.Introduction and General Comment

This is one of three applications , (20 /00821/OUT , 20/00820/FUL , 20/00822/FUL) which are to a degree inter related and are intended to enable and finance the movement of an existing Pig rearing unit currently based within the Manor Farm to a different site.

The Pig rearing unit has been subject to enforcement notices from Shropshire Council relating to nuisance arising from its current operation although these do not necessarily require the business to relocate. A separate application has been submitted proposing a new site for the Pig rearing unit.

In addition, this application requires the relocation of Equestrian Stabling undertaken by a separate company that is also on the current Farm site. There is no necessity to relocate the Equestrian business from an "environmental nuisance" perspective but we assume this is being done to give a greater footprint for the proposed residential scheme. The costs of relocation of the Equestrian business are not intended to be enabled by this application. This cannot be verified due to the absence of a detailed financial appraisal.

The Planning application supporting statement provided with this application notes in section 1.1 that this application is contrary to national and local planning policies. We note the conclusions of Pre- application discussions between the applicant and Shropshire Council PREAPP/18/00212 were submitted on 11 July 2019. The Parish Council was not given an opportunity to participate in these discussions.

We are disappointed this Outline Application has been Validated and submitted with so much material information unavailable to assist us in our response. The Outline development proposals are clearly major and contrary to normal national and local Planning policy. We note that no attempt by the Applicants to engage Publicly with the Community has been undertaken.

2. Specific Objections and concerns:

A. Planning Policy and Enabling case

It is clear this application is contrary to national and local planning policy and consequently the default position should be to refuse the application.

To try and avoid refusal the applicant must demonstrate and evidence "very special circumstances

". It appears the applicant is trying to persuade the planning authority firstly that there is an overriding need to relocate the pig business, second to accept this has to be funded by setting aside national and local planning policy, and third to allow a major housing development on the current site of the existing pig unit, the remainder of the farm yard and the site of the equestrian business. We do not agree these matters equate to very special circumstances for a number of reasons. Why should a private business, that has been found to be the source of an environmental nuisance be able to force through its relocation to a new site and fund that relocation through completely overriding national and local planning policy. If the applicants argument is accepted in this case does it mean any business failing to comply with its environmental obligations can seek to address this by seeking relocation to another site and secure funding of this through residential development of their existing site even where this would be contrary to planning policy?

In addition, if cases like this are approved what is to stop the business selling on its

new asset in the future?

Crucially even if you are minded considering the potential for very special circumstances being demonstrated no detailed financial appraisal has been submitted. It is impossible therefore to know the costs of relocating the pig business and compare this with the estimated return generated by the residential development. It is also not clear why other means of funding the Pig Unit relocation have been rejected in favour of the housing option. The farm of which the Pig Rearing Unit is a part can still function as a Farm.

B. Sustainability and Development

The application notes in 4.4 of the planning application Supporting Statement recognizes Sheriffhales is not identified as a settlement to receive future housing growth and Shropshire Council policy CS5 would prevent residential development at this site as it is contrary to national and local planning policy. The applicants argue the development provides benefits great enough to outweigh the Policy restriction of CS5 and as such local and national policy should be set aside. The applicants have not submitted any evidence that convincingly substantiates this is the case.

C. Environmental context

The Court Order obtained by Shropshire Council requires the nuisance to stop not the Farm to close or the pig unit to relocate. The Council has chosen not to use all of its powers of enforcement in accordance with the Environmental Protection 1990. No evidence has been provided to demonstrate the "only solution" to enable the pig business to operate within the terms of its environmental obligations is through its relocation to another site.

D. Design and Access Statement

A Planning application supporting statement is provided. This document does not satisfy the Planning Policy requirements of a Design and Access statement. For example, Section 3.3 of the document titled "Access" provides 4 lines of text only and implies no difficulty from using the existing Farm entrance. Section 3.2 "Design" notes that no detailed design will be provided at this stage. This is not acceptable given the location itself, listed housing in the vicinity and historical significance of the location. A test of sustainability requires more information than provided and should be available at this early stage in planning.

E. Transport statement

No Transport Statement is provided at all. A description of the highway network in the vicinity of the site or a description of the travel characteristics locally would have shown the significant impacts this development and the traffic associated with it would have on the existing road network, village and school and the impacts on an area that at times are congested. No sustainable Public transport links exist, and the development does not enhance site accessibility by sustainable travel in any way. There is already significant local concern in relation to the effects of increased traffic on the way the School operates and the effects on local traffic pinch points of the expected increase in traffic. We note there will be significant traffic implications during construction given the size of the Highway and Location. We note that the traffic generated by the Equestrian business will also still be routed past the development and School and not mitigated in any way by this

development.

F. Landscape and Visual Impact assessments

No Landscape or Visual Impact assessments have been included in the submitted material. These are required.

G. Heritage Assessment and Impact.

A Heritage impact assessment is provided by the applicant. The document is unsatisfactory. The applicant asserts in 4.3.3 the proposed heritage assets will not be harmed, and the development will provide an improvement to the setting and village as a whole. It provides no expert assessment of the impact of the development on nearby Heritage Assets as required in NPPF 189,193 and195. Additionally, no information sufficient to assess the design, siting, layout, and landscaping is provided and consequently the further evaluations required cannot be done. We are aware considerable potential harm to nearby Heritage assets and effects within the Conservation area are likely. This is a significant weakness in the application for development.

H. Validation Dates

We note the application was validated on 23 April 2020. At the time of writing only 4 out of 7 Consultee responses had apparently been received with only one fully available and a second partially available on the Planning Portal. It is not clear why Shropshire Council have not allowed more time for these responses to be published and why they are unavailable.

3. Summary and Conclusion

Due to all the reasons set out above Sheriffhales Parish Council has had no option other than to Object strongly to this application and recommend its refusal. It is clearly contrary to national and local planning policy. We do not accept that "very special circumstances" have been evidenced or demonstrated satisfactorily. We do not accept that alternative solutions may not be available to the existing pig business meeting its environmental obligations. The scale of the development is completely unacceptable and will change the character of the Sheriffhales Village by introducing a very significant growth in housing numbers on a site immediately adjacent to listed buildings and a conservation area. There are no significant benefits to the parish or village and a clear detriment to our community. Crucial information normally needed for evaluation has not been provided. As set out above there are serious concerns regarding transport and highway safety, sustainability, landscape and heritage. We believe disruption to carefully constructed National Policy and Shropshire Councils own detailed framework of Planning Policy is undesirable. The very significant concern amongst local residents in respect of this application is reflected in submissions to the Planning Portal.

4.2 SC Highways (24.03.2021) - No Objection:

The Local Highway Authority are aware of multiple objections received for this

application, with highway concerns being included within a large proportion of those objections. Firstly, it should be noted that the above application is an 'outline application' with access arrangements the only consideration, the scale and layout will be considered as a reserve matter. However, due to the size of the site and the indicative site layout plan that was provided, the Local Highway Authority asked that the applicant submit a transport statement in order to determine whether a residential development of the size shown on the indicative site layout plan, would have a detrimental effect on the adopted highway in the vicinity of the site.

A transport statement was subsequently provided and showed that the vehicular trips generated by a development of similar size, wouldn't have a detrimental effect on the adopted highway in the vicinity of the site, in capacity terms. Consideration also should be given to the existing use of the site in terms of the number and type of trips the site typically generates. Whilst the site is currently operating as a pig rearing unit, it does have an established agricultural use and the existing use could potentially be diversified and potentially generate additional vehicle movements. It should be noted that this is not the applicants intention but should form part of the consideration from a Highways perspective.

Whilst the proposed residential development is likely to generate additional vehicle movements in the morning and afternoon peak, the type of trips generated are likely to be more sustainable. However, both the applicant and Local Highway Authority are in agreement that various off-site highway works would be necessary to improve pedestrian connectivity from the site into Sheriffhales village, improve the 'gateway features' at the vehicular access point into the village and would also be necessary to improve the existing situation in and around the entrance to the Primary School and Village Hall, at school drop off/pick up times. The necessary works have been included within the relevant conditions outlined below and are detailed on submitted drawing SA29727-BRY-ST-PL-C-0001.

The Local Highway Authority had requested that a swept path analysis of a Council refuse vehicle was to be provided which showed that it could manoeuvre accordingly via the proposed access. This information is yet to be provided, however, due to both the private and adopted highway land available, the Local Highway Authority believe if amendments are necessary then they would be easily achievable.

We therefore ask for the following conditions to be attached to any permission granted;

1) Visibility Splays (Condition)

Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 43 metres from the centre point of the junction of the access road with the public highway shall be provided and thereafter be kept

clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

2) Development Access (Condition)

Before the development is brought into use details of the geometric layout of the proposed vehicular access, including swept path analysis of a Council refuse vehicle, is submitted and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved plans and fully implemented prior to the first occupation of any dwelling within the development.

Reason: To ensure the development is completed to the required standards for future adoption.

3) On-site Construction

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

4) Details of off-site highway works

Development shall not take place until a detailed design for:

- a) Localised road widening works,
- b) Three gateway/traffic calming features for the approaches into

Sheriffhales village (along Church Lane and The Rock),

- c) Pedestrian links (where applicable) from the development into Sheriffhales village and from the proposed road widening works (lay-by) to the entrance with Sheriffhales Primary School,
- d) And any other associated engineering works,

have been submitted and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved plans and fully implemented prior to the first occupation of any dwelling within the development.

3) Works on, within or abutting the public highway (Informative)

This planning permission does not authorise the applicant to:

- carry out any works within the publicly maintained highway, or
- construct any means of access over the publicly maintained highway (footway or verge) or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street Works team.

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

5) S278 (Informative)

The applicant is to be aware that the works that fall within the existing highway will need to be secured via Legal Agreement with the Local Highway Authority under S.278 Highways Act 1980.

6) Note

The internal layout proposals are purely indicative at this stage and aren't subject to Highways approval.

In addition to the above, in accordance with the details submitted it is requested that a Section 106 contribution of £10,000 towards the relocation of the existing 30mph signs and potential amendments to the 'School Keep Clear' markings and the associated road markings, in the vicinity of the access into Sheriffhales Primary

School. The monies will cover the costs associated to the relocation of the signs themselves, any necessary lining works and the amendments to the associated Traffic Regulation Orders. The monies are to be paid upon the commencement of development, indexed and any unspent monies after 5 years refunded to the applicant.

4.2.1 SC Highways (19.05.2020) - Comment:

The Local Highway Authority ask that a robust Transport Statement is provided which in turn outlines, in detail, the highway impact of the residential development proposals. The Transport Statement will need to demonstrate that the proposals wouldn't have a negative impact on the adopted highway in the vicinity of the site. The LHA would expect the Transport Statement to provide an overview of the existing agricultural operations, in terms of current vehicle movements. Provide an indication of the likely vehicular movements generated by a residential development (worst case scenario, 34 new dwellings) and assessment of the surround Highway infrastructure, to include pedestrian facilities and visibility at surrounding junctions. The LHA would also require further justification for providing a visibility splay of 2.4m by 43 metres, as access is a matter to be determined.

The LHA appreciate that the application is outline with only access to be determined, however due to the level of detail provided within the supporting information we feel justified in the request for a Transport Statement to be provided and feel it is necessary in order to further justify development at this location.

4.2.2 SC Highways (14.05.2020) - Comment:

In order for the proposals to gain Highways support, the access will need to amended so that there is a width of 5m provided for a minimum distance of 5m back. That's in order to allow two vehicles to pass comfortably at the access into the development. The applicant has also indicated within the Design and Access statement that the development will be put forward for adoption in the future (if approval is obviously granted). Baring that in mind, the applicant needs to undertake a tracking exercise which shows that a Council refuse vehicle can manoeuvre in and out of the access accordingly.

4.3 SC Archaeology (24.04.2020) - No comments to make.

4.4 SC Conservation (15.02.2021) - Objection:

These comments supplement those previously submitted on 24/4/20, where there was objection with regards to the lack of a Heritage Impact Assessment (HIA), in accordance with paragraphs 189-190 of the NPPF, Historic England guidance GPA3 and HEAN12, along with policy MD13 of SAMDev. This is required in order to assess the setting of the Sheriffhales Conservation Area, Lilleshall Registered Park and Garden (grade II), Manor Farm (grade II listed) and St Mary's Church (grade II* listed). Whilst the conversion of the historic curtilage listed barns is supported in principle, there is concern with regards to the urban layout of the new build residential properties.

As per 20/00820/FUL it is acknowledged that the moving of the existing pig farm operation would have some benefits including the overall setting of the existing farmstead. The concluding statement in the HIA is noted where it is considered to be 'neutral' change and the Landscape Report states that there is no 'direct impact' with 'no further loss of significance'. However the proposed quantum and layout of the new build is still of considerable concern, especially with regards to the loss of rural, agricultural character and appearance to the immediate historic farmstead as well as the wider historic landscape/historic parkland where it would dilute its significance as well as the overall setting of the principal listed farmhouse and the adjacent conservation area. The loss of the woodland to the west is also concern with regards to setting of the site and also potential views into the site. As previously stated, new build footprint could follow that of the historic demolished units where this may be considered, though there is concern to the proposed suburban layout and the effective urbanisation of this site.

Therefore, the proposal is still considered to consist of 'less than substantial harm' as defined under paragraph 196 of the NPPF. Whilst objection is withdrawn with regards to the lack of a HIA, it is upheld overall where is considered to be contrary to 127, 130 (taking account of character and quality of the existing area), 189-190 (setting of adjacent listed buildings along with historic context as mentioned in above paragraph), 192-194 and 196 of the NPPF, principles C1, C2, I1, I2 and I3 of the National Design Guide, policies CS6 and CS17 of the Core Strategy, policies MD2 and MD13 of SAMDev along with the principles set out in the Sheriffhales Conservation Area Appraisal that states the significance of the Lilleshall Hall Registered Park and Garden and the formal approach to Lilleshall Hall.

4.4.1 SC Conservation (24.04.2020) - Objection:

Sheriffhales Manor to the east is grade II listed and would have served as the principal farmhouse with the associated farmstead that contains curtilage listed barns. Whilst Sheriffhales Manor lies within the Sheriffhales Conservation Area, the principal farmstead just lies outside of the boundary to the west. The farmstead is recorded on the Historic Environment Record (HER) as part of the Historic Farmsteads Characterisation Project. The remaining historic barns are constructed in red brick with plain clay tiles. In terms of the existing east-west range adjacent Sheriffhales Manor farmhouse, this would have formed part of an 'E' range with three barns projecting southwards which have subsequently been demolished and replaced with the existing post-war structures. Sheriffhales Manor also forms part of a historic private thoroughfare as part of the southern approach to Lilleshall Hall (grade II* listed) where this historic farmstead would have formed part of the wider historic estate of the Duke of Sutherland.

In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended). Account should also be made to the Historic England document 'The Adaptive Reuse of Traditional Farm Building (HEAN9), along with the

Sheriffhales Conservation Area Appraisal.

There are no principle concerns/objection to the conversion of the existing curtilage listed barns along with the demolition of the post-war structures (plots 22-23 and 24-26), subject to appropriate proposed elevations as part of any forthcoming Reserved Matters application where there should be minimal alteration to the existing fabric such as new openings etc. The conversion of the curtilage listed barns shall require Listed Building Consent. Also a Structural Survey shall be required for any future Reserved Matters application in order to determine whether the respective barns are capable of conversion without any substantial rebuilding, in accordance with policy MD7a of SAMDev.

There are however significant concerns with the proposed new housing that shall consist of high quantum of dwellings in what is a very rural location that has obvious sensitivities in terms of setting of the adjacent listed building, curtilage listed barns along with the wider character and appearance of the Sheriffhales Conservation Area along with other adjacent listed buildings that lie in the core of the settlement. The proposed layout is also very suburban in terms of its pattern and density, and would consist of development to the west of Sheriffhales where more modern post-war development is generally concentrated more in the north-east of the settlement. Some modest new development that would be sensitive to the immediate rural farmstead setting may be entertained, such as utilising the footprint and orientation of previously demolished historic buildings, where these could look like converted barns using matching materials and form.

The submitted Heritage Impact Assessment (HIA) is noted, and whilst there is concurrence with the conversion of the existing barns and thereby securing their future conservation, there is disagreement with regards to the proposed residential development, where there would be adverse impact and not 'beneficial' impact upon the conservation area. The HIA is also deficient in terms of assessing the relevant setting of adjacent listed buildings, especially with regards to Sheriffhales Manor. Also the CA Appraisal states that this section of the settlement very much characterises buildings that contribute to the formal approach to Lilleshall Hall such as Sheriffhales Lodge (grade II listed), rather than development that serves the village itself).

