

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

Date: Monday, 15 August 2022

Committee:
Southern Planning Committee

Date: Tuesday, 23 August 2022
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

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

<https://www.shropshire.gov.uk/southernplanningcommittee23august2022/>

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>

Tim Collard
Assistant Director – Legal and Governance

Members of the Committee

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

Substitute Members of the Committee

Kevin Pardy
Claire Wild
Pamela Moseley
Gwilym Butler
Vivienne Parry
Mark Williams
Paul Wynn
Cecilia Motley

Your Committee Officer is:

Tim Ward / Ashley Kendrick Committee Officer

Tel: 01743 257713 / 01743 250893

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk

AGENDA

1 **Apologies for Absence**

To receive any apologies for absence.

2 **Minutes** (Pages 1 - 8)

To confirm the minutes of the Southern Planning Committee meeting held on 26 July 2022

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, .

4 **Disclosable Pecuniary Interests**

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 **Buildwas Leisure Site Buildwas Telford Shropshire (21/03090/FUL)** (Pages 9 - 88)

Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping

6 **New dwelling (Cedar House) adj. The Levons, Hazler Road, Church Stretton, Shropshire, SY6 7AQ (21/01955/FUL)** (Pages 89 - 104)

Erection of detached garage

7 **Proposed redevelopment of former Ironbridge Power Station report seeking onward delegation to determine the cross -boundary applications on behalf of Telford & Wrekin council** (Pages 105 - 110)

8 **Proposed Agricultural Workers Dwelling South Of Corfton Farm Corfton Shropshire (22/00778/OUT)** (Pages 111 - 126)

Outline application for the erection of an agricultural workers retirement dwelling to include access

9 **Cartway Cottage Woodbank Abdon Craven Arms Shropshire (22/01833/FUL)** (Pages 127 - 140)

Change of use of land to domestic garden land and erection of a three-bay detached garage with new vehicular access

10 Mill House Clee St Margaret Craven Arms Shropshire SY7 9DT (22/02338/FUL)
(Pages 141 - 162)

Conversion and extension to the Mill House; change of use of the Bakehouse to ancillary accommodation; restoration of the Corn Mill to working order; installation of a Bat House and associated external works

11 Mill House Clee St Margaret Craven Arms Shropshire SY7 9DT (22/02339/LBC)
(Pages 163 - 178)

Conversion and extension to the Mill House, conversion of Bakehouse to ancillary accommodation, restoration of the Corn Mill to working order, the installation of a Bat House and associated external works affecting a Grade II Listed Building

12 Proposed Dwelling To The SW Of Meadowtown Shropshire (22/02353/FUL (Pages 179 - 194)

Erection of a detached dwelling, associated garage/carport and siting of a septic tank, together with a new vehicular access and all associated works

13 Schedule of Appeals and Appeal Decisions (Pages 195 - 196)

14 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, 20 September 2022



Committee and Date

Southern Planning Committee

TUESDAY 23RD AUGUST 2022

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 26 July 2022

2.00 - 4.30 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward / Ashley Kendrick

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk Tel: 01743 257713 / 01743 250893

Present

Councillors Caroline Bagnall, Andy Boddington, Nick Hignett (Chairman), Nigel Lumby, Richard Marshall, Tony Parsons, Christian Lea and Richard Huffer. Viv Parry (Substitute for Nigel Hartin), Claire Wild (Substitute for Hilary Luff), Paul Wynn (Substitute for David Evans)

28 Apologies for Absence

Apologies for absence were received from Councillor David Evans, substituted by Councillor Paul Wynn, Councillor Nigel Hartin, substituted by Councillor Viv Parry, and Councillor Hilary Luff, substituted by Councillor Claire Wild.

29 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 28th June 2022 be approved as a correct record and signed by the Chairman.

30 Public Question Time

There were no public questions.

31 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.

32 Proposed Dwelling To The North Of Seifton Lane, Seifton, Shropshire - 22/00106/OUT

The Interim Planning and Development Services Manager introduced the outline application which was for the erection of one dwelling to include means of access, and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevation.

The Interim Planning and Development Services Manager drew Member's attention to the information contained in the schedule of late representations and a late statement from David Evans was read aloud.

Heather Coonick spoke on behalf of Culmington Parish Council against the application in accordance with Shropshire Council's scheme for Public Speaking at Planning Committees.

The Solicitor read a statement on behalf of Diddlebury Parish Council against the application in accordance with Shropshire Council's scheme for Public Speaking at Planning Committees.

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

Stuart Clark, (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 sympathised with the concerns raised by both parish councils and felt that the application was contrary to adopted policies. Members were advised that the planning team had sought advice from the Council's legal team regarding the policies which had been set out in the report. It was also felt that further archaeological investigation was required due to the historical nature of the site.

RESOLVED:

That contrary to the Officer recommendation, outline planning permission be refused on the grounds that the application was contrary to the adopted Local Plan, including the Council's Core Strategy Policy CS5 and SAMDev Plan settlement policy S7. There were further concerns regarding the lack of prior archaeological investigations and the impact of this on heritage assets.

33 Proposed Industrial Building To The South Of Stokewood Road, Craven Arms, Shropshire - 22/01576/OUT

The Principal Planner introduced the outline application for the erection of steel commercial/industrial building, vehicular access and yard, parking facilities (all matters reserved), and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

Members noted that the conditions had been amended regarding the hours of use of the building.

RESOLVED:

That in accordance with the Officer recommendation, outline planning permission be granted subject to the conditions set out in Appendix 1 as amended by the Schedule of Additional Letters.

34 Roundabout Junction A442 Bridgnorth Road, B4176 and B4379, Sutton Maddock, Shifnal, Shropshire - 22/01671/ADV

The Interim Planning and Development Services Manager introduced the four outline applications which were to erect and display four sponsorship signs placed on each roundabout. He then moved to discuss each application in turn.

With reference to the drawings and photographs displayed, the Interim Planning and Development Services Manager drew Members' attention to the location and layout of the proposed signage.

He also drew Member's attention to the information contained in the schedule of late representations and an amendment to condition 7.

Councillor Richard Marshall, local Ward Councillor made a statement against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees. Following his statement, he left the room and did not participate in the debate or vote for items 7 and 8.

Members noted the objection from Sutton Maddock Parish Council was on the grounds of unauthorised signage; an issue which would be overcome with the amendment to condition 7.

RESOLVED:

That in accordance with the Officer recommendation, permission be granted subject to the conditions set out in Appendix 1, including the amendment to condition 7 as follows:

"Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs, any existing signs on the roundabout shall be permanently removed".