Therefore there is objection to this proposal where it is considered to consist of 'less than substantial harm' (as defined under paragraph 196 of the NPPF) and contrary to paragraphs 127, 130 (taking account of character and quality of the existing area), 189-190 (setting of adjacent listed buildings along with historic context as mentioned in above paragraph), 192-194 and 196 of the NPPF, principles C1, C2, I1, I2 and I3 of the National Design Guide, policies CS6 and CS17 of the Core Strategy, policies MD2 and MD13 of SAMDev along with the principles set out in the Sheriffhales Conservation Area Appraisal (where the HIA needs to consult this document especially with regards to 'Landscape' 'Patterns of Development' sections).

4.5 SC Drainage (20.05.2020) - Comment:

The submitted FRA is acceptable. The drainage condition and informative notes in my drainage comments dated 4 May 2020 remained unchanged.

- 4.5 SC Drainage (04.05.2020) - Comment:
A Flood Risk Assessment shall be submitted for approval prior to the Approval Decision been issued.
The development site is greater than 1 hectare, a Flood Risk Assessment (FRA) should be produced.

Pre- commencement condition recommended in respect of a scheme of surface and foul water drainage to be submitted to and approved by the local planning authority.

- 4.6 SC Affordable Housing - Comment:
If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of Reserved Matters application.
The current prevailing target rate for affordable housing in this area is 20% .
As this is an outline application the percentage contribution and number of affordable homes will set at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted.

- 4.7 Severn Trent (09.06.2020) - No Objection|:
With Reference to the above planning application the company's observations regarding sewerage are as follows.

As the proposal has minimal impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Additional Catchment Team comments: Approximately 350m outside of an SPZ3, recommend EA abstraction and best industry practices are followed.

- 4.8 SC Trees (23.06.2020) - Comment:
I have reviewed the documents and plans submitted in association with this application and whilst I can report that I do not object in principle on arboricultural grounds to residential development on this site, I do have some significant reservations regarding the scale and layout of development as suggested on the Indicative Proposed Site Layout Plan (SA29727-PL-02 Rev C).

The suggested scheme would involve the removal of the mixed plantation covering much of the western side of the site, identified as group G15 in the Arboricultural Report (OOTC-PC20-357, Old Oak Tree Care, 10th January 2020). The report categorises this plantation as category 'C' (low value) and dismisses its removal on the basis of the poor quality of the trees. Whilst this plantation may have limited amenity value, it nevertheless represents a significant amount of structural woodland planting at the site. Its extent is not indicated on the Existing Site Plan drawing and photographs (SA29727-PL-03), but it occupies the ground for the six proposed Plots 8 – 13. No figures of the area currently covered by woodland are

given, but from looking at the Site Layout drawing it appears that G15 occupies roughly 20 – 25% of the proposed developable part of the site. Whilst the benefits of future tree planting and thinning of areas of retained woodland are not disputed, I am concerned that this will not compensate for the loss of such an extent of the existing, established woodland within the site.

I would point out that the NPPF now expects development to deliver a net gain for biodiversity (section 170(d)). For a scheme to be accepted in principle as shown on the current application, it should either demonstrate that it can deliver this benefit on site, or else provide suitable measures for off-site compensation, in accordance with SC SAMDev policies MD2 and MD12.

In this regard, it would be instructive for the applicant to provide figures of the existing areas of woodland to be lost to the development (groups G8, 9, 10 and 15). Also, although the tree report states that a group of pines (G11) is to be retained and thinned, from the Proposed Site Layout drawing it appears that this group might be removed and converted to open space. If the latter is indeed intended, then G11 should be included within the figure for the area of woodland to be lost to the proposed development. The amount of woodland to be lost could then be weighed against the area of canopy cover that might be created by new tree planting once it matures. In this way a more valid assessment could be made of the impacts and benefits of the density and layout of development as proposed in this application.

In addition to the general principle raised above regarding the amount of woodland lost to accommodate future development, I also have specific points of concern which I would like to raise at this point with regard to the suggested layout. I consider that the juxtaposition of Plots 5, 6, 7 and 8 in the south-west part of the site and Plot 31 in the south-east corner is unsustainable with nearby overhanging and / or overshadowing trees – namely oaks 12, 13 and 14 with plots 7 and 8; oaks 6 and 7 with plots 5 and 6; and beech 1 and 2 with plot 31. These large, wide spreading and long-lived trees are important elements in the landscape of the site, contributing significantly to the character and appearance of the area. Beech trees Be1 and Be2 are protected by virtue of their location within a conservation area.

Given the likely pressure from future occupants for excessive pruning or even removal of these trees (due to for example overbearing presence, overhang, excessive shading and fears for tree safety), I would urge against placing these dwellings in the locations shown on the Proposed Site Plan.

In this respect, it would again be instructive if the shade path arcs for the oak and beech trees identified above could be included on the Tree Constraints Plan shown at Appendix B to the Arboricultural Report. This would illustrate my point regarding excessive shading of house and / or garden of the affected plots.

In summary, whilst I do not object to the principle of residential development at this site, I do have significant concerns with the indicative layout as submitted, regarding the amount of woodland to be lost to development and the location of certain plots within the scheme. I therefore feel obliged to object to the indicative layout of this application as submitted.

However, should the case officer be minded to grant permission for this outline application, I would welcome the opportunity to recommend suitable tree protection and landscaping requirements to be dealt with as reserved matters.

4.9 SC Ecology (15.12.2020) - No Objection:

The site comprises ranges of agricultural buildings of both traditional and modern construction with large areas of hard standing and an area of paddock. There is a pond immediately to the north and another to the south, hedgerows and an area of plantation woodland beyond the site boundaries. The site is generally considered to be of low ecological value but with potential for bats and nesting wild birds to be present.

Great Crested Newts: There are two ponds in 250m of the site. Pond 1 is immediately adjacent to the site and has an HSI of 0.28 poor with abundant carp present. Pond 2 is 90m to the south and was not accessible but appeared from the road to be heavily poached with no vegetation present. The development site itself is largely unsuitable for newts being dominated by hardstanding. Greenscape Environmental (2018) recommends that surveys for great crested newts are not required but that basic Reasonable Avoidance Measures should be followed during the works.

Bats: Buildings 4 and 7 are traditional buildings with potential to support roosting bats, initial inspections identified bat droppings in building 4. Further bat surveys carried out in 2020 concluded that building 7 was not likely to support roosting bats. Building 4 was found to be supporting roosting brown long-eared bats (max 2 count) and Brandt's bat (max 1 count).

Greenscape Environmental (2020) recommend that works to demolish building 4 will need a European Protected Species Licence from Natural England and suggest that a low impact class licence may be appropriate. Two bat boxes would be erected prior to commencement of works and 4 integral bat boxes installed in the new dwellings, with minimal external lighting. A European Protected Species Three Tests Matrix will need to be completed.

Nesting Birds: There is evidence of nesting swallows in building 4 and works should occur outside the bird nesting season with a range of artificial nest boxes erected. A roosting barn owl was recorded in building 6, requiring an artificial box to be installed within 200m before any part of the site impacted on.

Conditions recommended relating to the provision of a barn owl box; bat boxes; bird boxes; appointment of an Ecological Clerk of Works; submission of a European Protected Species Mitigation Licence; landscaping and lighting.

4.10 Historic England (19.02.2021) - Do not wish to offer any comments.

Suggest that the views of the Council's specialist conservation and archaeological advisors be sought.

- Public Comments

4.11 53 Objections to application as originally submitted (Some objectors have

submitted several letters). The full text of these letters may be viewed on the Council's website and the comments made are summarised below:

- Contrary to NPPF and Core Strategy policy CS5
- Village has previously been deemed "open countryside"
- Proposed development completely unsuitable in its location.
- No legitimate justification or special circumstance to contravene national and local planning policies for a large residential development directly resulting from a business that unfortunately failed to achieve its environmental obligations.
- Applicant has failed to demonstrate that very special circumstances exist as to why this development is necessary.
- Contrary to Parish Plan.
- Three similar cases refused in the last 5 years for reasons due to open countryside location; limited public transport; unsustainable development with few village services.

- No overwhelming justification in turning the Manor Farm site over to full scale residential development; equestrian facilities are not subject to a statutory nuisance notice and have no need to move as it is just the pig farm activities which are the nuisance.
- Meeting environmental legislation offers substantial challenges to many businesses in all sectors and the pig farm should be no exception.
- Statutory notice does not say the pig farm has to be re-located.
- Other ways of abating the odour nuisance than relocation to a new site.
- Adjustment to farming practices would surely satisfy the Court Order to stop the problem.
- Proposal would facilitate the massive expansion of a private business.
- Proposal for 5 separate buildings at the new pig farm seems over engineered.
- Any Viability Appraisal in support of application should be made available for public inspection in the context of the clear guidance at paragraph 57 of the NPPF for transparency.

- Could put up pig units further down the lane where pig manure is put at present and way from village, to accommodate pigs, with no need to spend money on a new equestrian building.
- Do not believe all alternative remedies for the potential odour nuisance have been adequately researched.
- Applicants should not receive special planning treatment; business should pay for its own relocation or get its current business site in order.

- Council has not used its full powers at its disposal under the Environmental Protection Act 1990 to address statutory nuisance.

- Approach roads single track in most places, lack pedestrian walkways for their entire lengths and have no street lighting
- Parking at cluster of Church, village hall, children's nursery and primary school is very limited with parking for extended periods on the road taking place at peak times and road safety is provided by the absence of any significant through traffic in addition to the 20mph speed restriction zone; this proposal would generate significant two way traffic flows, compromising highway safety and risks to

children..

-Is it viable to make the lane one way entering the Rock from the B4379 and exit via the other entrance to the B4379 which goes past the church?

-Only 7 households reside and use the road that passes the school/village hall and church and this proposal would increase that number by 485%.

Increased use of already hazardous junctions from The Rock and Church Lane onto the B4379 will increase the risk of road traffic accidents at these junctions.

-Highways should be asked to consider revisiting their views as an algorithm will not take account of site context.

-Re-location of pig unit would require improvement of the unclassified road onto the A5 and the road past the new housing and school, with the potential of creating a through road via the heart of the village

-Have lived in village a long time and have never heard anyone complain about the smell of the pig farm.

-Building these houses would be a 25% growth in the village; school is at full capacity.

-Would not enhance what is currently a peaceful rural village.

-Unfair the village should have to pay for someone else's mistake in allowing a large farm unit to be built.

-Previous applications in village have flagged the lack of capacity at the Severn Trent pumping station.

-During the winter period the lane floods and this would need to be considered with the new development.

-No services in village to accommodate such an increase, with only 1 bus per week, no shop, no doctors or dentists or any other sort of care or facility; poor internet.

-Occupants of the housing would have a high reliance on the use of the private car to access services.

-Potential damage to retaining wall by Church from increased traffic.

-Construction traffic would cause additional damage to village roads.

-Question how a pig unit for 2000 pigs obtained approval in the first place so near to housing, a school, a village hall, conservation area and listed buildings.

-Set an unwelcome precedent for all sorts of development on green belt land in the area.

-Can any business failing to comply with its environmental obligations seek to address this by relocating and securing funding through residential development even where this is contrary to national and local planning policy? What would prevent the "new asset" from being sold for significant financial gain in the future?

-Out of character with village and its surroundings.

-Heritage Impact Assessment submitted not adequate to meet the tests set out in the NPPF.

-Insufficient information on design, siting, layout, height, materials and landscaping to be able to assess impact on setting of neighbouring heritage assets.

-Council has a duty of care to consider the public safety and all health issues that this development will impact on everyone.

-Duty of care to all wildlife that are nesting and would be neglected by taking away the woodland area.

-The owner needs to accept the physical limitations of the existing site, size the business accordingly and invest in appropriate control measures to manage the odour nuisance.

-New houses would be closer to the new pig farm site than most of the other houses.

-A financial appraisal does not appear to have been provided and thus have not sought to demonstrate very special circumstances.

-MSFL has failed to comply with the Order and, it appears, is now attempting to profit from the situation this has caused by submitting a development proposal which is entirely inappropriate in planning terms and relying upon a vague assertion that it constitutes enabling development. Any permission granted on this basis would be inherently flawed and open to legal challenge.

-Should housing be needed in the future there are other sites likely to be more suitable and to have less impact on existing residents.

-A new development would be as much of a nuisance to the village as the pig farm in terms of disruption, living with a building site, ongoing noise and increased traffic; will affect entire village.

-Site could continue to function adequately as a farm, as it has done for many generations, but was never intended for intensive farming.

-Prevailing South Westerly winds will still apply should the farm be allowed to re-locate; if number of pigs remains capped at under 2000 and cycling runs more appropriately with the seasons there should not be a problem.

4.12 10 Objections following re-consultation on receipt of additional information/reports. (From December 2020) adding to comments previously made, including several letters from some objectors):

-Transport Assessment that vehicle speeds are at or below 30mph not backed up with sufficient data or evidence; experience from living at The Rock for nearly 25 years is that traffic exceeds 30mph on a daily basis.

-Refute view of Consultant that existing junctions onto B4379 are adequate to accommodate traffic that would be generated; visibility poor.

-Walking the lanes is a case of taking your life in your own hands should you venture out at rush hour.

-Traffic light system at A5 junction now means cars all move way at the same time rather than being a steady trickle of individual vehicles.

- CrashMap data will not include incidents of near misses, which are frequent, weekly, at school drop off and pick up times.
 - Unrealistic and against human behaviour to believe people would choose to cycle to services in Shifnal and Newport.
 - Question what the incentive would be for drivers to use the proposed lay-by.
 - No reference to night vehicle movements in the transport report; lack of street lighting makes it exceptionally difficult to see pedestrians walking the lanes on dark nights or morning.
 - No reference to the frequent use of The Rock to exercise horses.
 - A 85 metre, 13 vehicle linear car park to the west of the school entrance would be built directly on a conservation boundary and completely across the frontage of the listed Manor House, and would encourage an increase two way traffic passing directly through the school hazard zone.
 - Transport Statement fails to provide any practical solutions to reduce the increased risk around the school and to alleviate traffic impact caused by the proposed housing.
 - Own traffic count found over 40 vehicles attending and parked along the roads at school home time, with those parked on Sandy Lane having to do three point turns; proposed lay by would hardly make much impact on the actual needs and the only place they will be able to turn would be the entrance to the site when car movements will be at a peak..
 - No mention made of the impact of construction equipment, materials and deliveries in transport assessment.
 - Construction of lay by could impact on surface water flows, adversely affecting their property and being unable to park outside own house.
 - Landscape Report and Heritage Impact Assessment add little to the overall argument.
 - Heritage Assessment states views of Conservation Area will remain unaltered, but this would not be the case with the Transport Assessment proposal for road widening and the resulting removal of trees/hedges; note both reports produced by the same company.
 - Agree with comments of Conservation Team that proposals would be harmful to Heritage assets and their settings.
- Own commissioned viability assessment concludes that applicants specification required to rear 2000 pigs has been over-engineered and the estimated cost of £2,465,938 is far more than necessary and good quality buildings and infrastructure would require a budget of approximately £730,000. It would be possible to review the specification and costs further to reduce the budget to £565,000 and still create an adequate facility in line with the one which already exists at Meadow Farm. The application does not justify consideration for Very Special Circumstances and should be refused.
- In a private nuisance claim against Meadow Farm Limited to abate noise and odour from the pig rearing facility their Solicitors are asserting that the case of nuisance is refuted. This would indicate that no very special circumstances exist after all. on the one hand the applicant admits to causing a nuisance when it wants to benefit from the housing scheme, but refutes one when it wants to continue rearing pigs in an unsuitable location. Can only conclude from this evidence that there is no merit for an enabling application and that it should be withdrawn leaving

the Court to decide the future of pig rearing in this location.

-The applicant has sufficient assets to fund a relocation instead of seeking to use the planning system in this way.

4.13 Sheriffhales Primary School Governors (11.03.2021) - Object

As governors of Sheriffhales Primary School, we wish to express our concerns regarding the application for residential development at Manor Farm. We already have issues with the congestion and amounts of traffic driving and parking near to the school entrance during drop off and pick up times, and this is before the potential development goes ahead.

As a governing body working alongside the headteacher, we have recently written to parents to ask them to consider a one-way system around Church Lane to the Rock when they are travelling to school. Church Lane is very narrow anyway, but this is only accentuated when cars are parking along the side of it, children and parents are walking down the road (as there is no pathway) and other traffic is commuting to and from the nearby houses. If the development suggested were to increase the traffic flow at these difficult times of the day two-fold, then we can imagine a disastrous situation occurring. This leads us to be very concerned about the welfare of our pupils and their families.

We understand that as a condition of the development, it has been suggested in the traffic report

that a few measures be put in place. However, we do not believe that those noted will be sufficient to address all our concerns based on our knowledge and experience and "near-misses" we have had the misfortune to witness. We would suggest that you consider an alternative access for our current families, such as a pathway for pedestrians and a car park for families to park and walk to and from school. We would also like the plans to consider additional measures that may be required during construction to enable large vehicles to access the site. It is highlighted in the report that the lane is already used for agricultural machinery, however this is not a daily occurrence and is usually at times of low traffic.

Of course, if appropriate solutions were sought, we would be very pleased to welcome new families and children to the area, but at present we need to keep the safety of our current pupils and families at the forefront. We do hope that you take our concerns into consideration.

5.0 **THE MAIN ISSUES**

Principle of development
Heritage and Landscape Impact
Highway Safety
Residential Amenity
Ecology
Drainage
Affordable Housing

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

- 6.1.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.
- 6.1.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015.
- 6.1.3 Sheriffhales is not identified as a key centre under Core Strategy policy CS3. Policy CS4 of the Core Strategy advises that in rural areas communities will become more sustainable by focusing development into Community Hubs and Clusters which are identified in the SAMDev Plan. SAMDev Plan policy MD1 (Scale and Distribution of Development) references a schedule, listing settlements which are Community Hubs and Community Cluster settlements and Sheriffhales is not included within those lists. It is therefore a settlement to which Core Strategy policy CS5 and SAMDev Plan policy MD7a relating to housing development in the countryside apply.
- 6.1.4 Shropshire Council published a five year housing land supply statement (5YHLSS) on 19th March 2021, based upon data to 31 March 2020. The statement concludes that the Council currently has 6.05 years supply of deliverable housing land. By the Government's standard assessment methodology, there is currently 8.11 years supply of deliverable housing land. Accordingly, as per section 38(6) of the Planning and Compulsory Purchase Act 2004, the application must be considered against the Local Development Plan, which is considered to be up to date in the context of paragraph 11 of the National Planning Policy Framework. The Policies of the adopted Core Strategy and adopted SAMDev Plan policies are therefore given full weight in determining this application.
- 6.1.5 Under Core Strategy policy CS5 the only new build housing that is normally permitted in the countryside is that shown to be required to house essential agricultural, forestry or other essential countryside workers or affordable housing to meet an identified local need. The conversion of existing buildings to open market dwellings is permissible under this policy where those buildings are heritage assets, the conversions schemes respect the character of those assets and high standards of sustainability are achieved. While the conversions of the traditional farm buildings shown to be retained and converted on the illustrative site layout are considered heritage assets and conversions schemes could be devised to respect the character of those assets (With this being an outline application no conversion details have been provided) the proposal is a predominantly new build open market residential development proposal which does not accord with the exceptions set out in policy CS5 and further elaborated upon in SAMDev Plan policy MD7a.
- 6.1.6 The above demonstrates that there is an in-principle planning policy objection to any scale of new-build open market residential development in Sheriffhales.

Consideration must therefore be given as to whether there are any other material considerations that would justify a Departure from adopted Development Plan policy in this case.

- 6.1.7 The agent has made the following comments in support of the application (The full text of the supporting statement may be viewed on the Council's website):
- The council's Environmental Protection Officers have agreed that the only suitable way to proceed and eliminate the statutory nuisance entirely from the surrounding neighbourhood is to relocate the pig farming enterprise to a more isolated position on the farm to allow odour to freely dissipate within the atmosphere to an acceptable level before it comes into contact with receptors/neighbouring residential properties.
 - An odour management plan would supplement the relocation.
 - Manor Farm has been run as a family business for many years.
 - Up to 2000 pigs are reared within the two modern buildings on the northern portion of the site, with brick buildings used for hospital bays and welfare units, storage, stabling, with feed and fodder storage within the portal frame buildings towards the southern end of the farm yard.
 - There are huge costs involved in relocating the farm to a greenfield site and advice on the valuation and costings involved has been provided to ensure that enough capital is raised from the redevelopment of the farmyard to enable the move to take place following the requirements of the court order in relation to the statutory nuisance regarding odour. The indicative layout of 31 dwellings comprising of the conversion of traditional barns; 1 two bedroomed semi-detached unit; 17 three bedroom bungalows/detached/semi-detached units; 8 four bedroomed detached units and 5 five bedroomed detached units would deliver that funding and be of an appropriate level and size for this rural village location.
 - The development provides opportunities to reinforce and enhance the character and appearance of the settlement through the conversion of existing traditional brick built barns, the removal of modern portal frame structures and their replacement with a low density and well-designed residential development.
 - The proposal does not include the provision of affordable housing in order to keep the quantum of development to the minimum necessary to produce a financial return which enables the pig farm to be relocated on a cost neutral basis to the applicant.
 - The proposal will have a significant benefit to the local economy and no financial gain will be realised by the applicant.
 - Acknowledge that there is a fine balancing act to be done between the level of residential development required to facilitate and enable the move to take place for the benefit of the local community and statutory nuisance.
 - The proposal would assist in supporting the small range of community services and facilities within the village and in surrounding settlements.
 - The proposed development would improve the residential amenity for village residents and would also have an impact upon the local historic built environment, but in this regard this impact will not cause "substantial harm" to heritage assets.
 - The material considerations of relocating the farm and positively impacting on the residential amenities of neighbouring residents are deemed to significantly outweigh the Core Strategy policy CS5 restriction. (They also assert that the proposal is broadly in accordance with the local planning policy framework contained within Shropshire's Core Strategy and SAMDev Plan).

-The financial appraisal and valuation that accompanies the submission shows that the sale of the existing farm yard with outline planning permission for residential development will not be sufficient to construct the new pig rearing facility on the new greenfield site, there will still be a shortfall which will need to be met by a bank loan.

- 6.1.8 The context for this application whereby there is an existing farm on the western side of the village operating as an intensive pig rearing enterprise is important to take into account in appraising whether there are other 'material considerations' which may be sufficient to justify a departure from adopted Development Plan policy in this case. This site has long been in agricultural use with the adjacent Sheriffhales Manor having once been the principal residence for the farm complex prior to changes in ownership. The mixture of traditional and more modern farm buildings mostly date from the period before the need to obtain planning permission, with the planning history files showing that the traditional brick range constructed in 1944 were specifically designed for livestock (cattle) and more modern buildings also providing loose housing for livestock. (Use of part of the farm for equestrian accommodation was permitted in 1998 (ref 98/0095)). A change in the type of agricultural livestock being housed was not development requiring planning permission. In 2015 a planning application was made for a steel framed agricultural livestock building at the farm (ref 15/01103/FUL). At that time the farm was already operating as an intensive pig enterprise and the building was to allow stock numbers to rise to just below 2000 and to maintain standards as set out under the RSPCA 'Freedom Foods' requirements. The assessment of that application by the Council's Public Protection Team included a site visit. Due to the betterment in waste water provisions that scheme would achieve, the management of the (then) current operations and the site setting and location, no objections were raised and it was not anticipated that there would be any odour or noise implications to surrounding receptors. No comments were received from the Parish Council or the public on this application and an approval was issued on 23rd July 2015.
- 6.1.9 The claims made by the agent that the proposal would not result in harm and would be an enhancement to designated heritage assets is addressed in section 6.2 of the report below. There are the key issues here as to 1) Whether the principle of 'enabling' development can be accepted in the circumstances of this case as a achieving a community benefit sufficient to warrant a departure from adopted Development Plan policy; 2) whether there is an acceptable legal mechanism to achieve that linkage and deliver such a benefit; and 3) whether the quantum of development proposed in the minimum necessary to fund the relocation of the pig farm of matching capacity in terms of pig numbers to the new site proposed.
- 6.1.10 Taking the three points set out in 6.1.9 above in reverse order, an independent review commissioned from the Valuation Office Agency (DVS Property Specialists for the Public Sector) of the financial assessment and associated documents submitted with the application. (This information has had to be kept confidential and not made available for public viewing in order to comply with Data Protection legislation). The matters that they were asked to examine were:

- 1.The construction and associated costs required to establish a new Pig Farm on

land to the south-west of Manor Farm, Sheriffhales, of a size comparable to and with the same facilities as the existing premises currently located at Manor Farm, in accordance with the details confirmed by Planning Application Reference: 20/00820/FUL.

2.The cost of re-developing the Manor Farm site for the proposed residential scheme detailed below, including any required costs of demolition and remediation.

3.Confirmation as to whether the number of dwellings proposed by the residential scheme detailed below is the minimum necessary as “Enabling Development” to facilitate financially the relocation and redevelopment of the new Pig Farm operation on the land to the south-west of Manor Farm, in accordance with the details confirmed by Planning Application Reference: 20/00820/FUL, specifically on the basis that no additional profit should be generated for the landowner and operator of the pig farming enterprise at Manor Farm.

- 6.1.11 The independent review carried out has produced costings broadly comparable to those produced by the applicant's agent in respect of matters 1) and 2) above. With respect to matter 3) it is their conclusion from the detailed analysis they have carried out that the value derived by the proposed scheme for 31 no. units is insufficient to cover the costs of providing the proposed new pig farm at the alternative location to the south-west of Manor Farm, even on the basis that no amount of Affordable Housing is provided, and that a larger scheme is required in order to facilitate financially the proposed new operation. This has been acknowledged by the applicant's agent, who advises that the shortfall will need to be met by a bank loan. It can be concluded therefore that the magnitude of the development as proposed in terms of that shown on the illustrative site layout is what would be required were the enabling development case to be accepted here. The scale of new build residential development as a departure from Development Plan housing policy would be very substantial in the context of this village.
- 6.1.12 This now leads to the fundamental issue as to whether it is acceptable to potentially approve a development proposal that would otherwise be refused as contrary to Development Plan policy on the basis that it would facilitate a commercial agricultural business enterprise restoring its production levels to that which it desires, but which are currently restricted by the Best Practicable Means (BPM) measures adopted in response to the statutory nuisance notice served. It was made clear in the pre- application enquiry response that the biggest obstacle to the applicants aspirations is the planning policy position and seeking to justify a departure from both national and local policy, and the case seeking to justify the development through very special circumstances would need to be robust and stand up to scrutiny. (While the phrase ‘very special circumstances’ in planning is one more associated with Green Belt, it was used in this context due to the exceptional nature of what the applicants needed to try and argue would be overriding material planning considerations in this case). While the adverse odour impact were not envisaged at that time the application was made in 2015 for a new agricultural building, based on how the existing business operation was being managed, it was a commercial business decision to seek to expand the livestock enterprise at this location and to proceed with that development. The BPM measures serve to mitigate the impact of the farming activity on the community and allow the site to continue to operate but the Council's Regulatory Services Team advise that there is still a statutory nuisance. The desirability of moving the

enterprise away from the village is acknowledged, but it is questionable as to whether this route of seeking to fund that action is compatible with the role and purpose of the planning system, even in the circumstances of this case.

- 6.1.13 To ensure that funds raised by the disposal of the existing farm site for residential development are channelled solely to funding the new pig farm would be a matter which would need a legal agreement to secure. Planning Obligations however only mitigate the impacts of a development and can only constitute a reason for granting permission if they meet three tests: necessary, directly related to the development, and fairly and reasonably related to the scale and kind of development. The planning obligation must be necessary to make the development acceptable in planning terms i.e. to mitigate the impacts of the proposed housing development. There is no evidence that the obligation would be necessary to mitigate any identified impact of the housing, as the harm would be to the Council's Housing Strategy and the Development Plan. A planning obligation that requires moneys to be spent on the construction of a new private enterprise, commercial pig farm would fail the test of necessity and would not be directly related to the development, i.e. the residential development. Were it to be considered that there is a "public interest" in securing the continued production of home produced pigs as a food source in the locality, this would not be guaranteed by the proposed use of the funding from the residential development of this site. The obligation would not generate sufficient funds to cover the entire cost of the proposed pig farm and could not require that private business to make up the difference or indeed to continue to trade as a pig farm in the future. Other farming enterprises could continue to be conducted from the historic farm site without generating significant adverse amenity impacts. As such, an obligation would not necessarily deliver the suggested outcome and would not be fairly and reasonably related to the scale and kind of development (residential) proposed in this case. The legal tests to use a planning obligation agreement to stipulate how the monies generated would be used would not be met.

6.2 **Heritage and Landscape Impact**

- 6.2.1 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF), Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.2.2 Section 12 of the NPPF is concerned with achieving well designed places. It states that planning decisions should ensure that developments will 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; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish and maintain a strong sense of place; to optimise the potential of sites to accommodate an appropriate amount and mix of development; and to create places which are safe, inclusive and accessible and which promote health and well-being, providing a high standard of amenity for existing and future users. It also states, however, that permission should be refused for poor design that fails to take

into account the opportunities available for improving the character and quality of an area. At paragraph 134 it advises that in determining applications significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.2.3 Core Strategy policies CS6 and CS17 are concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Plan policy MD2. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduce reliance on private motor traffic, be respectful to its physical landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping.

6.2.4 As an outline application seeking to establish the principle of development, there are not full details by which to fully assess details relating to building design (appearance) and landscaping. However sufficient information has been provided on scale in terms of the number of dwellings envisaged, their form and how the envisaged numbers could be accommodated on the site through the illustrative site layout to allow an assessment of the likely heritage and landscape impact to be carried out. This site is close to listed buildings and immediately adjacent to the Sheriffhales Conservation Area. Paragraph 194 of the NPPF states that in determining planning applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. It advises that 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. A Heritage Impact Assessment (HIA) was requested to assess the setting of the Sheriffhales Conservation Area, Lilleshall Registered Park and Garden (grade II), Manor Farm (grade II listed) and St Mary's Church (grade II* listed). That HIA concludes that the proposals would be a 'neutral' change and the Landscape Report also requested concludes there would be no further loss of significance. While the HIA submitted is proportionate, the Councils' Historic Environment Team take issue with the conclusions. They comment that while the conversion of the historic curtilage listed barns is supported in principle, there are concerns regarding the layout of the new build residential properties. (It is acknowledged that the details are indicative in this application, but weight can be attached to them as showing future intentions and for judging how the quantity of development sought could be accommodated on site). In particular they state:

"...the proposed quantum and layout of the new build is still of considerable concern, especially with regards to the loss of rural, agricultural character and appearance to the immediate historic farmstead as well as the wider historic landscape/historic parkland where it would dilute its significance as well as the overall setting of the principal listed farmhouse and the adjacent conservation area. The loss of the woodland to the west is also concern with regards to setting of the site and also potential views into the site."

6.2.5 The Case Officer's view accords with the concerns raised by the Historic

Environment Team. The existing more modern agricultural buildings on the site do have a functional appearance and a substantial mass, but they are a continuation of the historic farmyard use, with significant space around the structures, which is of particular relevance to the setting of the immediately adjacent grade 2 listed Manor Farm dwelling. This spaciousness is also a feature of development within the Conservation Area and the aesthetic which would be created by the subdivision of the site to create plots for 31 dwellings, even with areas of public open space, would create a very different, urban character that would be unlikely to make a positive contribution to local character and distinctiveness. The proposal would result in less than substantial harm to the setting of heritage assets in the context of paragraph 202 of the NPPF which states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."* It is the current agricultural activity on the site, rather than the buildings themselves, from which there would be a public benefit through its cessation or moderation, and this is more readily altered in comparison with the permanent change to the landscape and setting of designated heritage assets that the proposed housing development would bring about. It is not considered that there are public benefits sufficient to outweigh the less than substantial harm to designated heritage assets in this case.

6.2.6 The County Arboriculturalist has raised concerns at 4.7 above about the extent of tree loss with the removal of the mixed plantation covering much of the western side of the site, based on the illustrative site plan submitted. While that site plan is, apart from the access point, indicative only for the purposes of this outline application, this area of the site would be likely to be impacted on by any layout due to the quantity of development sought. The landscape and visual assessment submitted by the agent has been reviewed by the Council's Landscape Consultants who comment that it provides no methodology for the assessment of landscape and visual effects to demonstrate a clear, robust and evidence based approach, and contains no details of the proposed mitigation measures in respect of adverse landscape and visual effects. It is considered that the likely removal (Based on the indicative site layout) of much of the tree cover along the western edge of the site would exacerbate the wider, adverse landscape impact of the scale of residential development proposed, which would also impact negatively on the setting of the conservation area.