35 Roundabout Junction B454 and B4363 Wolverhampton Road, Swancote, Bridgnorth, Shropshire - 22/01696/ADV

With reference to the drawings and photographs displayed, the Interim Planning and Development Services Manager drew Members' attention to the location and layout of the proposed signage.

He also drew Member's attention to the information contained in the schedule of late representations and an amendment to condition 7.

RESOLVED:

That in accordance with the Officer recommendation, permission be granted subject to the conditions set out in Appendix 1, including the amendment to condition 7 as follows:

“Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs, any existing signs on the roundabout shall be permanently removed”.

36 Roundabout Junction A442 Cann Hall Road, Mill Street and B4363 Wolverhampton Road, Bridgnorth, Shropshire - 22/01698/ADV

After declaring an interest as the local member, Councillor Christian Lea left the room and did not participate in the debate or vote for this item.

With reference to the drawings and photographs displayed, the Interim Planning and Development Services Manager drew Members' attention to the location and layout of the proposed signage.

He also drew Member's attention to the information contained in the schedule of late representations and an amendment to condition 7.

Members were advised that Bridgnorth Town Council had previously had a maintenance agreement for this island which had now lapsed. It was felt that they had maintained the island to a high standard and it was questioned whether the cost to the council to take over the maintenance may outweigh the income generated.

RESOLVED:

That the application be deferred to allow further discussion with Bridgnorth Town Council regarding a potential renewal of the maintenance contract and to investigate cost/revenue benefits

37 Roundabout Junction A454 and B4176, Hilton, Claverley, Shropshire - 22/01699/ADV

With reference to the drawings and photographs displayed, the Interim Planning and Development Services Manager drew Members' attention to the location and layout of the proposed signage.

He also drew Member's attention to the information contained in the schedule of late representations and an amendment to condition 7.

RESOLVED:

That in accordance with the Officer recommendation, permission be granted subject to the conditions set out in Appendix 1, including the amendment to condition 7 as follows:

“Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Prior to the installation of the sponsorship signs, any existing signs on the roundabout shall be permanently removed”.

38 Golden Moments, 50 Broad Street, Ludlow, Shropshire, SY8 1NH - 22/01790/FUL

The Principal Planner introduced the application which was for alterations and extension to include change of use to form a residential townhouse, and with reference to the drawings and photographs displayed, he drew Members’ attention to the location, layout and elevations.

The Principal Planner drew Member’s attention to the information contained in the schedule of late representations and the amendment to condition 4 to ensure that agreed details are retained.

Councillor Andy Boddington, local Ward Councillor made a statement against the application in accordance with Shropshire Council’s Scheme for Public Speaking at Planning Committees. He then left the meeting and took no part in the debate or vote.

Members were sympathetic to the business owner; however felt that the proposals were in keeping with the area, which was predominantly residential. It was also felt that the application did not contravene any planning policy.

RESOLVED:

That in accordance with the Officer recommendation, permission be granted subject to the conditions set out in Appendix 1, including the amendment to condition 4 as follows:

“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 Page 2 Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details, and retained as such at all times.”

39 Golden Moments, 50 Broad Street, Ludlow, Shropshire, SY8 1NH - 22/01791/LBC

The Principal Planner drew members' attention to the amendment to condition 7.

Members reiterated their comments from the previous item and it was

RESOLVED:

That in accordance with the Officer recommendation, permission be granted subject to the conditions set out in Appendix 1, including the amendment to condition 7 as follows:

"If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, along with a timetable for completion of the recommended works, shall be submitted for written approval by the Local Planning Authority. The recommendations shall be undertaken as approved".

40 Proposed Dwelling North Of 68 High Street, Albrighton, Shropshire - 22/02285/FUL

Councillor Viv Parry left the meeting.

The Interim Planning and Development Services Manager introduced the application which was for the erection of a single storey bungalow following demolition of outbuildings, and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

He drew Member's attention to the information contained in the schedule of late representations and the re-wording of condition 5.

Councillor Nigel Lumby, local Ward Councillor made a neutral statement regarding the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members noted the objection from the Parish Council and the concerns of the conservation team; however felt that the application complied with policy and would provide a modest bungalow which could prove attractive to a small family or the older generation. It would also encourage proper usage of the bin store and parking to the front of the properties.

RESOLVED:

That in accordance with the Officer recommendation, permission be granted subject to the conditions set out in Appendix 1, including the re-wording of condition 5 as follows:

"Notwithstanding the submitted plans, 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".

41 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 26 July 2022 be noted.

42 Exclusion of Public and Press

RESOLVED

That, in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.4 [3] of the Council’s Access to Information Rules, the public and press be excluded from the meeting during consideration of the following items.

43 Planning Enforcement Quarterly Report

Members noted the update report.

44 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 23rd August 2022 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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Committee and date