6.3 **Highway Safety**

6.3.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 110 it advises that sites should give opportunities to promote sustainable transport modes appropriate to the type of development and its location, have a safe and suitable access for all users, the design of streets, parking areas, other transport elements and the content of associated standards should reflect current national guidance, including the National Design Code and the National Model Design Code; and that whether any significant impacts on the transport network (in terms of capacity and congestion) or highway safety can be cost effectively mitigated to an acceptable degree. It continues at paragraph 111 stating development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Core Strategy policy CS6 seeks to achieve safe

development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

- 6.3.2 A Transport Assessment has been submitted with the application. This assessment states the development will lead to additional traffic on the local road network with an estimated 37 traffic movements occurring in each of the AM and PM peak periods. Over the 24hr period, we anticipate that the development will generate a total of 204 traffic movements on the network. It concludes:

"We consider that the additional traffic movements arising from the development can be accommodated on the nearby network, which already carries low numbers of vehicle movements and therefore no capacity issues are predicted. However, due to the localised congestion experienced around the nearby school, some local highway improvement measures are deemed to be required for the development to be acceptable to the local highway authority".

The local highway improvement measures proposed (to be provided by the developer) as sufficient to mitigate against any issues arising from additional traffic generated by the proposed development on the local road network and to provide an element of local betterment in addressing existing traffic concerns on roads around the school comprise:

-Provision within the area of the school of additional on-street parking capacity, with some of the existing parking very close to the school access being displaced to reduce the concentration of congestion that occurs. The Transport Assessment states:

"An area of the unclassified road laying between the site and the school is available for localised widening work, as the land adjacent to the existing highway verge is within the applicant's ownership. Here it's feasible that a lay-by with a width of approximately 2.0m could be constructed over a distance of around 85m. This will provide capacity for 13 vehicles to park, with just a short walk of around 150m to the school. The existing keep clear markings around the school should also be reviewed, with a view of extending these to displace parking to the new area. We also propose that the existing school safety zones are bolstered with additional 'gateway' markings and possibly a 20mph zone. These will emphasise the school zone to the future residents and any visitors to the site."

-It is proposed to extend the existing village 30mph speed limit to a point beyond the site access.

- 6.3.3 The Council's Developing Highways Manager has reviewed the Transport Assessment and also the consultation comments received raising highway safety issues. She comments that in considering trip generation consideration should also be given to the existing use of the site in terms of the number and types of trips the site typically generates. Due to the established agricultural use the potential for the existing use to be diversified and potentially generate additional vehicle movements must be taken into account from a highway perspective, even though that is not the applicants intention. The proposed residential development is likely to generate

additional vehicle movements in the morning and afternoon peak, with the type of trips generated being different, but not to a level that would warrant a refusal on highway safety grounds with the mitigation possible that paragraph 110 d) of the NPPF requires be taken into account in assessing applications. These measures include various off-site highway works to improve pedestrian connectivity from the site into Sheriffhales village, improve the 'gateway features' at the vehicular access point into the village and to improve the existing situation in and around the entrance to the Primary School and Village Hall, at school drop off/pick up times. The necessary works have been included on submitted drawing and would be delivered through the conditions recommended at paragraph 4.2 above of this report. A Section 106 contribution would be sought as part of any resolution to grant planning permission towards the relocation of the existing 30mph signs and potential amendments to the 'School Keep Clear' markings and the associated road markings in the vicinity of the access into Sheriffhales Primary School. With these measures the proposed development would not have an unacceptable impact on highway safety or result in residual cumulative impacts on the local road network that would be severe. It is considered therefore that a detrimental to highway safety refusal reason could not be sustained.

6.4 **Residential Amenity**

6.4.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are 'The Manor' which is adjacent to the eastern site boundary and 'Manor Cottages' situated just to the west of the site. It would be ensured in the consideration of future reserved matters application(s), should outline permission be granted, that the layout, scale, appearance and landscaping of the residential development would not unduly harm the residential amenities of those properties or that of the locality.

6.5 **Ecology**

6.5.1 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. SAMDev policies MD2 and MD12 supplement these policies. A Preliminary Ecological Appraisal has been submitted with the application, supplemented with an Ecological Appraisal dated August 2020. The Council's Ecological Consultants are content with the findings of these reports which were prepared by Greenscape Environmental. The site is generally of low ecological value but with the potential for bats and nesting birds to be present. A check of two ponds within 250m of the site has shown them to be unsuited for Great Crested Newts, due to one having abundant carp present and the other appearing to be heavily poached with no vegetation present. Basic Reasonable Avoidance Measures would be followed during development. Investigations have established that one of the existing buildings is functioning as a bat roost and., given that the building in question would be demolished should residential development take place, a European Protected Species Mitigation Licence would be required from Natural England. This would not be an obstacle to development in this case due to the low impact class licence which would be sought and the mitigation that can be achieved through planning conditions in addition to the terms of a licence. while a barn owl was recorded in one of the buildings proposed for demolition alternative long-term provision for barn owls can be incorporated into the re-development of the site. The recommended ecology related conditions, in the event of a decision to

grant planning permission, would include the provision of a barn owl box; bat boxes; bird boxes; appointment of an Ecological Clerk of Works; submission of a European Protected Species Mitigation Licence prior to work commencing; landscaping and lighting.

6.6 **Drainage**

6.6.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing run-off rate and not result in an increase in run-off. The Council's Drainage Consultants/Flood and Water Team have advised that the Flood Risk Assessment submitted is acceptable. Any grant of planning permission would be the subject of a pre-commencement planning condition to ensure the satisfactory drainage of the site and to avoid flooding. The condition would state that no development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority and that the approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

6.7 **Affordable Housing**

6.7.1 Core Strategy Policy CS11 and a related Supplementary Planning Document require most market housing schemes to contribute towards affordable housing provision. These policies must be read in conjunction with the more recently updated NPPF, where Paragraph 65 reaffirms that affordable housing should still be sought (At least 10% of the total number of homes) where housing proposals would constitute 'Major Development' due to the site size or numbers of dwellings proposed, which would be the case here. It would normally be expected that a policy compliant open market housing scheme in this part of Shropshire would provide 20% affordable housing. There is no affordable housing provision in this application in order to keep the number of new build properties as low as possible but to still provide the financial return sought from the sale of the site to fund a substantial part of the cost of the new pig farm. Were affordable housing to be included in the proposed scheme this would impact on the land value and require more dwellings to be built above the total of 31 which has been the basis for the valuation assessment.

7.0 **CONCLUSION**

7.1 While the conversions of the traditional farm buildings shown to be retained and converted on the indicative site layout are considered heritage assets and conversions schemes could be devised to respect the character of those assets (With this being an outline application no conversion details have been provided) the proposal is a predominantly new build open market residential development proposal which does not accord with the exceptions set out in policy CS5 and further elaborated upon in SAMDev Plan policy MD7a. There is an in-principle planning policy objection to any scale of new-build open market residential development in Sheriffhales. The scale of new-build housing proposed is very substantial in this village context (26 units out of the 31 envisaged). Consideration must therefore be given as to whether there are any other material considerations that would justify a Departure from adopted Development Plan policy in this case.

- 7.2 The desirability of re-locating the intensive pig rearing enterprise to another location as a solution to a odour problem which constitutes a statutory nuisance is accepted, but the proposal to fund a new pig farm by residential redevelopment of the existing site is not one which can be supported as a material consideration sufficient to justify a Departure from the adopted Development Plan. A Planning Obligation (Section 106 Agreement) to ensure that all monies from the sale of the land for residential development are used solely for the construction of the new pig farm would not meet the three tests required for such agreements as being necessary, directly related to the development, and fairly and reasonably related to the scale and kind of development for the reasons explained at 6.1.13 above.
- 7.3 With respect to heritage and landscape impacts it is considered the proposals, in terms of the likely resultant built form, would detract from the setting of the adjacent listed buildings and conservation area and the public benefits of the proposal from the cessation of the current type of farming activity on the application site would not outweigh the less than substantial harm to designated heritage assets in this case that would be caused by the proposed scale of new-build residential development.
- 7.4 The proposed development would not have an unacceptable impact on highway safety when the mitigation measures which can be secured through planning conditions and a section 106 agreement are taken into account. The residual cumulative impacts on the road network when the change from the agricultural traffic which the current and potential use of the site for that purpose generates in comparison with that from a residential development of the scale proposed would not be severe.
- 7.5 Ecological and drainage interests could be safeguarded through planning conditions and the site could be developed for residential purposes in a manner which would not harm the residential amenities of the locality.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

the claim first arose.

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

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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.

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS10 - Managed Release of housing Land
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD7a - Managing Housing Development in the Countryside
MD7b - General Management of Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S15 – Shifnal

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

15/01103/FUL Erection of portal steel framed agricultural livestock building GRANT 23rd July 2015
20/00820/FUL Formation (relocation) of pig farm including erection of two pig rearing buildings, two straw storage buildings, one hospital/lairage building, one workshop/machinery storage building and one bio-security building; with all associated works PCO
20/00822/FUL Erection of building for the stabling of horses and associated equipment including change of use of land and formation of vehicular access PDE
BR/98/0095 ADDITIONAL USE OF FARM FOR EQUESTRIAN ACCOMMODATION AND GRAZING GRANT 20th May 1998
BR/98/0094 ERECTION OF A FARM DWELLING AND INSTALLATION OF SEPTIC TANK REF 20th May 1998

11. Additional Information

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

Planning Statement

Ecological Survey

Tree Report

Heritage Impact Assessment

Transport Assessment

Landscape and Visual Impact Assessment

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Kevin Turley

Appendices
APPENDIX 1 - Conditions

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.

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

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

Shropshire Core Strategy and SAMDev Plan policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS10 - Managed Release of housing Land

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the Countryside

MD7B - General Management of Development in the Countryside

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MD13 - Historic Environment

Settlement: S15 - Shifnal

SPD Type and Affordability of Housing



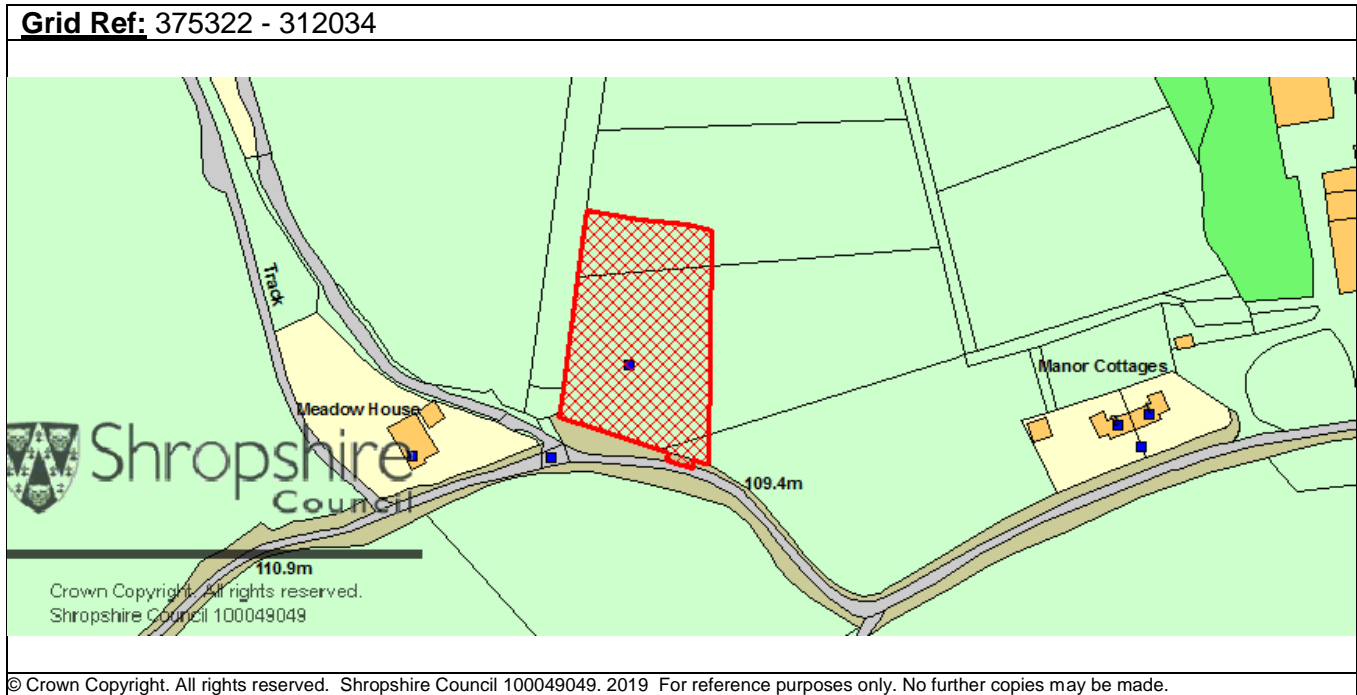
<u>Committee and date</u>
Southern Planning Committee
10 August 2021

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 20/00822/FUL	Parish:	Sheriffhales
Proposal: Erection of building for the stabling of horses and associated equipment including change of use of land and formation of vehicular access		
Site Address: Proposed Equestrian Building West Of Manor Farm Sheriffhales Shropshire		
Applicant: Mrs Caroline Robinson		
Case Officer: Mike Davies	email : mike.daves.planning@shropshire.gov.uk	



Recommendation:- Refuse:

Recommended Reason for refusal

1. The proposal will result in a stand alone building in open countryside which will appear as a prominent intrusion in the landscape. The proposal is considered to be contrary to

Paragraph 85 and 130c) of the NPPF (2021), Policies CS5, CS6 and CS17 of the Shropshire Core Strategy (20011) and Policies MD2, MD7b and MD12 of the Shropshire Site Allocations and Management of Development Plan (2015).

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a steel framed building measuring 42.6m x 15.2m and surrounding yard to be used for private business use relating to racehorses - stabling of horses and associated fodder and equipment, plus the change of use of land from agriculture to equestrian use. The floor area of the proposed building would be a like for like replacement of the existing facilities available at Manor Farm. The building would be 6m at the roof ridge and 3.65m at the eaves.
- 1.2 An area for the storage of manure will be provided at the front of the site and will be cleared on a regular basis depending upon the number of horses that are stabled at any one time. Manure would be stored in a field on the farm, as is the current situation, there will be no proposed change to the number of horses on site or the management and operation of the facility compared to the current site.
- 1.3 There is an existing equestrian facility consisting of 12 loose boxes, horse walker, lorry storage, tack room, feed room and fodder store within the buildings to the eastern side of the site as you enter the yard area and further fodder store within the dutch bars to the western side of the yard. This application proposes to replace the existing facilities to the west Manor Farm within a field currently used for grazing.
- 1.4 The proposed relocation of these facilities will simply replace those existing at Manor Farm and will not expand the operations. The site will not provide typical livery or riding centre style services, which would generate a higher number of vehicle movements; the use is constrained to keeping and training racehorses. The proposed yard surrounding the building has been sized accordingly to accommodate all vehicles that will required to park and turn at the site associated with the proposed use.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed equestrian site is located approximately 200metres to the west of the existing farmstead and is accessed from the same unclassified road, as the existing farm.
- 2.2 The site would be accessed off an existing adopted road with limited visibility available in both directions. The width and gradient of the access would allow HGVs (horseboxes) and agricultural machinery such as tractors to enter and manoeuvre around the site. Traffic movements to and from the site would be low –

predominantly being a single horsebox and farm machinery bringing fodder to the site and clearing away manure. The applicant would walk to the site and the other employee would drive. Vehicle parking would be available on the site, off the highway – as is the current situation.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This is the third application of three which relate to Manor Farm. Whilst, this application is a stand-alone proposal, it is linked to the other proposals and should be considered along with them as these raise a series of complex material planning considerations which the Planning Services Manager, in consultation with the Chairman and Vice Chairman, consider should be determined by the South Planning Committee.

4.0 Community Representations

(Please note that the revised National Planning Policy Framework was published on 20th July 2021 which has changed some of the paragraph numbers quoted by Consultees in the full text of comments viewable on-line).

4.1 - Consultee Comments

4.1.1 **Sheriffhales Parish Council** - Object to the proposals on the following grounds

- Highway Safety
- Lack of transparency over enabling development
- Impact on residential amenities
- Contrary to development plan
- Impact on Conservation Area

4.1.2 **Historic Environment** - The proposal affects a site that lies to the west of the Sheriffhales Conservation Area, Lilleshall Registered Park and Garden (grade II), Manor Farm (grade II listed) and St Mary's Church (grade II* listed). In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

It is noted that the proposal follows pre-application advice (PREAPP/18/00212). The HIA conclusion is that the proposal would not impact upon the relevant heritage assets in terms of their appreciation would neither increase or decrease, where the proposed landscape impact is not deemed to be 'significant'. It is also noted that the building shall be cut slightly into the ground which should mitigate impact to a degree. Having looked at the relevant photographs and the intervening tree belt and vegetation cover, the site seems somewhat detached from the settlement of Sheriffhales, where it is considered that the proposal would likely to have 'negligible', albeit with potential intermittent long-range views to and from the site.

No objection subject to conditions with regards to facing materials and finishes where it is noted that the building shall consist of grey metal profile sheeting, as well as further landscaping which should include enhancement of existing hedgerows or gaps along field boundaries etc.

- 4.1.3 **Highway Authority** - The submitted application seeks to obtain permission for the relocation of the existing equestrian stabling currently located at Manor farm to facilitate the proposed residential development subject to a separate planning application . Shropshire Council as Highway Authority raises no objection to the granting of consent based on the information submitted.

It is noted that a highways technical note has been submitted in support of the proposed development. Section 3 of the submitted technical note provides a summary of the likely trips to be generated by the proposed development. The assumptions made with regard to the likely number of trips are accepted. Shropshire Council as Highway Authority agree with the conclusion that whilst the carriageway width of the approach to the proposed access is restricted, in view of the likely flow of vehicles along this section and the number of trips the propose development is likely to generate the development will not result in any detrimental safety or traffic management impacts to the local highway network. As suggested by the applicants consultant, it is recommended that details of access are provide prior to commencement.

It is therefore recommended that a planning condition requiring details of the proposed access are submitted for approval prior to commencement of the development.

1. New Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

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

- 4.1.4 **Local Lead Flood Authority** - The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

Condition:

No development shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Informative Notes:

1. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions

and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

2. If non permeable surfacing is used on the new access and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water run-off from the new access run onto the highway.

4.1.5 **Regulatory Services** - does not have adverse comment to make in relation to this stand alone application for equine use. A waste management plan will be required.

4.1.6 **SC Landscape Consultant** - The LVA has not been prepared in a robust, transparent and evidence based manner in compliance with national guidance and we do not consider that its findings are reliable to be used in making a sound planning judgement.

The proposals do not comply with Local Plan policies relating to landscape and visual matters.

No details have been submitted on the proposed mitigation measures in respect of adverse landscape and visual effects.

We have made 3 recommendations relating to the assessment of visual effects and the preparation of a landscape strategy

Conclusions and Recommendations

No methodology has been provided for the assessment of landscape and visual effects and no reference has been made to the best practice set out in GLVIA3 and supporting technical guidance.

The assessment of landscape and visual effects has not been carried out in a clear, robust and evidence based approach in accordance with GLVIA3 and we do not consider that it is reliable to be used to make a sound planning judgement.

The proposals do not comply with Local Plan policies CS5, CS6, CS17, MD2 & MD12 in relation to landscape character and visual amenity.

We therefore recommend that prior to determination of the application;

- The LVA be amended to include a methodology compliant with the best practice

in GLVIA3 and supporting technical guidance

- An assessment of landscape and visual effects be undertaken in accordance with that methodology, including the consideration of cumulative effects
- Details of measures for the mitigation of any identified adverse landscape and visual effects be submitted in the form of a landscape strategy

4.2 - Public Comments: 9 Objections:

- Visual Intrusion
- Noise and Disturbance
- Light Pollution
- Smells and fly nuisance relating to the storage of horse manure
- Increased Traffic
- Roadside parking
- Surface Water Flooding on the roadway
- Highway Safety
- Poorly maintained roadways will be exacerbated further by vehicles with horseboxes and trailers
- Concern about future expansion once established
- No requirement to relocate the existing use
- Lack of sightlines and visibility at entrance to site
- Site is within open countryside and will result in relocation from existing brown field site
- Loss of Outlook

5.0 **THE MAIN ISSUES**

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Residential Amenity
Highway Safety
Historic Environment

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); and National Planning Policy Framework (NPPF) (2021). Those policies of relevance to the proposal are considered below as part of the appraisal.

6.1.2 A key objective of both national and local planning policy is to concentrate development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 development 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 Policy MD1 and MD7b. 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.

- 6.1.3 Core Strategy Policies CS1 and CS3 set out the settlement hierarchy for the county, with new development focused in Shrewsbury, the main Market Towns, and other identified key centres. Sherriffhales is not included under Policy CS3 as one of the identified Market Towns and Other Key Centres, nor is it identified as a Community Hub or part of a Community Cluster under Policy CS4. Instead it lies within an area identified on the Council's Adopted Policies Map as open countryside. Policy CS5 is therefore the main relevant policy consideration.
- 6.1.4 Policy CS5 of the Core Strategy seeks to protect the openness of the countryside from inappropriate development. Policy CS5 mirrors the NPPF in terms of defining inappropriate development and whilst an agricultural structure maybe considered appropriate in the context of the countryside, a commercial equestrian use of this size is an altogether different matter. The use whilst existing in the locality is seeking to relocate to new building in the open countryside to make way for inappropriate development in the form of open market housing. The applicant is seeking to justify the residential development of the existing farmyard, which includes the existing equine facility on the basis of enabling development to finance the relocation of the problematic pig farm. However, it needs to be made explicitly clear that there is no link between the other two applications and this proposal for the relocation of the equestrian use except to realise a greater return by developing the existing equestrian site for housing. There is no compelling need to relocate the equestrian use unlike the pig farm.
- 6.1.5 Paragraph 85 of the NPPF whilst recognising the need to support the growth of the rural economy is also clear that development should be sensitive to its surroundings and encourages the reuse of previously developed land or sites physically well related to existing settlements. Paragraph 130 c) further goes onto say that planning policies and decisions should ensure that development is *"sympathetic to local character and history, including the surrounding built environment and landscape setting"*.
- 6.1.6 Policy MD7b states that agricultural development will be permitted where it can be demonstrated that the development is of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve; Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and, There will be no unacceptable impacts on environmental quality and existing residential amenity.
- 6.1.7 In this case the development is not required in connection with an agricultural use but is a replacement equestrian facility which does not satisfy the requirements of Policy MD7b. It is also physically separated from existing development in the settlement and its isolation is considered to have a negative impact on the landscape character of the surrounding countryside as a result of visual intrusion it creates.

- 6.1.8 Turning to Policies CS6 and MD2 these relate to sustainable design. Policy MD2 states that development should contribute to and respect local distinctiveness or valued character or existing amenity value. CS6 reinforces the protection of the environment citing development needs to be appropriate in scale and pattern taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, and landscape character assessments.
- 6.1.9 Policy MD12 seeks to resist proposals which will have an adverse impact on visual amenity, landscape character and local distinctiveness. Such proposals will only be permitted where it can be clearly demonstrated a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and b) the social or economic benefits of the proposal outweigh the harm to the asset. In this case there is no compelling need to relocate from the existing facility to an open countryside site and as such the proposals are considered to conflict with the aims of Policy MD12 of the SAMDev Plan.
- 6.1.10 Policy CS17 of the Core Strategy emphasises the importance of protecting diversity, high quality and local distinctiveness of Shropshire's landscape from damaging development which adversely impacts its visual value. The proposal will result in a stand alone building which will appear as a prominent feature in the landscape detracting from the visual aesthetics of the surrounding open countryside.
- 6.2 Siting, scale and design of structure**
- 6.2.1 The proposed building itself will be on a green field site in open countryside situated around 200 metres east of the current cluster of farm buildings at Manor Farm. There is a single dwelling situated on the opposite side of the lane, but other than this the site is isolated from other development, which means it will appear as a prominent feature in the surrounding landscape.
- 6.2.2 The development will be sited in open countryside away from other structures. As such it will appear as a prominent addition given its height, scale and massing in the context of its open setting. The site is a stand alone development which whilst related to an existing use on a nearby site cannot be justified in terms of its visual impact on the surrounding countryside in planning policy terms.
- 6.3 Visual impact and landscaping**
- 6.3.1 The development will be a stand alone structure which is located away from other buildings and as such its visual impact in the open countryside is considered to be significantly greater than if it were position next to or within a cluster of buildings/structures. Paragraph 85 of the NPPF makes clear that development in rural locations needs to be sensitive to its surroundings and this is reinforced at Para 130 c).
- 6.3.2 Policies CS5, CS6 and CS17 of the Core Strategy, along with Policies MD2, MD7b and MD12 of the SAMDev Plan build on the NPPF providing a local context, but essentially reinforcing the importance of minimising the visual impact of development in the countryside and on the surrounding landscape character.

6.3.3 The fact that development is situated away from existing development in an isolated location results in it being a prominent feature in the landscape. The stand alone nature of the development coupled with its size, scale and massing mean that it will appear as an incongruous and visually intrusive feature in the landscape and as such it is considered that this proposal represents an unacceptable form of development which is contrary to both national and local planning policy.

6.3.4 It is considered that the relocation of the equestrian use from its current site will result in an unnecessary further incursion into the countryside, which the applicant has failed to justify in planning policies terms.

6.4 **Residential Amenity**

6.4.1 The site is situated away from nearby development although there is a single residential dwelling on the opposite side of the lane. It is not considered that given the nature of the use, is unlikely to unduly impact on the residential amenities of residents in the locality.

6.4.2 Objectors have however raised concerns in relation to odour and flies resulting from manure on the site. Regulatory Services have requested that a condition be imposed to agree a waste management plan for the development to ensure it does not impact the amenities of the locality.

6.5 **Highway Safety**

6.5.1 The access to the site is situated on bend in a road with a restrictive carriageway width. The applicant has supplied visibility splays for the proposed access point along with estimated trip generation emanating from the development which are accepted by the Highway Authority who are content that given the level of vehicular movements that highway safety will not be compromised by the proposal subject to a condition requiring the details of the access to be agreed prior to development commencing.

6.6 **Historic Environment**

6.6.1 As pointed out above the site is isolated from the main settlement of Sheriffhales and whilst within the conservation area, its impact on heritage assets and their appreciation is considered to be offset by the distance between the main body of the existing historic village/farmstead and the site. It is therefore considered that any impact can be mitigated by appropriate conditions should consent be forthcoming.

7.0 **CONCLUSION**

7.1 The main area of concern in relation to this application relates to the planning policy position and justifying a departure from both national and local planning policy. The case for justifying the development through other material considerations needs to be robust and be able to stand up to scrutiny. The case for a new equestrian facility to replace the existing set up has been based solely on the current site being required for enabling development to facilitate the relocation of the existing pig farm which is considered a statutory nuisance due smell and odour generated by it and the impact on the amenities of surrounding residential properties.

7.2 The existing equestrian use does not raise any of the issues associated with the pig

farm and as such there is no necessity or requirement to relocate it arising from an amenity point of view. The sole reason for relocating it is to have a larger residential development site to fund the pig farm move.

7.3 The relocation of the equestrian use needs to be considered as a purely business decision by the applicant as this could theoretically continue to operate from the existing site and therefore it's relocation should not be cross-subsidised by enabling residential development as there is no compelling reason for this use to relocate unlike in the case of the pig farm where there are extenuating circumstances. Therefore, the main issue is whether from a planning policy perspective the new equestrian building can be justified and having regard to both the NPPF and the adopted Development Plan the only logical conclusion that can be reached is that the proposal does not constitute appropriate development in the countryside given the size of the facility and as such should be refused.

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.

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against the impact on residents.

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

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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.

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National Planning Policy Framework

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CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
MD1 - Scale and Distribution of Development
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MD12 - Natural Environment
SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

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20/00821/OUT Outline application (access for consideration) for residential development PDE
BR/98/0095 ADDITIONAL USE OF FARM FOR EQUESTRIAN ACCOMMODATION AND
GRAZING GRANT 20th May 1998
BR/98/0094 ERECTION OF A FARM DWELLING AND INSTALLATION OF SEPTIC TANK
REF 20th May 1998

11. Additional Information

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

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Planning Statement

Highways Technical note

Heritage Impact Assessment

Landscape Assessment

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Kevin Turley



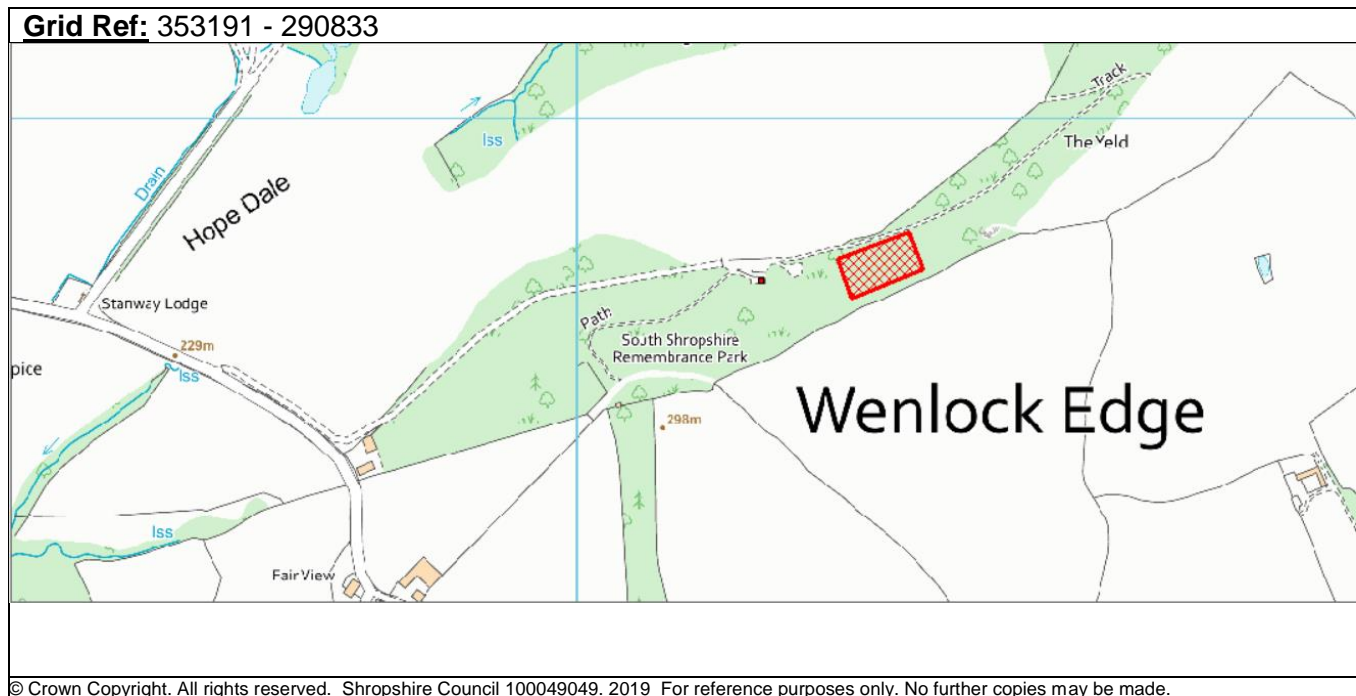
<u>Committee and date</u>
Southern Planning Committee
10 August 2021

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/00768/COU	Parish:	Rushbury
Proposal: Change of use of land to form extension to Remembrance Park		
Site Address: South Shropshire Remembrance Park Upper Stanway Rushbury Shropshire SY6 7EF		
Applicant: South Shropshire Remembrance Park		
Case Officer: Helen Tipton	email : helen.tipton@shropshire.gov.uk	



Recommendation:- Refuse.

Recommended Reason for refusal:

1. The development would have a significant adverse impact on a locally designated biodiversity site, which is an important and irreplaceable woodland with confirmed priority habitat. The social or economic benefits of the proposal would not outweigh the environmental

harm arising from the scheme and, as such, the development would conflict with Core Strategy Policy CS17, the Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and Paragraphs 175 and 180 of the National Planning Policy Framework, (NPPF 2021).

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the change of use of land to form an extension to an existing Remembrance Park.
- 1.2 The existing Remembrance Park is a green burial site which gained planning approval in 2003, (SS/1/03/14101/F refers), along with the erection of a facilities / reception building, parking and new access road.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed development site is located in a clearing of woodland, to the east of South Shropshire Remembrance Park. The site is positioned on the northern slopes of Wenlock Edge escarpment, to the north east of Hope Dale and is within The Yeld Local Wildlife Site.

The woodland site is protected by a Tree Preservation Order, (TPO). It adjoins Pole Wood and Rickhouse Coppice, (the latter is semi-natural ancient woodland) and is grouped with other ancient woodland sites in the locality.

The Remembrance Park is approached from the unclassified Stanway road; a no through route leading south east from Rushbury village, along Roman Bank. The access route runs parallel with the adjoining road, before heading through the woodland.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers. The Local Member has requested the matter be heard at committee and the Principal Planning Officer and Chair of the Southern Planning Committee have discussed how the application should be determined. It has been agreed that the scheme should be referred for consideration by the South Planning Regulatory Committee.

4.0 Community Representations

- 4.1 Consultee Comments
- 4.1.1 Shropshire Wildlife Trust - no comment.
- 4.1.2 Shropshire Hills AONB - comment.