Southern Planning Committee

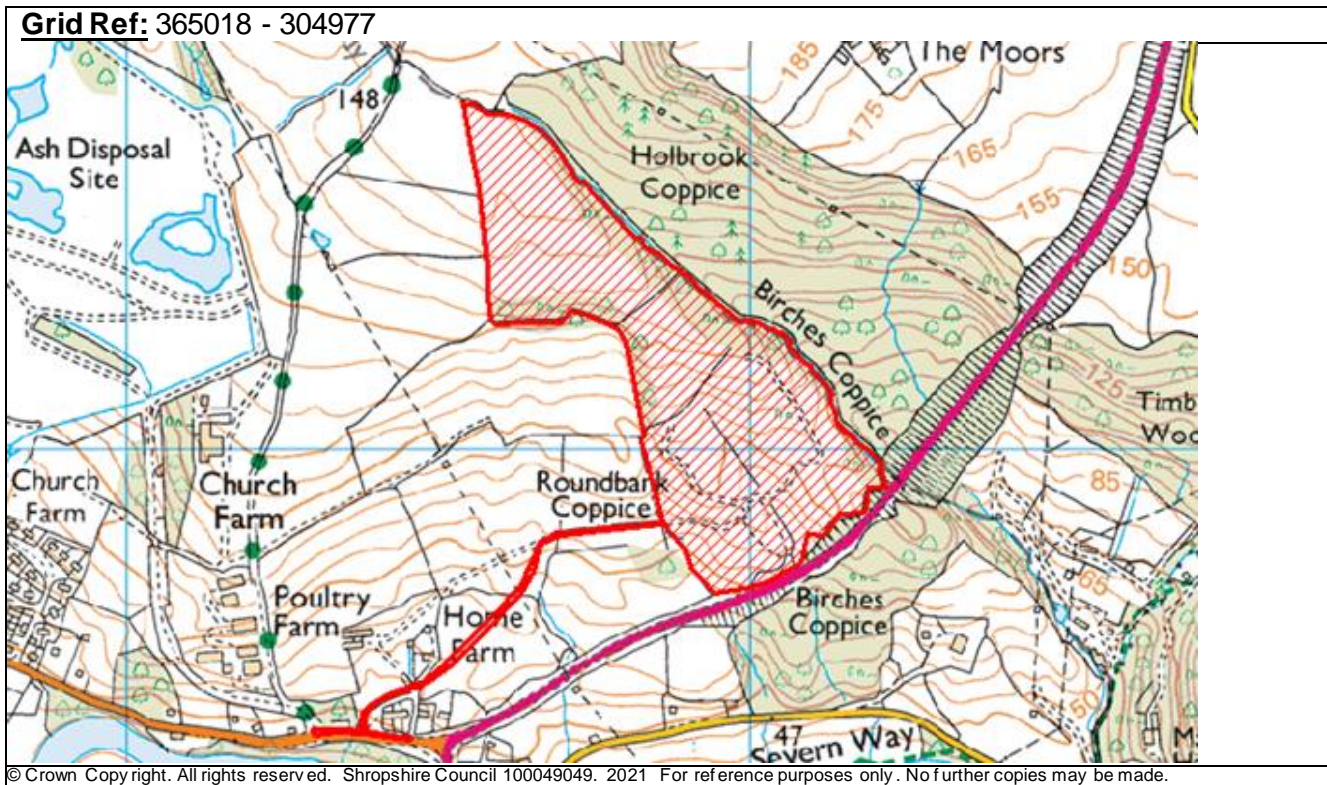
23rd August 2022

Development Management Report

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

Summary of Application

Application Number: 21/03090/FUL	Parish:	Buildwas
Proposal: Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping		
Site Address: Buildwas Leisure Site Buildwas Telford Shropshire		
Applicant: Montague Property And Marnwood Properties Ltd		
Case Officer: Tim Rogers	email	: tim.rogers@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development consists of a leisure holiday park development comprising, in the amended layout (revised since May Committee), of 106 static caravans and 48 lodges along with supporting infrastructure (124 static lodges/caravans and 53 touring caravan pitches were originally proposed). For further clarification the proposal no longer includes any pitches for touring caravans. The proposed site layout shows an amenities block and reception building but these are indicative at this stage and do not form part of the current planning application.
- 1.2 This application was previously considered by the committee at their meeting on the 8th February 2022 and again on the 31st May 2022. The reports to those meetings are appended to this update and provide more information regarding the detail of the application.
- 1.3 At the meeting on the 31st May 2022 determination of the application was deferred as members expressed some concern about the use of the proposed access and its implications for highway safety. The deferment was to enable the applicant to undertake and supply a Road Safety Audit (RSA) in relation to the highway issues raised.
- 1.4 Since the last meeting the applicants have amended the application (with appropriate plans) and have submitted a RSA together with a supplementary technical note which comprises a further addendum to the transport statement. A revised landscape and visual impact assessment has also been submitted to take account of the fact that the touring caravan element has been removed from the proposal. In addition, as it came to light since the last meeting that the Council own land to the east of the access off the highway, the applicants have served notice on the Council as the owner of land which may be affected by the development.
- 1.10 A Screening Opinion has been issued the effect that an Environmental Impact Assessment was not required for the proposals contained in this planning application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises agricultural land of some 19.6 hectares. Ground levels rise steeply across the site in a northerly direction.
- 2.2 The site has two principal access points. One access is on the site's southern part of its western boundary via a track that extends from the B4380 and passes through Home Farm, the other via a wide road access off the A4169 which follows the south-eastern side of the site. Several gravel tracks run through the site providing a moderately dense access network, including one that follows the edge of the woodland on the site's north-eastern boundary and provides access across a

culverted stream to the woodland further north-east beyond the site. There are also some gravel hardstanding areas, portacabins, and a wheel wash (associated with the site's use as an off-road centre) in the southern part of the site. The 4x4 centre is called Buildwas Leisure and encompasses 50 acres of varied terrain, from thick woodland and undulating moonscape type craters to fast open tracks and muddy hill climbs.

- 2.3 The majority of land cover within the site is rough grass grazed by sheep. Mature trees are also a notable feature. The Site features the edge of mixed woodland (Holbrook Coppice and Birches Coppice) that is within a stream valley along the Site's north-eastern side and extends to cover higher ground to the north-east of the Site. The southern part of the Site features several individual mature trees and belts of mature trees. The Site's south-eastern boundary with the A4169 is marked by wooded area and outgrown hedgerow, except for a gap where there is access to a track that doglegs into the Site to provide direct access to the largest area of hard standing and portacabins. To the immediate south of the A4169 is further woodland (also Birches Coppice). The central parts of the south-western boundary also feature a mature tree belt. Further north on this boundary is an outgrown hedgerow with some trees, while its southern part is mostly open, except for a post and wire fence. West of the Site are pasture fields that feature hedgerows, some of which feature mature trees, forming narrow tree belts in places. To the west of the Site there is also Home Farm and a caravan storage area (~350m west of the Site).
- 2.4 The field is bordered to the east by thick woodland and screened on the western and southern sides by existing mature trees and landscaping. The immediate surrounding area is agricultural in nature with a mix of open arable and grassland fields, and smaller fields scattered with patches of thick tree cover and intermittent hedgerows.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has previously been considered by committee and deferred at previous meetings. The Parish Council view is contrary to the Officer recommendation. The Interim Planning and Development Services Manager, in consultation with the Chair and Vice-Chair of the South Planning Committee, considers that the material planning considerations raised by this application is of a warrants determination by Committee.

4.0 Community Representations

Consultee Comment - Please refer to Section 4 of the appended report.

- 4.1.1 **Buildwas Parish Council** - Object - See appended reports for previous comments.

13/06/2022 - The parish council wishes to reiterate their objections to this application on the grounds of increased traffic to this site and the increased traffic that will result on the already dangerous B4380. We are concerned that the width of track and road that reads up to the site is not sufficient and would increase the possibility of vehicles being damaged and making this unsafe for pedestrians to pass in areas, furthermore there would be no suitable turning points in the road and

the gradient of road is dangerous. There remain questions to be asked about surface safety of the road.

The proposed roundabout nearby would also be adversely effected by the increased traffic that would result is this application were to be approved.

More information is required on the type of bike hire and shuttle bus that is proposed, no adequate information has been made available on these subjects.

4.1.2 **SC Developing Highways** - No Objection - See appended reports for earlier comments.