The Shropshire Hills AONB Partnership is a non-statutory consultee and does not

have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision and should take account of planning policies which protect the AONB and the statutory AONB Management Plan.

Our standard response here does not indicate either an objection or no objection to the current application. The AONB Partnership, in selected cases, may make a further detailed response and take a considered position.

4.1.3 Shropshire Council Drainage - no objection.

An informative comment is provided, giving advice to the consideration of sustainable surface water drainage systems.

4.1.4 Shropshire Council Highways - no objection.

The proposed extension to the Remembrance Park is unlikely to significantly impact on the surrounding highway network. Access and parking are existing and the proposal is considered acceptable from a highways perspective.

4.1.5 Shropshire Council Rights of Way - no comment.

4.1.6 Shropshire Council Trees - objection.

19 May 2021 - objection.

In the absence of an Ecological Impact Assessment, the Council's Tree team are unable to conclude that the proposed change of land use represents sustainable development.

The woodland is protected under The South Shropshire District Council (Stanway Manor & Estate Rushbury) Tree Preservation Order (TPO) 1978. It falls within the AONB and is recorded on the national habitat inventory as priority habitat (broadleaf woodland), is part of The Yeld Local Wildlife Site and subsequently is core habitat within the local Environmental Network. There are seven Ancient Woodland Sites within 1400 metres of the site, the closest approximately 650 metres away (Rickhouse Coppice) is Semi-Natural Ancient Woodland.

Contrary to the aspiration for environmental net gain from new development, as set out in the Governments 25 year plan on the environment and in the National Planning Policy Framework, (NPPF), this application would result in the erosion / fragmentation of priority habitat, removing it from its current land use type without offering any sustainable compensation.

As is shown in the Shropshire Council (SC) Trees Addendum, (document viewable on the public register), management of the existing areas creates an attractive graveyard / remembrance park but has resulted in the loss of natural tree and ground cover over large areas and an interruption of the natural development of woodland. It therefore constitutes a fragmentation and degradation of the TPO and priority habitat that is contrary to the aspirations to conserve and enhance the

natural environment.

Whilst the current extent of the graveyard is established and so must be tolerated, the applicant's case made no argument as to how extending the graveyard further can be considered as sustainable development, other than to suggest that the area intended to extend the park is either scrub or already clear bracken banks. This statement appears to suggest that scrub and clearings with bracken are of lesser value than closed canopy mature woodland, whereas guidance on good silvicultural and woodland habitat practice, as set out in a range of Natural England publications and in the United Kingdom Forest Strategy (UKFS), clearly contradict that suggestion and identify such features as being of great value within the habitat mosaic of a well-structured woodland. As can be seen in the SC Trees Addendum, the clearing appears to be relatively recent, with woodland flora such as bluebells present and the lower canopy of the retained ash trees at a height that suggest they grew upwards in competition with trees that have subsequently been removed. From a planning perspective *Palm Developments Limited v The Secretary of State for Communities and Local Government* drew the conclusion that, with regard to the Woodland designation in TPO's "saplings are trees and on top of that, a woodland TPO extends to all trees in a woodland, even if not in existence at the time the Order is made". The loss of what is a woodland clearing therefore impacts negatively upon the longevity of a Woodland TPO. Two key points can be drawn from this:

(a) Whilst the applicant sees the clearing as an opportunity to develop their business, clearings are an integral part of the dynamic ebb and flow of woodland canopy cover, offering opportunities for the establishment of less shade tolerant natural regeneration such as oak trees. Loss of open spaces restricts these opportunities.

(b) The Tree Team have concerns that if this application was approved for a change of use then it might well occur that further management of the woodland would create further clearings where the same argument was presented in the future and an incremental erosion of the quality and depth of the woodland would be perpetuated.

The quality and character of this remembrance park relies heavily on its setting in the landscape and particularly the surrounding woodland. But this application for a change of land use would remove the requirement and incentives for the ongoing sustainable woodland management, compatible with the UKFS, broader national and local policies and aspirations for nature recovery networks and sustainable development that would seek, in the medium to long term, for the reinstatement of the woodland back to its natural form, character and land use.

16 July 2021 - objection.

From a silvicultural perspective, the findings and proposed management set out in the ecological assessment and discussed in detail in the Council Ecology team's consultee comments of 2nd July 2021 tend to reinforce the Tree Team's concerns raised in their consultee comments and addendum dated 19th May 2021, in that the proposal does not represent sustainable development in relation to the purpose of the woodland Tree Preservation Order and the natural environment, as set out in national and local policies, therefore the Tree Team's consultee comments dated

19th May 2021 remain pertinent.

4.1.7 Shropshire Council Ecology - objection.

22 April 2021 - comment.

The site is located within The Yeld Local Wildlife Site and subsequently Core habitat within the Environmental Network. Provided photographs suggest the site may be of value to a range of protected species and therefore a planning application on this site must be accompanied by an Ecological Impact Assessment of the land in and surrounding the proposed development and a discussion of any potential impacts resulting from the development.

An Ecological Impact Assessment should consist of:

- An Extended Phase 1 habitat survey, habitat map and target notes on any significant biodiversity or geological features.
- A desk study of historical species records and local, regional or national wildlife designated sites.
- Supplementary detailed surveys (phase 2 habitat surveys, protected or priority species or geological features as appropriate to the site – including those described below).
- Evaluation of the importance of biodiversity or geological features present at a local, regional, national, international level.
- Analysis of the direct and indirect impacts of the development, (during construction, working area, additional infrastructure and post construction).
- Proposed avoidance, mitigation or compensation measures, including method statements where appropriate.
- Legal implications, such as the need for European Protected Species Mitigation Licences or other licences (e.g. badgers).
- Proposed biodiversity or geodiversity enhancement measures.

The Ecological Impact Assessment should be carried out by a suitably qualified and experienced ecologist with the relevant protected species licenses. The Ecological Impact Assessment should be submitted to the Local Planning Authority prior to a planning decision being made.

Specific species/areas of concern;

Hazel Dormice

Dormice have been recorded within 2 kilometres of the site.

On review of the submitted photographs, there is potential for dormice to be present on site and in close proximity to the proposed development site.

Consideration should be given to the presence of dormice and requirement for surveys. If considered appropriate, a dormouse survey should be carried out by an experienced ecologist (a licensed ecologist if nest box surveys are used) and in line with the guidance in the Dormouse Conservation Handbook (Natural England, 2006).

The ecologist should make recommendations as to whether a European Protected Species Licence with respect to Hazel Dormice would be necessary and the need for a mitigation scheme and/or precautionary method statement.

Badgers

This site and its surroundings look suitable to support badgers and records of Badgers are present within 200 metres of the site. An inspection of all suitable habitat to a distance of at least 30 metres from the site boundaries should be carried out. Where badgers are confirmed to be present, a mitigation strategy and precautionary method statement should be provided in support of the planning application.

Environmental Networks

The Shropshire Core Strategy contains, in Policy CS17, provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

This proposed development is located within The Yeld Local Wildlife Site and subsequently Core habitat within the Environmental Network. As such, the proposed scheme must clearly demonstrate how the development will 'promote the conservation, restoration and enhancement of priority habitats and ecological networks' as required by the NPPF and provide a net gain in biodiversity.

2 July 2021 - objection.

The area of land proposed for change of use is located within The Yeld Local Wildlife Site (LWS) which is designated for supporting open birch woodland. The woodland within the site has been identified on MAGIC Maps as being included in the Priority habitat Inventory for Deciduous Woodland and is located within the core area of Shropshire's Environmental Network.

Following review of the provided Ecological Appraisal, undertaken by Greenscape Environmental Limited (15 June 2021), Greenscape identify that 'The site is comprised of a small clearing within the woodland on a west facing slope, dominated by grasses and bluebells (*Hyacinthoides non-scripta*).

*Other notable flora include yellow archangel (*Lamium galeobdolon*), pink purslane (*Claytonia sibirica*), greater stitchwort (*Stellaria holostea*) and cleavers (*Galium aparine*). The species of great botanical interest such as the archangel are generally found on the southern border of the site, within meters of the tree line. The surrounding trees are mostly silver birch (*Betula pendula*), interspersed with hazel (*Corylus avellana*) and elder (*Sambucus nigra*).'*

They go on to state:

'The change of land use will involve the mowing and management of what is currently a valuable wildflower area within a priority habitat. This will inevitably result in the loss of the flowers in the existing opening. As the yellow archangel, by far the rarer and more significant of the flowers on site, is predominantly on the eastern half of the southern boundary, near the tree line, it may be possible to reduce losses by modifying the potential site layout to preserve the area around these flowers.

None of the trees require removal for the change of use as proposed, and so no fragmentation of connective features is anticipated, and the arboreal habitat of value will be retained and remain unaffected'.

The ecological survey recorded Ancient Woodland Indicator (AWI) species within

the proposed site- bluebell and yellow archangel, and the report goes on to state that the site is ancient woodland. Although it is not on the Natural England ancient woodland inventory this is not a comprehensive inventory and field evidence can be used to identify ancient woodland.

The presence of the two species of AWI, therefore, suggests there has been continuity of woodland cover on the site for some time and although it is noted that the trees present are proposed to be retained through the change of use, woodland habitats are not merely areas of tree cover, but also include clearings and more importantly, the woodland soil.

The Ecological Appraisal recommends that, to retain the ecological value of the area proposed for the change of use, it should be managed as a wildflower meadow:

'It is recommended that the wildflower meadow be managed as such, with two mechanical cuts a year, once in March and then again in October. The clippings will be removed from the site itself to ensure the flowers are not smothered and permit continued growth. The clippings will be collected and placed in a designated area amongst the trees adjacent to the clearing, this will provide another habitat in the area as the clippings mulch down.

Naturally once burial plots become occupied there may be an increase in footfall, and so thin strips of increased mowing may be required to allow families to visit. These will be tactically placed and remain the same to ensure the majority of the area is permitted to grow into the valuable wildflower meadow'.

The view of the Council's Ecology team is that, although the change of use is proposed to be within a clearing within the woodland, these features are an integral part of woodland ecosystems and the lack of trees in a small area does not therefore constitute a lack of ecological importance. Clearings are important ecological features of woodland habitats, allowing light penetration and enhanced floral diversity, thus creating structural diversity and micro-habitats. As such the area which is to be affected by the proposals remains important woodland habitat. It is considered that the change of use proposed will not protect, enhance or expand this important ecological asset, which is also a priority habitat, both nationally and locally, and that the proposed management as a wildflower meadow, with close mown paths, would not be suitable management for this area of woodland where ancient woodland indicators have been recorded.

Ancient woodland is an irreplaceable habitat under the 2019 National Planning Policy Framework and Natural England and the Forestry Commission have provided standing advice for ancient woodlands which should be taken into account when determining a planning application.

The advice states that:

"Wooded continuously' does not mean there's been a continuous tree cover across the whole site. Not all trees in the woodland have to be old. Open space, both temporary and permanent, is an important component of ancient woodlands.'
'Development resulting in the loss or deterioration of irreplaceable habitats, (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'.

As this application will result in impacts to a priority UK habitat (woodland), a

clear plan for mitigation and enhancement should be submitted, showing the locations of all proposed ecological mitigation and enhancement measures and how this will result in no net loss of woodland habitat, (if the woodland is not deemed as ancient and therefore irreplaceable). Such a plan should then form part of the planning permission.

As such, Shropshire Council Ecology does not support the change of use of this site and recommends refusal.

4.1.8

Rushbury Parish Council - no objection.

4.2

Public Comments

4.2.1

The application has been advertised via notice at the site.

4.2.2

No public representations have been received.

5.0 THE MAIN ISSUES

Principle of development
Landscape and biodiversity
Residential amenity and highways

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Planning policy states that new development in the countryside will be strictly controlled, although it generally supports development proposals on appropriate sites which maintain and enhance countryside vitality and character and where they improve the sustainability of rural communities by bringing local economic and community benefits, in accordance with the Council's Core Strategy Policies CS1 and CS5. This would include the retention and appropriate expansion of an existing established business and required community uses and infrastructure which cannot be accommodated within settlements. With regard to small-scale new economic development diversifying the rural economy, applicants will be required to demonstrate the need and benefit for the development proposed.

6.1.2 Core Strategy Policy CS8 states that communities will be assisted by facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs, in locations that are appropriate and accessible and positively encouraging infrastructure, where this has no significant adverse impact on recognised environmental assets.

6.2 Landscape and biodiversity

6.2.1 Paragraph 175 of the National Planning Policy Framework, (NPPF) confirms that plans should allocate land with the least environmental or amenity value and take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. Meanwhile, paragraph 180 c) of the NPPF states that development

resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 6.2.2 Core Strategy Policy CS17 states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Also, that development does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites.
- 6.2.3 Meanwhile, Policy MD12 of the Site Allocations and Management of Development (SAMDev) Plan ensures that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively on, (amongst others), locally designated biodiversity and geological sites; priority species; priority habitats; important woodlands, trees and hedges or ecological networks will only be permitted if it can be clearly demonstrated that:
- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by relocating on an alternative site and;
 - b) the social or economic benefits of the proposal outweigh the harm to the asset.
- 6.2.4 The woodland is protected with a Tree Preservation Order and the Council's Ecology and Tree teams concur with the appointed, private Ecologist that the area is also Ancient Woodland, as well as a Local Wildlife Site.
- 6.2.5 In terms of visual amenity, although the site is located within the AONB and occupies an elevated position within it, there are no new above ground structures or ground levelling proposed and given that the existing woodland would conceal the development site from wider viewpoints, the character of the AONB would be unaffected.
- 6.2.6 Whilst the development would take place in a clearing within the woodland, this remains a priority habitat, which is irreplaceable and the proposed management of the clearing, including mown paths and twice yearly cutting, (with the potential to increase mowing thin strips of land following an increase in footfall) would erode the existing qualities of the important woodland and therefore be unsuitable. The current Remembrance Park has created an appealing and tranquil environment for the public to visit, although it has led to an interruption in habitat networks within the woodland and the proposal would create further erosion. The scheme must show how the social or economic benefits of the development outweigh the environmental harm and evidence provided to demonstrate why the site would not be considered ancient woodland (irreplaceable habitat). Whilst the scheme would relate to the expansion of an existing business and may provide facilities and services beneficial to the local community, a suitable compensation strategy has not been provided and it is considered that any benefits would not outweigh the

harm to the priority woodland.

6.3 Residential amenity and highways

6.3.1 The site is in a remote location and the nearest residential property is almost 600 metres away. Given there is already good vehicular access and parking at the site and the Council's Highways officer has no objection to the scheme, there would be no residential amenity or highway concerns.

7.0 CONCLUSION

The proposed development would have an unacceptable and harmful impact on important woodland and its priority habitat and would fail to protect or enhance the environmental asset. Although there would be no overriding concerns in terms of wider visual and highways impacts or residential amenity, the development would result in the loss or deterioration of irreplaceable habitats and the benefits of the scheme would not outweigh the harm introduced.

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
CS8 - Facilities, Services and Infrastructure Provision
CS13 - Economic Development, Enterprise and Employment
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7b - General Management of Development in the Countryside
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

SS/1/03/14101/F Change of use from woodland to burial park and erection of facilities building and access road. PERCON 7th March 2003

11. Additional Information

[View details online:](#)

List of Background Papers
Ecological Appraisal

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Cecilia Motley



<u>Committee and date</u>
Southern Planning Committee
10 August 2021

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/02191/FUL	Parish:	Pontesbury
Proposal: Erection of link extension between dwelling and annex and alterations to approved scheme for conversion of annex building (part retrospective)		
Site Address: The Rowans Old Shorthill Hanwood Shrewsbury Shropshire		
Applicant: Mr & Mrs N Newman		
Case Officer: Alison Tichford	email : alison.tichford@shropshire.gov.uk	

Grid Ref: 342815 - 308874

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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the erection of a link extension between an existing dwelling and an annex building as well as alterations to the approved scheme for conversion of an existing outbuilding to a residential annex to include the addition of low railings to the first floor covered walkway and large glazed doors to the ground floor.

1.2 Permission was previously recently granted for the conversion of an existing outbuilding of heritage interest to a residential annex under planning permission 20/02939/FUL

2.0 SITE LOCATION/DESCRIPTION

2.1 The building currently being converted to an annex is sited immediately south east of the existing dwelling, The Rowans, which is set in a large secluded plot at Shorthill, set well back from the A488 between Hanwood and Pontesbury.

2.2 There is open farmland to the south and west of the site and woodland and a golf course to the east. The nearest neighbouring residential property is a detached dwelling within the cluster at Old Shorthill appx.80m to the north-east beyond a belt of trees, with a further detached dwelling appx 200m to the south west.

2.3 There is an old railway cutting for the former Minsterley branch of the Shrewsbury & Welshpool Railway line immediately to the east and a public bridleway runs further east again.

2.4 The two storey brick annex building is positioned in an area of historic rural coal workings with the Shorthill Colliery positioned just north of the site. It has a footprint of appx 55 sq.m and an internal floor area of appx 75sq.m. The building has a flat roof and is generally in good condition.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' this application requires determination by Planning Committee as the application is made on behalf of an officer of the Council, (appointed since the original permission was granted in December 2020.)

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Response

4.1.1 Pontesbury Parish Council has made comments in support of the planning

application on the basis that the detail and materials are in keeping with an industrial building.

4.1.2 SC Conservation consultees made reference to their previous comments where they indicated that the annex building would be considered to represent a non-designated heritage asset and confirmed they have no objection to the introduction of the proposed link feature where the simple design is considered appropriate to the context of the site. They did request that windows and door frames should be slender as recommended with regard to the main industrial annex building.

4.1.3 SC Ecology consultees have provided informative advice.

4.1.4 SC Flood and Water Management consultees have no objection to the proposed works and have provided informative advice.

4.2 Public Response

4.2.1 A site notice has been posted as required and no comments have been received as a result of this publicity.

5.0 THE MAIN ISSUES

5.1 Principle of development Design and Scale Visual Impact and Landscaping 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.

6.1.2 The proposed development affects a non designated heritage asset and therefore has to be considered against Shropshire Council's policies CS17 and SAMDev MD13 and with national policies and guidance including the NPPF and Historic England Guidance including The Setting of Heritage Assets GPA3.

6.1.3 The application site is within open countryside in policy terms therefore Shropshire Core Strategy Policy CS5: Countryside and Greenbelt and CS17: Environmental Networks along with MD7A: Managing Development in the Countryside and MD12: Natural Environment of the Shropshire Sites Allocation and Management of Development (SAMDev) policy must be considered and have regard to the protection and enhancing of the natural and historic environment and landscape.

6.1.4 SAMDev Policy MD13 suggests that support should be given to proposals which appropriately conserve or enhance the significance of a heritage asset especially where these improve the condition of those assets which are recognised as being

at risk or in poor condition.

6.1.5 The creation of a link between the existing dwelling and the annex building will create a greater dependence between the two and the proposed link is of small footprint and appropriate in design. Should the annexe no longer be required it can, as a result of the proposed link, more easily become an integral part of the principal dwelling.

6.1.6 While there is a current permission for the conversion to an annex and works are well underway, as this application seeks permission for alterations to the conversion it will be appropriate to include conditions on any grant of planning permission in order to tie the ancillary accommodation to the existing dwelling and preventing any use as an independent dwelling unit, which would require further consideration in this open countryside location, and in view of the building's proximity to the existing dwelling.

6.2 Design, Scale and Character

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard local amenity and ensure sustainable design and construction principles are incorporated within the new development. In addition, SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. 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 built, natural and historic environment and should not adversely affect the values and function of these assets.

6.2.2 The design for the link extension is of a relatively simple form with a flat roof, vertically-oriented windows and dark corrugated metal clad finish and conservation consultees have no objection subject to conditions with regard to joinery and samples of materials.

6.2.3 The proposed alterations to the conversion are minor and maintain the heritage interest of the building and are acceptable to consultees subject to materials and joinery conditions.

6.2.4 The scale of this development is therefore considered to be minimal and the design appropriate to the character of the existing buildings and in accordance with Shropshire Core Strategy Policies CS6 and CS17 and SAMDev MD2 and MD13.

6.3 Visual Impact and Landscaping

6.3.1 The dwelling is set with a reasonably sized plot and as the outbuilding already exists within the development site and the proposed link extension and external

alterations are minor, the proposal would not significantly increase the prominence of the buildings or represent an overdevelopment of the site.

6.3.2 The development will have no impact upon the attractiveness of the rural setting and no greater impact on the visual amenity of the area than the existing use.

6.4 Impact on Residential Amenity

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

6.4.2 As per the existing planning permission it will be appropriate to condition against any use of the flat roof area (other than for maintenance) without further consideration with regard to the amenity of neighbouring properties and the impact of such use on the landscape and visual amenity.

6.4.3 Proposed glazing to the converted building largely replicates the existing with a proposed increase here at ground floor level to the south west elevation. This glazing is situated behind a covered arched area and is appx 200m distant from amenity areas to Clanbrooks to the southwest, with trees to the boundary of the application site partially screening views in any case. Views to the south west will also be available, as currently, from the covered walkway at first floor level. While the building is in a somewhat elevated position, the distance involved between the properties will ensure there is no significantly increased impact on the amenity as currently enjoyed by residents of Clanbrooks.

7.0 CONCLUSION

7.1 The proposed link extension and alterations to a previously approved conversion scheme are small in scale and the design is appropriate to the character of the existing buildings and will maintain the heritage interest on site. The proposed link extension will enable a greater dependence between the principal building and annexe and should the annexe no longer be required it will more easily become an integral part of the principal dwelling.

The proposed alterations will not result in any undue visual impact or cause any detrimental impact on neighbouring properties.

The proposed development is therefore considered to accord with the requirements of the NPPF and the adopted Core Strategy Policies CS5, 6 and CS17 and SAMDev Policies MD02, 12 and 13.

Recommend permission is granted, subject to conditions as described within the report above.

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 of 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 – in so far as they are material to the application. The weight given to this issue is a matter

for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
MD2 Sustainable Design
MD7a Managing Housing Development in the Countryside
MD12 Natural Environment
MD13 Historic Environment

RELEVANT PLANNING HISTORY:

20/02683/FUL Erection of a single storey extension and first floor balcony GRANT 26th August 2020

20/02939/FUL Conversion of detached store building into one residential annex GRANT 8th December 2020

21/00734/DIS Discharge of conditions 3 (materials and 4 (external windows/joinery) on planning permission 20/02939/FUL WDN 29th March 2021

21/02191/FUL Erection of link extension between dwelling and annex and alterations to approved scheme for conversion of annex building (part retrospective) PCO

SA/86/1084 Alterations and additions to existing dormer bungalow to provide new porch and utility room with a new first floor extension to provide additional bedrooms and living area. (Amendment to previous approval S86/445/35/82 dated 22 July 1986). PERCON 15th January 1987

SA/82/0105 Alterations and additions of a 2 storey pitched roof side extension to provide new kitchen, dining room, utility, bedrooms with sitting room, bathroom and bedroom/store above. PERCON 6th April 1982

SA/86/0445 Alterations and additions to existing dormer bungalow to provide new porch and utility room with a new first floor extension to provide additional bedrooms and living room. PERCON 22nd July 1986

SA/99/0021 Erection of a single storey extension to provide a porch (retrospective), installation of two dormer windows and erection of a detached double garage. PERCON 11th March 1999

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)

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Roger Evans

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 relevant part of the works commencing samples and/or details of any roofing materials and the materials to be used in the reconstruction and repair 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 the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details and each joinery item shall be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the architectural and historic interest and character of the building.

5. A minimum of [1] external woodcrete bat box[es] or integrated bat brick[s], suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 180 of the NPPF.

6. A minimum of [1] artificial nest[s], of external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups) shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

7. The roof area of the annexe hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

Reason: To safeguard the character and amenities of the locality.

8. The annex building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling on site known as The Rowans and shall not be sold, let or otherwise disposed of or allowed to be occupied as a separate or independent unit of residential occupation.

Reason: To maintain the historic character of the buildings and to retain control over development in the countryside in accordance with Policy CS5 and SAMDev MD7a.

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. 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 [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.

3. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs. If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm. Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife. The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife. Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present. If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

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

4. Should any additional lighting be required, this should be sensitive to bats and follow the Bat Conservation Trusts guidance.

The latest Bat Conservation Trust guidance on bats and lighting is currently available at <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

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

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

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

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<u>Committee and date</u>
Southern Planning Committee
10 August 2021

SCHEDULE OF APPEALS AS AT COMMITTEE 10 August 2021

LPA reference	20/02537/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Wright
Proposal	Outline application (access for consideration) for the erection of 2No detached dwellings and formation of wider access
Location	Proposed Residential Development Land South Of Corely And Longcroft Hazler Road Church Stretton Shropshire
Date of appeal	23.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	15.06.2021
Costs awarded	Dismissed
Appeal decision	Dismissed

LPA reference	19/05109/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Savery
Proposal	Erection of self-build dwelling
Location	Proposed Dwelling To The North West Of Bedstone Shropshire
Date of appeal	20.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	24.06.2021
Costs awarded	
Appeal decision	Dismissed

LPA reference	20/05182/BHE
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Rikki Purchase
Proposal	Application for prior approval under Part 1, Class AA of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the one additional storey and roof accommodation
Location	23 Hunters Gate Much Wenlock
Date of appeal	06.04.2021
Appeal method	Written representations
Date site visit	8.06.2021
Date of appeal decision	28.06.2021
Costs awarded	
Appeal decision	Dismissed

LPA reference	20/05410/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Paul & Clare Crowther
Proposal	Outline application (all matters reserved) for the erection of one dwelling
Location	Proposed Dwelling SW Of Quarry House Gravels Bank Minsterley Shropshire
Date of appeal	06.07.2021
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/02519/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Adrian Wilkes
Proposal	Outline application (all matters reserved) for the erection of 8 affordable dwellings and 4 self-build houses
Location	Proposed Residential Development Land To The East Of The Moors View Diddlebury Shropshire
Date of appeal	05.07.2021
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/03580/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Smythe
Proposal	Erection of part two storey, part single storey extension following partial demolition (re-submission)
Location	Pryll Cottage 19 Burway Road Church Stretton SY6 6DP
Date of appeal	27.04.21
Appeal method	Written Representations
Date site visit	
Date of appeal decision	14.07.2021
Costs awarded	
Appeal decision	Dismissed

LPA reference	20/03325/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs M Wright
Proposal	Installation of automated sliding vehicular gates, pedestrian gate and fence (1.83m high)
Location	The Birches Condover Shrewsbury Shropshire SY5 7AA
Date of appeal	21.07.2021
Appeal method	Householder – Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/00998/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr A Bostan
Proposal	Reduce height of roof to outbuilding, installation of dormer window, glazed gable and balcony and erection of single storey extension
Location	Dowles Cottage Dowles Road Bewdley Shropshire DY12 3AB
Date of appeal	28.07.2021
Appeal method	Householder – Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	



Appeal Decision

Site visit made on 18 May 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2021

Appeal Ref: APP/L3245/W/21/3267145

Corely, Hazler Rd, Church Stretton, SY6 7AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Wright against the decision of Shropshire Council.
 - The application Ref 20/02537/OUT, dated 26 June 2020, was refused by notice dated 25 November 2020.
 - The development proposed is described as "*erection of two new detached dwellings and creation of wider access from highway*".
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr David Wright against Shropshire Council. This application is the subject of a separate decision.

Preliminary Matter

3. The application is in outline with all matters reserved for future consideration except for the means of access. Drawings showing an indicative layout have been submitted, and I have had regard to these in determining this appeal.

Main Issues

4. The main issues are whether the development, firstly, would preserve or enhance the character or appearance of the Church Stretton Conservation Area and, secondly, would prejudice highway safety.

Reasons

Conservation area

5. The appeal site is within the Church Stretton Conservation Area, which encompasses the historic core of the town and residential areas that extend up the valley sides. Its significance stems from its large number of well-preserved buildings and spaces that reflect the historic development of the area as a traditional market town and later as an inland resort.
6. The appeal site is located in a residential area that is characterised by larger detached properties, many of which date to the Edwardian period. These properties are mostly set within generous plots that contain mature trees and

dense boundary planting. This forms part of a wider swath of green infrastructure along the southern edge of the conservation area that contributes significantly to its pleasant verdant character.

7. The appeal site consists of part of the gardens to Corley and Longcroft, which are detached dwellings on the southern side of Hazler Road. These properties sit within spacious plots that contain a significant number of mature trees, and extensive planting. Whilst many of the trees are tall conifers that have limited individual value, they form part of the wider swath of planting along the edge of the conservation area. They have significant group value in this regard.
8. The development would necessitate the removal of a number of mature trees within the site, both to facilitate the proposed access and to accommodate the new dwellings. This would significantly reduce the site's contribution to the pleasant green edge of the conservation area, and their removal would be apparent from a number of public vantage points. Moreover, there would be only limited space available to accommodate replacement tree planting within the site. In this regard, the planting of larger trees along the proposed access route would dominate both the retained garden areas to Corley and Longcroft, and the frontages to the new properties. This would be likely to result in pressure for their removal due to overshadowing and proximity issues. In addition, a new tree is indicated next to the proposed access point, which could obstruct visibility. Based on the information before me, it is unclear whether adequate replacement planting is capable, in principle, of being accommodated as part of the development. This would significantly harm the site's contribution to the setting to the conservation area.
9. For the above reasons, I conclude that the development would fail to preserve the character and appearance of the Church Stretton Conservation Area. This harm would be 'less than substantial' in the context of Paragraphs 195-196 of the National Planning Policy Framework ('the Framework'). However, the limited social and economic benefits associated with the provision of 2 new dwellings would not outweigh the harm in this case.
10. The development would therefore be contrary to Policies CS6 and CS17 of the Shropshire Core Strategy (2011), Policies MD2, MD12, and MD13 of the Shropshire Site Allocations and Management of Development Plan (2015), and guidance in the Framework relating to designated heritage assets.

Highway safety

11. Hazler Road is a narrow single-track route, with a significant gradient along it. The properties in this location are generally positioned on higher ground above road level and have mature planting along their frontages.
12. The development proposes the widening of the existing access to Longcroft, which would serve Corely, Longcroft, and the 2 proposed dwellings. However, little detail has been provided regarding the visibility splays from the proposed access point. Moreover, it is unclear whether appropriate visibility can be achieved given the change in levels, and the presence of mature vegetation along the roadside. Whilst I note that the existing accesses to Corely and Longcroft currently have restricted visibility, the development would significantly increase the number vehicles using this access. Given these constraints and uncertainties, I do not consider that this matter can be dealt with by condition. Whilst it is asserted that the proposed visibility splays

accord with the Highways Authority's standards, that has not been demonstrated in the submitted details.

13. In the absence of further information, I conclude that the development would be likely to prejudice highway safety. It would therefore be contrary to Policy CS6 of the Shropshire Core Strategy (2011), which seeks to ensure that all development is designed to be safe. It would also be at odds with the Framework, which requires development to be served by a safe and suitable access.

Other Matters

14. Two existing properties (Fir View and The Gables) back onto the appeal site to the north west. Fir View has a relatively small garden area and rear-facing windows that appear to serve bedrooms. In this regard, the submitted plans show the side elevation of a proposed dwelling in relatively close proximity to this property. However, layout and scale are reserved matters and so the submitted layout is illustrative only and subject to change. In my view, the site is large enough to accommodate 2 dwellings without significantly harming the living conditions of neighbouring occupiers.
15. Separately, there would be a significant separation distance between the proposed dwellings and properties fronting onto The Bridleways. This would ensure that no significant loss of privacy would arise. However, that does not alter my other concerns regarding the development, as set out above.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

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Costs Decision

Site visit made on 18 May 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2021

Costs application in relation to Appeal Ref: APP/L3245/W/21/3267145 Corely, Hazler Rd, Church Stretton, SY6 7AQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr David Wright for an award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for a proposal described as "*erection of two new detached dwellings and creation of wider access from highway*".
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submits that the Council has acted unreasonably in that it has failed to produce evidence to substantiate its second reason for refusal. It is also asserted that had this matter been resolved at an earlier stage then the appeal could have been avoided altogether.
4. The Council's second reason for refusal related to highway safety. This was based in part on comments provided by the Highway Authority, which requested that further details be provided in relation to the proposed access, including layout and sightlines. Given the site topography, current visibility at this access, and the proposed intensification of its use, this was not an unreasonable request. However, these details were not provided, and it was instead suggested that this be dealt with by condition. As set out in my decision, I do not consider that to be appropriate in this case, and the Council did not act unreasonably in this regard. Moreover, I note that the proposal is for 2 dwellings rather than 1, and so it is unclear that the first reason for refusal could necessarily have been overcome.
5. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Thomas Hatfield

INSPECTOR

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Appeal Decision

Site visit made on 25 May 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2021

Appeal Ref: APP/L3245/W/21/3268464

Land to the South of Bedstone and Hopton Castle Village Hall, Bedstone, Bucknell, SY7 0BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Savery against the decision of Shropshire Council.
 - The application Ref 19/05109/FUL, dated 19 November 2019, was refused by notice dated 11 September 2020.
 - The development proposed is erection of a self-build family home.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A Unilateral Undertaking ('UU') has been submitted that commits the owner to provide a serviced plot to persons on the Council's Self-Build Register. The UU is signed and dated, and I have taken it into account in reaching my decision.