11/08/2022 - Further to the recent correspondence regarding the above and the submission of the attached Technical note SA36090_TN3. I can confirm that Shropshire Council as Highways Authority have reviewed the attached technical note and continue to raise no objection to the granting of consent. It is noted that in response to concerns raised by Members of committee, the application has been amended to remove the previously proposed 32no. touring caravan pitches. This is considered overall benefit to highway safety, as the overall size of the vehicles entering and existing the site will reduce. The construction and delivery of the proposed lodges and caravans will need to be managed, through a Construction Management Statement.

Members attention should be drawn to Section 1.3 of the attached technical note that confirm that the existing access off the A4169 does not form part of the proposed development as it is not suitable for the intended use. For ease of reference an extract from the report is as follows;

Further to the request for an RSA on the access proposals, the planning committee raised questions over the suitability of the existing access to the main site area from the A4169 from Buildwas Bank. This access lays to the east of the junction between the B4380 and the A4169 and this access has historically been used to access the land for agricultural purposes and for leisure activities taking place on the site under permitted development rights. However, this access is not included within the development proposals and was excluded from the audit brief, as the use of this access is unsuitable on highway safety grounds and does not comply with the Design Manual for Roads and Bridges CD 123 Geometric design of at-grade priority and signal controlled junctions. The turning of traffic on the three-lane crawler arrangement is a cause of safety concern due to traffic approaching at high speed. This view is supported by the local highway authority Developing Highways Area Manager. We understand that any proposed intensified use of this junction would result in an objection from Shropshire Council as the local highway authority, and potentially from Telford and Wrekin Council as the neighbouring highway authority.

In accordance with the recommendation of South Planning Committee the applicant has commissioned a Stage 1 Road Safety Audit to fully consider the access proposals put forward as part of this application. The safety Audit identified a number of problems/issues a designers response has been provided as part of the attached technical note. A number of the issues raised related to the proposed roundabout on Buildwas Bank, which does not form part of this

application. The design of the roundabout is subject to ongoing discussions with Harworths and their consultants, and has been subject to a separate Road Safety Audit. In relation to the issue raised regarding the speed limit transition. There is a potential overlap between the two schemes, however prior to commencement of any works on site, consideration will be given to the appropriate location of the 40mph speed limit depending on the timing of both developments. In relation to the concerns raised the convergence of the shared private access to Home Farm (development site) and the driveway leading to properties 72 to 82, The Anchorage, and Green Acre (eight dwellings in total). There is potential for conflict between vehicles emerging, however it is agreed that the risk of conflict is low, as vehicle speeds will be low and it is unlikely (but possible) vehicles will be exiting the private accesses at the same time. It may be necessary to formalise the priority, in this case priority would be given to the higher flow, which is likely to be from Home Farm. It is recommended that the layout is monitored and within 3 months of opening a Stage 3 Road Safety Audit is undertaken and the layout assessed to establish if any intervention is required.

15/08/2022

Further to previous comments, as discussed, in view of the issues raised within the Stage 1 Road Safety Audit, it is recommended that the convergence of the shared private access is monitored. However, following further consideration, it is felt that this does not need to be subject to a planning condition unless Members consider it necessary. The works will be subject to a Section 278 legal agreement. A Stage 2 Road Safety Audit will be undertaken as part of the detailed design and the wording of the legal agreement requires the developer to undertake a Stage 3 Safety Audit once the works have been completed. Any issues raised by either Road Safety Audits needs to be addressed by the developer or agreed with Shropshire Council.

Conditions:

Access Prior to other operations

Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

Ghost Island Junction Enhancements & Pedestrian Refuge

Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, 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 caravan/leisure park is first occupied.

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

Parking Loading, Unloading and Turning

The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

4.2 Public Comments – No additional comments - See appended reports for previous comments.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structures

Impact on visual amenity and rural character of the area

Impact on heritage assets

Highway safety and transport

Ecology

Drainage

Residential amenity

Contamination

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 In respect of the principle of the proposed development officers position remains unchanged from that set out in Section 6.1 of the appended report i.e.no objection in principle subject to satisfactory details in respect of material considerations.

6.2 Siting, scale and design of structures

6.2.1 As set out in Section 6.2 of the appended report it is considered that the proposal is capable of meeting the requirements of adopted policies. Where necessary this can be ensured by the imposition of appropriate conditions.

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

6.3.1 The potential implications of the proposed development and the assessment of the applicant's submissions in this regard are set out in detail at Section 6.3 of Appendix 2 (original report) . It is considered that with adherence to the proposed site levels and contour details provided, together with the landscaping works which can be conditioned on ant grant of planning permission, that the proposed development can be satisfactorily assimilated into the surrounding rural landscape, without causing undue harm to the visual amenity and rural character of the area.

6.4 Impact on Heritage Assets

Please see Section 6.4 of Appendix 2 (original report). The Council's Historic Environment (Conservation) Team is content with the analysis and findings of the Heritage Impact Assessment. A refusal on the grounds of the proposal causing harm to heritage assets could not be sustained in this case.

6.5 Highway Safety and Transport

- 6.5.1 The original officer assessment of the proposals is set out in Section 6.5 of Appendix 2
- 6.5.2 Following the original deferment of the application by the committee (8th Feb 2022) the applicant submitted further information in respect of the access to the proposed development. This comprised an addendum to their transport statement and three additional/amended plans. Following the second deferment in May (31st) the applicant has undertaken a RSA as requested and has provided a response to that which has included further revisions to the proposals including, importantly, the removal of the touring caravan element of the scheme.
- 6.5.3 Following the last deferrment the applicants commissioned a RSA as requested in the committee decision. The commission included the following brief:-
'The council have asked us to audit the proposed private access improvements for a leisure park at Home Farm, Buildwas, TF8 7BU. A Stage 1 RSA is required by the LHA to assess the proposed scheme and also to consider the placement of a roundabout at the junction located to the east of the access (as required by an existing extant planning consent for the Ironbridge Power Station redevelopment), in relation to the use of the access for the proposed leisure park development. Please see the attached plans giving an overview of this. The access is located here: <https://goo.gl/maps/1Sq5af16dirCsawZ8> Note that during the most recent planning committee debate which resulted in deferment of the application, members of the committee specifically requested that the RSA team consider the impacts of touring caravan traffic in relation to the site access and the proposed adjacent roundabout junction'
- 6.5.4 The RSA commissioned by the applicants did identify a number of problems/concerns about the access arrangements for the proposed development which were considered and responded to in a further technical note dated the 6th July 2022. In addition that document also considered the query raised by members about the possible use of the existing access from the A4169 at Buildwas Bank either in isolation or as part of a one way system. It stated the following:-
'*This access lays to the east of the junction between the B4380 and the A4169 and this access has historically been used to access the land for agricultural purposes and for leisure activities taking place on the site under permitted development rights. However, this access is not included within the development proposals and was excluded from the audit brief, as the use of this access is unsuitable on highway safety grounds and does not comply with the Design Manual for Roads and Bridges CD 123 Geometric design of at-grade priority and signalcontrolled junctions. The turning of traffic on the three-lane crawler arrangement is a cause of safety concern due to traffic approaching at high speed. This view is supported by the local highway authority Developing Highways Area Manager. We understand that any proposed intensified use of this junction would result in an objection from Shropshire Council as the local highway authority, and potentially from Telford and Wrekin Council as the neighbouring highway authority*'
- 6.5.5 A number of the issues identified within the RSA are identified by the applicants as being out of their control and are matters which should be addressed in the final design of the roundabout associated with the power-station redevelopment. With

regard to the issue of the mouth of the proposed access itself and the convergence with an adjoining access serving residential properties, they point out that the removal of touring caravans from the proposal is a significant benefit which sits alongside the proposed widening works. Their response states:-

'Given that the development proposes to widen the access point, this will go some way to mitigate the problem by providing further space within the junction. Also, the developer has now decided to remove the proposed touring caravan pitches from the leisure site proposals, so the majority of vehicle movements for the development will be by light vehicles only. This therefore reduces the risk of conflict occurring here. We therefore conclude that the overall risk posed by this problem is low'

6.5.6 With regard to an identified issue with insufficient right turn lane segregation the response from the applicants is as follows:-

'Additional hatched markings will be provided at the detailed design stage to separate the right turn lane box for the development site from the subsequent right turn lane ahead for Buildwas Lane (former ash dump site access). We consider the actual level of safety risk posed by this problem is negligible and this is more of a design issue.'

6.5.7 The further submissions on behalf of the applicants have been assessed by the Councils Developing Highways team whose comments are provided at para 4.1.2 above. Whilst it is acknowledged that the use of the access and the junction with the B4380 is a real and significant concern for local residents and the Parish Council, the conclusion that has been reached is that, although there will inevitably be some impact, the proposed use of the access (with the improvements to be provided and the removal of the touring caravan element of the scheme) will be acceptable in its own right, and that the implications for users of the public highway and adjoining private drive will not so severe that a refusal of planning permission is justified.

6.6 Ecology

6.6.1 No Change - The considerations with regard to ecological impacts are set out in Section 6.6 of the appended report. The Council's Ecology Team is content with the findings of the ecological appraisal. The new planting proposed would enhance biodiversity and there would be net gains also through the provision of bat and bird boxes. The carrying out of work in accordance with the mitigation and enhancement measures as specified in the Ecological Appraisal by Salopian Consultancy, provision of bat and bird boxes, approval of an external lighting plan and protection measures during construction works are all matters which can be conditioned on a grant of planning permission to safeguard matters of nature conservation importance.

6.7 Drainage

6.7.1 No change - Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. The Council's Drainage Consultants consider that the FRA has established that there are no technical constraints to the site being adequately drained and that it would not create a food risk. The precise drainage details to be installed is a matter which can be conditioned should planning permission be granted.

6.8 Residential Amenity

6.8.1 The considerations in respect of the potential impacts on residential amenity of adjoining occupiers are set out in Section 6.8 of Appendix 2. Whilst it is acknowledged that the further alterations to the access as now proposed by the applicants will have some potential for increased visibility between users of the access and adjoining properties, it must also be recognised that this will be periodic for very short periods in terms of individual users of the access such that there will be no sustained or unacceptable impact on residential amenity.

6.9 Contamination

6.9.1 No change - The Council's Environmental Protection Team has considered the Ground First Ltd report and concur with the Phase 1 Report conclusions that the need for further investigation and assessment is needed prior to the commencement of development. This investigation, assessment, approval of measures to achieve any remediation required and the implementation of those measures to make the land fit for the intended use and comply with NPPF paragraph 183 can be achieved through the condition set out in the Environmental Protection Team comments at 4.5 of Appendix 2>

7.0 CONCLUSION

7.1 There is no in-principle planning policy objection to the proposals contained in this application. The precise details of the holiday caravans/ lodges installed, in the event of planning permission being given, is a matter on which a planning condition attached to any approval. The colour and external finishes can also be controlled through a planning condition to ensure a high-quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. The proposed layout of the holiday caravans/ lodges and their associated parking and road/paths network, coupled with the ground re-profiling and landscaping scheme, would result in a development which, whilst visible due to the hillside location, would not be unduly obtrusive in the rural landscape. The impact of the development would be further softened as the new tree planting in the landscape scheme establishes and matures. The removal of the touring caravan element of the proposal will be a benefit in visual terms as the colour/appearance all of the accommodation can be controlled

7.2 A refusal of the proposals contained in this application on the grounds that it would cause unacceptable visual harm to the landscape or to the setting of listed buildings and other heritage assets contained in that landscape, could not be sustained. With regard to the heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high-quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified, in applying the balance required by paragraph 202 of the NPPF

7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation works proposed. The Transport Statement (as amended by recent addendums) uses nationally recognised standards and modelling and has established that there would be no access junction or road network capacity problems resulting from the proposed development. It is considered that a safe and suitable access to the site can be

achieved for all users and any significant impacts from the development on the transport network, or on highway safety, and can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 110 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 and the NPPF can be achieved. In officer's opinion there would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.

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

7.5 This proposal would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 84 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment
 Economic Development, Enterprise and Employment
 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7B - General Management of Development in the Countryside
 MD11 - Tourism Facilities and Visitor Accommodation
 MD12 - Natural Environment
 MD13 - Historic Environment
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

PREAPP/11/01503 Proposed Caravan (60%) /Activity Site (40%) PREAMD 6th December 2011

PREAPP/20/00170 Proposed change of use for leisure complex to include New Reception/office and amenity block, creation of wildlife pond and activity areas, woodland walks and recreation areas and a mixture of luxury lodges, cabin, static and touring caravans.

PREAMD 28th August 2020

21/03090/FUL Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping PDE

SA/06/0412/F Change of use of land for motorcycle activities including quad-biking and enduro-bikes (max 28 days), 4 x 4 events (max 28 days) and other recreational outdoor pursuits to include corporate team building, assault course, mountain biking, motorcycle schooling, 4 x 4 dealership demonstrations (max 150 days of which no more than 30 days for motorised vehicles), ancillary camping/caravan site in association with the above events and engineering operations to form landscape bunding REFUSE 16th August 2006

SA/04/0489/F Change of use of land for all year operation of motorsports including quad bikes, enduro bikes, 4x4 vehicles and demonstrations, motorcycle schooling and practice, mountain biking and outdoor pursuit activities (including corporate team building events / assault course / clay pigeon shooting). WDN 8th June 2004

11. Additional Information

View details online:

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 Claire Wild

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. No more than 120 static holiday caravans/lodges and 35 tourer holiday caravan pitches shall be stationed/provided on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

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

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

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

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

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

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

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

7. Before the static holiday caravans/ lodges are first installed on the land details of their appearance and external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the static holiday caravan/ lodges.

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

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives

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

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

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

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

development.

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

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

Reason: To safeguard the residential amenities of the area.

12. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

13. Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, 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 caravan/leisure park is first occupied.

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

14. The development hereby permitted shall not be brought into use until the new section of access road, areas shown on the approved plans for parking, loading, unloading, and turning of vehicles and passing bays have been provided properly constructed, laid out, hard surfaced and drained in accordance with details which have been approved in writing by the Local Planning Authority. The areas shall be maintained thereafter free of any impediment to their designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

15. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be

moved or removed only with the prior written approval of the Local Planning Authority

Reason: To safeguard the amenities of the local area by protecting trees.

16. Prior to the commencement of the development the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted arboricultural method statement and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To safeguard the amenities of the local area by protecting trees.

17. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any such work commencing. The work shall then be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the local area by protecting trees.

18. New tree planting shall meet the requirements of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations.

Reason: To ensure the survival of new trees.

19. No above ground works shall be commenced until full details of both hard and soft landscape works, incorporating the details shown on drawing number 3072-001 Rev A (Landscape Mitigation Planting Plan) 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 upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

20. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy 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.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further 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 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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 human health and offsite receptors.

21. Prior to first occupation / use of the holiday caravan site bat and bird boxes shall be installed in accordance with details of their makes, models and locations which have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 5 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 at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 4 of the Ecological Appraisal (Salopian Consultancy 14th June 2021).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

23. No development shall take place (including demolition, ground works and vegetation clearance) until a plan and details of the proposed protective fencing to be erected to safeguard the ancient woodland during construction of the development has been submitted and agreed in writing by the Local Planning Authority. The plan shall include a minimum 15m buffer temporarily fenced off.

Reason: To protect the ancient woodland and associated habitat from damage and disturbance.

24. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;

b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;

c) Requirements and proposals for any site lighting required during the construction phase;

d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);

e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;

f) Identification of Persons responsible for:

i) Compliance with legal consents relating to nature conservation;

ii) Compliance with planning conditions relating to nature conservation;

iii) Installation of physical protection measures during construction;

iv) Implementation of sensitive working practices during construction;

v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and paragraph 180 of the NPPF.

25. The wildlife pond shown on the approved site plan shall be constructed in accordance with section drawings showing its profiles and depth; details of its lining, overflow arrangements and the planting of its margins which have first been approved in writing by the Local Planning Authority.

Reason: To ensure the construction of a satisfactory pond which takes into account the ground conditions of the site, in the interests of public safety, visual amenity and biodiversity.

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.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

oconstruct any means of access over the publicly maintained highway (footway/verge) or

o carry out any works within the publicly maintained highway (street), or

oauthorise the laying of private apparatus within the confines of the public highway (street)

including any a new utility connection, or

o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or

o otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

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

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

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

3. Section 278 Agreement

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>

Mud on highway

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

No drainage to discharge to highway

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

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.

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

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

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

5. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. 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 2006 Natural Environment and Rural Communities Act. 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.

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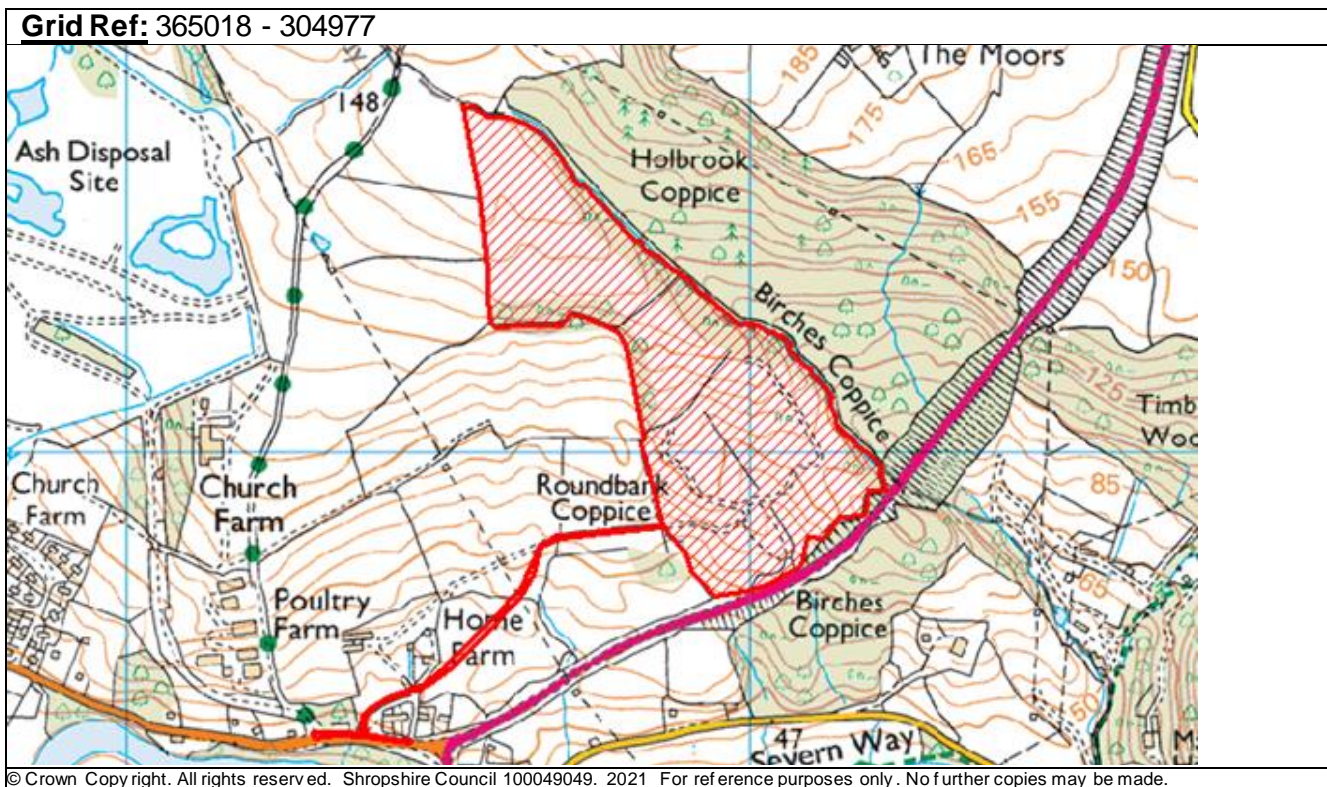
<u>Committee and date</u>	Item
Southern Planning Committee	
23 August 2022	Public

Development Management Report

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

Summary of Application

Application Number: 21/03090/FUL	Parish:	Buildwas
Proposal: Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping		
Site Address: Buildwas Leisure Site Buildwas Telford Shropshire		
Applicant: Montague Property And Marnwood Properties Ltd		
Case Officer: Tim Rogers	email	: tim.rogers@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development consists of a leisure holiday park development comprising, in the amended layout (revised since May Committee), of 106 static caravans and 48 lodges along with supporting infrastructure (124 static lodges/caravans and 53 touring caravan pitches were originally proposed). For further clarification the proposal no longer includes any pitches for touring caravans. The proposed site layout shows an amenities block and reception building but these are indicative at this stage and do not form part of the current planning application.
- 1.2 This application was previously considered by the committee at their meeting on the 8th February 2022 and again on the 31st May 2022. The reports to those meetings are appended to this update and provide more information regarding the detail of the application.
- 1.3 At the meeting on the 31st May 2022 determination of the application was deferred as members expressed some concern about the use of the proposed access and its implications for highway safety. The deferment was to enable the applicant to undertake and supply a Road Safety Audit (RSA) in relation to the highway issues raised.
- 1.4 Since the last meeting the applicants have amended the application (with appropriate plans) and have submitted a RSA together with a supplementary technical note which comprises a further addendum to the transport statement. A revised landscape and visual impact assessment has also been submitted to take account of the fact that the touring caravan element has been removed from the proposal. In addition, as it came to light since the last meeting that the Council own land to the east of the access off the highway, the applicants have served notice on the Council as the owner of land which may be affected by the development.
- 1.10 A Screening Opinion has been issued the effect that an Environmental Impact Assessment was not required for the proposals contained in this planning application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises agricultural land of some 19.6 hectares. Ground levels rise steeply across the site in a northerly direction.
- 2.2 The site has two principal access points. One access is on the site's southern part of its western boundary via a track that extends from the B4380 and passes through Home Farm, the other via a wide road access off the A4169 which follows the south-eastern side of the site. Several gravel tracks run through the site providing a moderately dense access network, including one that follows the edge

of the woodland on the site's north-eastern boundary and provides access across a culverted stream to the woodland further north-east beyond the site. There are also some gravel hardstanding areas, portacabins, and a wheel wash (associated with the site's use as an off-road centre) in the southern part of the site. The 4x4 centre is called Buildwas Leisure and encompasses 50 acres of varied terrain, from thick woodland and undulating moonscape type craters to fast open tracks and muddy hill climbs.

2.3 The majority of land cover within the site is rough grass grazed by sheep. Mature trees are also a notable feature. The Site features the edge of mixed woodland (Holbrook Coppice and Birches Coppice) that is within a stream valley along the Site's north-eastern side and extends to cover higher ground to the north-east of the Site. The southern part of the Site features several individual mature trees and belts of mature trees. The Site's south-eastern boundary with the A4169 is marked by wooded area and outgrown hedgerow, except for a gap where there is access to a track that doglegs into the Site to provide direct access to the largest area of hard standing and portacabins. To the immediate south of the A4169 is further woodland (also Birches Coppice). The central parts of the south-western boundary also feature a mature tree belt. Further north on this boundary is an outgrown hedgerow with some trees, while its southern part is mostly open, except for a post and wire fence. West of the Site are pasture fields that feature hedgerows, some of which feature mature trees, forming narrow tree belts in places. To the west of the Site there is also Home Farm and a caravan storage area (~350m west of the Site).

2.4 The field is bordered to the east by thick woodland and screened on the western and southern sides by existing mature trees and landscaping. The immediate surrounding area is agricultural in nature with a mix of open arable and grassland fields, and smaller fields scattered with patches of thick tree cover and intermittent hedgerows.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application has previously been considered by committee and deferred at previous meetings. The Parish Council view is contrary to the Officer recommendation. The Interim Planning and Development Services Manager, in consultation with the Chair and Vice-Chair of the South Planning Committee, considers that the material planning considerations raised by this application is of a warrants determination by Committee.

4.0 Community Representations

Consultee Comment - Please refer to Section 4 of the appended report.

4.1.1 **Buildwas Parish Council** - Object - See appended reports for previous comments.

13/06/2022 - The parish council wishes to reiterate their objections to this application on the grounds of increased traffic to this site and the increased traffic that will result on the already dangerous B4380. We are concerned that the width of track and road that reads up to the site is not sufficient and would increase the possibility of vehicles being damaged and making this unsafe for pedestrians to

pass in areas, furthermore there would be no suitable turning points in the road and the gradient of road is dangerous. There remain questions to be asked about surface safety of the road.

The proposed roundabout nearby would also be adversely effected by the increased traffic that would result is this application were to be approved.

More information is required on the type of bike hire and shuttle bus that is proposed, no adequate information has been made available on these subjects.

4.1.2 **SC Developing Highways** - No Objection - See appended reports for earlier comments.

11/08/2022 - Further to the recent correspondence regarding the above and the submission of the attached Technical note SA36090_TN3. I can confirm that Shropshire Council as Highways Authority have reviewed the attached technical note and continue to raise no objection to the granting of consent. It is noted that in response to concerns raised by Members of committee, the application has been amended to remove the previously proposed 32no. touring caravan pitches. This is considered overall benefit to highway safety, as the overall size of the vehicles entering and existing the site will reduce. The construction and delivery of the proposed lodges and caravans will need to be managed, through a Construction Management Statement.

Members attention should be drawn to Section 1.3 of the attached technical note that confirm that the existing access off the A4169 does not form part of the proposed development as it is not suitable for the intended use. For ease of reference an extract from the report is as follows;

Further to the request for an RSA on the access proposals, the planning committee raised questions over the suitability of the existing access to the main site area from the A4169 from Buildwas Bank. This access lays to the east of the junction between the B4380 and the A4169 and this access has historically been used to access the land for agricultural purposes and for leisure activities taking place on the site under permitted development rights. However, this access is not included within the development proposals and was excluded from the audit brief, as the use of this access is unsuitable on highway safety grounds and does not comply with the Design Manual for Roads and Bridges CD 123 Geometric design of at-grade priority and signal controlled junctions. The turning of traffic on the three-lane crawler arrangement is a cause of safety concern due to traffic approaching at high speed. This view is supported by the local highway authority Developing Highways Area Manager. We understand that any proposed intensified use of this junction would result in an objection from Shropshire Council as the local highway authority, and potentially from Telford and Wrekin Council as the neighbouring highway authority.

In accordance with the recommendation of South Planning Committee the applicant has commissioned a Stage 1 Road Safety Audit to fully consider the access proposals put forward as part of this application. The safety Audit identified a number of problems/issues a designers response has been provided as part of the attached technical note. A number of the issues raised related to the

proposed roundabout on Buildwas Bank, which does not form part of this application. The design of the roundabout is subject to ongoing discussions with Harworths and their consultants, and has been subject to a separate Road Safety Audit. In relation to the issue raised regarding the speed limit transition. There is a potential overlap between the two schemes, however prior to commencement of any works on site, consideration will be given to the appropriate location of the 40mph speed limit depending on the timing of both developments. In relation to the concerns raised the convergence of the shared private access to Home Farm (development site) and the driveway leading to properties 72 to 82, The Anchorage, and Green Acre (eight dwellings in total). There is potential for conflict between vehicles emerging, however it is agreed that the risk of conflict is low, as vehicle speeds will be low and it is unlikely (but possible) vehicles will be exiting the private accesses at the same time. It may be necessary to formalise the priority, in this case priority would be given to the higher flow, which is likely to be from Home Farm. It is recommended that the layout is monitored and within 3 months of opening a Stage 3 Road Safety Audit is undertaken and the layout assessed to establish if any intervention is required.

Conditions:

Access Prior to other operations

Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

Ghost Island Junction Enhancements & Pedestrian Refuge

Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, 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 caravan/leisure park is first occupied.

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

Parking Loading, Unloading and Turning

The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

4.2 Public Comments – No additional comments - See appended reports for previous comments.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structures
Impact on visual amenity and rural character of the area
Impact on heritage assets
Highway safety and transport
Ecology
Drainage
Residential amenity
Contamination

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 In respect of the principle of the proposed development officers position remains unchanged from that set out in Section 6.1 of the appended report i.e.no objection in principle subject to satisfactory details in respect of material considerations.

6.2 Siting, scale and design of structures

6.2.1 As set out in Section 6.2 of the appended report it is considered that the proposal is capable of meeting the requirements of adopted policies. Where necessary this can be ensured by the imposition of appropriate conditions.

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

6.3.1 The potential implications of the proposed development and the assessment of the applicant's submissions in this regard are set out in detail at Section 6.3 of Appendix 2 (original report) . It is considered that with adherence to the proposed site levels and contour details provided, together with the landscaping works which can be conditioned on ant grant of planning permission, that the proposed development can be satisfactorily assimilated into the surrounding rural landscape, without causing undue harm to the visual amenity and rural character of the area.

6.4 Impact on Heritage Assets

Please see Section 6.4 of Appendix 2 (original report). The Council's Historic Environment (Conservation) Team is content with the analysis and findings of the Heritage Impact Assessment. A refusal on the grounds of the proposal causing harm to heritage assets could not be sustained in this case.

6.5 Highway Safety and Transport

6.5.1 The original officer assessment of the proposals is set out in Section 6.5 of Appendix 2

6.5.2 Following the original deferment of the application by the committee (8th Feb 2022) the applicant submitted further information in respect of the access to the proposed development. This comprised an addendum to their transport statement and three additional/amended plans. Following the second deferment in May (31st) the applicant has undertaken a RSA as requested and has provided a response to that which has included further revisions to the proposals including, importantly, the removal of the touring caravan element of the scheme.

6.5.3 Following the last deferralment the applicants commissioned a RSA as requested in the committee decision. The commission included the following brief:-
'The council have asked us to audit the proposed private access improvements for a leisure park at Home Farm, Buildwas, TF8 7BU. A Stage 1 RSA is required by the LHA to assess the proposed scheme and also to consider the placement of a roundabout at the junction located to the east of the access (as required by an existing extant planning consent for the Ironbridge Power Station redevelopment), in relation to the use of the access for the proposed leisure park development. Please see the attached plans giving an overview of this. The access is located here: <https://goo.gl/maps/1Sq5af16dirCsawZ8> Note that during the most recent planning committee debate which resulted in deferralment of the application, members of the committee specifically requested that the RSA team consider the impacts of touring caravan traffic in relation to the site access and the proposed adjacent roundabout junction'

6.5.4 The RSA commissioned by the applicants did identify a number of problems/concerns about the access arrangements for the proposed development which were considered and responded to in a further technical note dated the 6th July 2022. In addition that document also considered the query raised by members about the possible use of the existing access from the A4169 at Buildwas Bank either in isolation or as part of a one way system. It concluded the following:-
'*This access lays to the east of the junction between the B4380 and the A4169 and this access has historically been used to access the land for agricultural purposes and for leisure activities taking place on the site under permitted development rights. However, this access is not included within the development proposals and was excluded from the audit brief, as the use of this access is unsuitable on highway safety grounds and does not comply with the Design Manual for Roads and Bridges CD 123 Geometric design of at-grade priority and signalcontrolled junctions. The turning of traffic on the three-lane crawler arrangement is a cause of safety concern due to traffic approaching at high speed. This view is supported by the local highway authority Developing Highways Area Manager. We understand that any proposed intensified use of this junction would result in an objection from Shropshire Council as the local highway authority, and potentially from Telford and Wrekin Council as the neighbouring highway authority*

6.5.5 The further submissions on behalf of the applicants have been assessed by the Councils Developing Highways team whose comments are provided at para 4.1.1 above. Whilst it is acknowledged that the use of the access and the junction with the B4380 is a real and significant concern for local residents and the Parish Council, the conclusion that has been reached is that, although there will inevitably be some impact, the proposed use of the access (with the improvements to be provided) will be acceptable in its own right and that the implications for users of the public highway and adjoining private drive will not so severe that a refusal of planning permission is justified.

6.6 Ecology

6.6.1 The considerations with regard to ecological impacts are set out in Section 6.6 of the appended report. The Council's Ecology Team is content with the findings of the ecological appraisal. The new planting proposed would enhance biodiversity

and there would be net gains also through the provision of bat and bird boxes. The carrying out of work in accordance with the mitigation and enhancement measures as specified in the Ecological Appraisal by Salopian Consultancy, provision of bat and bird boxes, approval of an external lighting plan and protection measures during construction works are all matters which can be conditioned on a grant of planning permission to safeguard matters of nature conservation importance.

6.7 Drainage

6.7.1 Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. The Council's Drainage Consultants consider that the FRA has established that there are no technical constraints to the site being adequately drained and that it would not create a flood risk. The precise drainage details to be installed is a matter which can be conditioned should planning permission be granted.

6.8 Residential Amenity

6.8.1 The considerations in respect of the potential impacts on residential amenity of