Main Issue

3. The main issue is whether the appeal site is in a suitable location for new residential development with regard to its accessibility to services, facilities, and public transport, and the provisions of local planning policy.

Reasons

4. The appeal site is located within Bedstone, which is a small village approximately 10 miles west of Ludlow. It consists of an open area of land on the edge of the village that is partly surrounded by existing properties.
5. Policy CS4 of the Shropshire Core Strategy (2011) states that in rural areas investment will be focused into identified Community Hubs and Community Clusters. The appeal site is not located within one of these settlements and is therefore in the countryside for planning purposes. In this regard, Core Strategy Policy CS5 and SAMDev Plan Policy MD7a seek to strictly control new market housing development in the countryside. A number of exceptions are listed in these policies, none of which would apply to the appeal proposal.
6. The Shropshire SAMDev Plan was subject to a Main Modification that committed the Council to an early review of the plan. Whilst I understand that the Council is in the process of undertaking this review, it is currently at a relatively early stage of preparation. However, it is common ground that the Council is able to

demonstrate a deliverable 5 year supply of housing sites, and so the policies most relevant for determining the appeal are not out-of-date in this regard. Moreover, paragraph 213 of the National Planning Policy Framework ('the Framework') states that existing policies should not be considered out-of-date simply because they were adopted prior to its publication.

7. Bedstone is served by a church and a village hall but otherwise contains limited services or facilities. In this regard, the nearest convenience store and primary school are some distance away in Bucknell. Moreover, the route to that settlement is mostly along an unlit road with no pedestrian footway that is subject to national speed limits. It is therefore unlikely that future occupiers would walk or cycle to Bucknell on a regular basis, and to do so after dark would be dangerous. The nearest railway station is also in Bucknell, and my attention has not been drawn to any local bus services. In these circumstances, I consider that the site has poor accessibility to services, facilities, and public transport. Accordingly, future occupiers would be heavily reliant on the use of a private car.
8. The appellant's business, and other family members, are located in Bedstone and it is therefore asserted that the development would result in a significant reduction in car journeys. However, a personal permission has not been sought and there is nothing to prevent the dwelling being sold on in the future. Accordingly, I attach little weight to this consideration.
9. For the above reasons, I conclude that the appeal site is not in a suitable location for new residential development with regard to its accessibility to services, facilities, and public transport, and the provisions of local planning policy. The development would therefore be contrary to Policies CS4 and CS5 of the Shropshire Core Strategy (2011), and Policies S2 and MD7a of the Shropshire SAMDev Plan (2015) in this regard.

Other Matters

10. The Council has a duty under the Self Build and Custom Housing Act 2015¹ to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. However, the extent to which the Council is meeting demand for this type of housing is disputed, particularly in the south of the county. Moreover, it is asserted that the development plan is out of date as it does not refer specifically to the provision of self-build or custom-build housing. I return to these matters in my Overall Balance and Conclusion, below.
11. The development proposes an orchard and other new planting within the site. This would be beneficial in biodiversity terms and would provide some visual enhancement.
12. The appeal site is located within the Bedstone Conservation Area, which encompasses the village and includes a number of attractive historic buildings. The effect of the development on the character and appearance of the conservation area was not a reason for refusal, and the Council do not object to the development on this basis. In this regard, it would have only limited visibility from within the village and would be sympathetically designed.

¹ As amended by the Housing and Planning Act 2016.

Accordingly, I am satisfied that the development would preserve the character and appearance of the conservation area, in accordance with national policy.

13. The development would allow the appellant to live near to their business in the village. However, there is little evidence before me that the business requires an onsite presence, or that alternative properties in the vicinity are either unavailable or unaffordable. I further note that the appellant has not sought to justify the development against the Council's 'build your own affordable home' rural exception site policy. In these circumstances, I attach only limited weight to the appellant's personal circumstances.
14. I note that there is significant local support for the appeal proposal. However, that does not alter the status of the development plan, which is the starting point for determining proposals such as this.

Overall Balance and Conclusion

15. As set out above, I conclude that the development would be in an unsuitable location for new residential development with regard to accessibility to services, facilities, and public transport, and the provisions of local planning policy. It would be contrary to the development plan in this regard.
16. Set against this, the development would provide a new self-build dwelling for persons included on the Council's Self-Build Register. It would also provide biodiversity and visual enhancements through new planting, and some economic benefits through the creation of employment and the purchasing of materials and furnishings.
17. In these circumstances, even if the 'tilted balance' at paragraph 11 of the Framework were engaged, and the shortfall in self-build housing were as significant as is alleged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in my view. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
18. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

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Appeal Decision

Site Visit made on 8 June 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2021

Appeal Ref: APP/L3245/D/21/3270569 23 Hunters Gate, Much Wenlock TF13 6BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Rikki Purchase against the decision of Shropshire Council.
 - The application Ref 20/05182/BHE, dated 7 December 2020, was refused by notice dated 17 February 2021.
 - The development proposed is described as an application for prior approval under Part 1, Class AA of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the one additional storey and roof accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description used in the header above has been taken from the Council's decision notice as it more accurately reflects the proposal than that included on the application form. I note also that the Appellant has used this description in their appeal form.
3. As a prior approval there are two stages to assessment, the first being eligibility. The Council conclude that the proposal is eligible to be considered under the prior approval process and have not raised any conflict with the requirements of AA.1 (a)-(k) as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended (GPDO)). I have no evidence before me to conclude differently so, in that regard, the focus of this appeal will be the second stage of assessment – the prior approval merits assessment.

Main Issue

4. The main issue in this case is the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

5. The GPDO sets out clearly the matters against which a proposal can be assessed. In this case the only issue raised by the Council is in relation to appearance, which is covered by AA.2 (3)(a)(ii). This section assesses the external appearance of the dwelling house, including the design and architectural features of (aa) the principle elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway. As a side

- elevation would front a highway my consideration is against both parts, (aa) and (bb).
6. Notwithstanding the Council's concern regarding visual prominence, as set out above, the GPDO wording suggests a relatively narrow assessment as to the external appearance of the dwellinghouse itself, including the design and architectural features. I have therefore focused on these issues in my assessment.
 7. The host dwelling is a double-fronted, two-storey property set back from the road at the front of the house by a shallow garden. To one side it abuts up against the road, while to the other side it is attached to a neighbouring dwelling which is set back from the front elevation of the host dwelling. the proposal would add two additional floors, one of which would be within the roof.
 8. By way of its significant additional height relative to the existing building, the proposed extension would unbalance the proportions of the host dwelling. This would be exacerbated by the fenestration on the front elevation, including the dormer windows, which would create two 'columns' of windows either side of the central door and mock windows. These would result in a sense of verticality which is not characteristic of the low and wide existing building. Setting in the side elevation would leave a small section of roof at the existing height which would not relate well to either the host or neighbouring dwellings. Moreover, the extension would appear off-centre and an incongruous feature against the symmetrical design of the existing front elevation.
 9. However, the side elevation of the host dwelling which fronts Hunters Gate would not be harmed by the extension which would be sympathetic to the plain appearance of the existing elevation on this side. Furthermore, I note that the materials proposed would be similar to those of the host dwelling. Whilst this would help protect the appearance of the host dwelling, they would not be sufficient to outweigh the harm identified above.
 10. I find that overall, harm would still occur to the external appearance of the front elevation of the dwellinghouse as a result of the proposed extension. Whilst AA.3 (12) requires the Council to have regard to the National Planning Policy Framework (the Framework), in so far as it is relevant, the Council have not directly referenced it. However, from the evidence before me I find the proposal conflicts with the overarching high-quality design aims of section 12 of the Framework and in particular Paragraph 130 which recommends the refusal of development which is of a poor design.
 11. The Appellant has also referred to a number of paragraphs within the Framework, including Paragraphs 2, 3, 7, 8 and 61, these relate to how the Framework should be used, sustainability and the housing needs of different groups. These Paragraphs are not directly relevant to the main issue around which this appeal revolves, appearance. Therefore, in line with AA.3 (12) of the GPDO these have not been determinative in my assessment.
 12. Policies of the Council's development plan may also be relevant as evidence to support a scheme. However, although Policy CS6 of the Shropshire Council Core Strategy and Policies GQD1 and GQD2 of the Much Wenlock Neighbourhood Plan (2013-26), as quoted by the appellant, appear to be

relevant they do not support the proposal as they require, amongst other things, high-quality design.

Other Matters

13. The Appellant has raised that the extension is needed to provide additional living accommodation for him and his family. I note that the provision of additional space is likely to be of benefit to the Appellant and his family, especially with regard to the Coronavirus lockdowns and need for homework. However, this benefit does not outweigh the harm identified above and, moreover, Class AA does not provide an opportunity to weigh such matters against an identified harm.
14. I note the concerns raised by neighbouring occupiers regarding harm to their living conditions as a result of the proposed extension. However, as the appeal did not turn on this issue and I am dismissing it, I find it is not necessary to consider this matter further. Nevertheless, even if the proposal did not harm living conditions, this is not a benefit of the development and would not therefore outweigh the harm identified above.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

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Appeal Decision

Site Visit made on 22 June 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2021

Appeal Ref: APP/L3245/D/21/3270977

Pryll Cottage, 19 Burway Road, Church Stretton SY6 6DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs T Smythe (Maverick Projects Ltd) against the decision of Shropshire Council.
 - The application Ref 20/03580/FUL, dated 6 September 2020, was refused by notice dated 28 January 2021.
 - The development proposed is the erection of part two storey, part single storey extension following partial demolition (re-submission).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the header above has been taken from the Appellant's appeal form where in section E they have confirmed that the description has been changed. This description was also used by the council in their decision notice.

Main Issues

3. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the host building and surroundings; and,
 - the living conditions of the neighbouring occupiers at No 4 Rectory Gardens.

Reasons

Character and Appearance

4. The appeal site is within the Church Stretton Conservation Area (CSCA), a large area that covers the majority of Church Stretton. Given its size, the CSCA encompasses a number of discrete areas of character. However, from the limited information before me I find the significance of the conservation area as a whole to stem from the extent to which the historic buildings and their spacious layout appear to be intact, as well as the varied and individual appearance of dwellings. The overall verdant character of the area also contributes towards the significance of the area. The area around the appeal site is characterised primarily by the large open areas of green space and mature vegetation. The appeal site is a triangular plot set between Burway Road and Rectory Gardens, it contains a small, detached T-shaped cottage in a mixture of traditional materials with a clay tile roof. I note the Council considers this cottage to be a Non-Designated Heritage Asset (NDHA) and I

find its significance to, in part, stem from its age, small scale and traditional form. The garden rises up above the level of Burway Road and the cottage has been partly set within a cutting

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national planning policy on heritage assets is set out in the National Planning Policy Framework (Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
6. The proposed extension is of a size comparable with the host dwelling and as such would significantly increase the size of the existing dwelling. Given the small scale of the host dwelling such an addition would be disproportionate. Furthermore, the form of the extension results in it sprawling across the appeal site which would harm the legibility of the host dwelling and its original form. This is further exacerbated by the height of the proposal which, as a result of the change in land levels, would be of a similar height to the two-storey host dwelling. Given the above I find the proposal would also visually dominate the host dwelling, adversely affecting the significance of this NDHA.
7. Although the proposal is set back from the road, behind an existing tall brick wall, it would still be visible in views along Burway Road and Rectory Gardens, as well as from surrounding properties. It therefore follows that the extended property proposed would erode the contribution the host dwelling makes to the CSCA, and as a consequence harm to the significance of the conservation area as a designated heritage asset would result. Moreover, the loss of a substantial area of garden as well as a mature tree within the garden would erode the spacious and verdant nature of the appeal site further harming the significance of the CSCA.
8. Whilst detailing, such as the proposed materials, are somewhat sympathetic to the character and appearance of the host dwelling, this does not outweigh the harm identified above as a result of the scale and form of the proposal. Furthermore, the removal of the existing extension, which does not contribute positively towards the host dwelling, would not be a sufficient benefit to outweigh the harm of the proposed replacement extension.
9. The appellant has submitted a photograph which, although undated, is clearly of some age. The photograph shows Pryll Cottage viewed from Burway Road with what appears to be a detached building within the garden. Whilst there may have once been a building within the garden this has since been removed, and I must consider the site as it is before me. Moreover, from the limited information submitted, it appears the proposal is substantially different to the building within the photograph. This photograph has therefore not materially affected my decision.
10. I am mindful of the scale of the development in relation to the designated heritage asset, the CSCA, and find that the harm caused would be less than substantial. However, the Framework is clear that great weight should be given to an asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefits of the development.

11. The Appellant has submitted that the proposal would result in additional living accommodation. Whilst I have no doubt that the enlarged living accommodation would be beneficial to the appellant, this does not amount to a public benefit. Moreover, whilst the proposal may not cause any unacceptable impact on the living conditions of neighbouring occupiers, this is not a benefit of the scheme and therefore does not outweigh the harm identified above.
12. Accordingly, I find that there is no public benefit cited which outweighs the considerable importance and weight I give to preserving the character of the CSCA and conserving the heritage asset as identified above. As such the development would harm the character and appearance of the host dwelling, an NDHA, and CSCA contrary to Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (CS), and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev). These policies require that, amongst other things, development is of a high-quality design which respects its surroundings including heritage assets and their significance. The proposal would also conflict with the overarching aims of the Framework with regard to the protection of heritage assets.
13. Although the Council have also referred to SAMDev Policy MD12, this relates solely to impacts on the natural environment. As such it is not directly relevant to the proposal before me which has been refused on the grounds of character and appearance. In reaching the above conclusion I have been mindful of the caselaw referred to by the Appellant¹ with regard to the interpretation of paragraph 197 of the Framework.

Living Conditions

14. To the rear of the appeal site is No 4 Rectory Gardens, the side elevation of which faces, and is relatively close to, the boundary it shares with the appeal site. During my observations on site I noted three windows, one on the ground-floor and two on the first-floor, which appeared to have a relatively open outlook over the low boundary fence and between the mature vegetation. Whilst I cannot be certain of the rooms these windows serve, they were clear glazed and therefore have the potential to serve habitable rooms. It appears, from my observations on site, that the proposed extension would be on land raised slightly from that of the neighbouring property.
15. However, the proposal would still appear akin to a single storey extension from the windows at No 4. I therefore find that the outlook from the two first-floor windows would be maintained over the extension and would not be unacceptably affected. Furthermore, although the extension would project towards the ground floor window, it would not be directly in front of it. Although it is likely that the outlook from the ground floor window would be somewhat reduced as a result, views over and around the extension would be maintained. Given the distance of the proposal from this window, these would be sufficient to maintain a good standard of living accommodation for the neighbouring occupiers.
16. The proposal would result in one first-floor window facing No 4 Rectory Gardens with the potential of causing overlooking, that serving Bedroom 2. However, it is set a good distance away from the shared boundary and is not

¹ Travis Perkins (Properties) Limited v Westminster City Council & Others, [2017] EWHC 2738

angled towards any opposing windows. I therefore find that it would not result in any unacceptable overlooking to the detriment of the privacy of the occupiers at No 4.

17. The proposed extension would therefore not cause any unacceptable harm to the living conditions of the occupiers at No 4 Rectory Gardens and as such, would comply with CS Policy CS6 which requires development to be of a high-quality design that, amongst other things, contributes towards wellbeing through safeguarding residential amenity. The proposal would also comply with Paragraph 127 of the Framework which requires development to provide a high standard of amenity for existing and future users.

Other Matters

18. Whilst the appeal site is close to the Old Rectory, a grade II listed building, there is a degree of both physical and visual separation between it and the proposal. Given this separation, the extension would not be directly read in relation to the listed building and as such the proposal would preserve its setting.
19. The appeal site is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The Framework requires that I must give great weight to the conservation and enhancement of the landscape and scenic beauty of an AONB. In this instance, given the siting and scope of the development, I find that there would be no adverse impacts to the AONB and that as such its landscape and scenic beauty would be conserved.
20. I note that the Appellant amended the scheme in response to comments from the Council. While the amendments may have improved the proposal they do not, in themselves, justify the harmful development before me.

Conclusion

21. Although the Council consider the principle of an extension to be acceptable, there would be no harm to the living conditions of neighbouring occupiers, and the proposal would be beneficial for the Appellant by way of providing additional living accommodation, this does not outweigh the identified harm and the conflict with the development plan as a whole.
22. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR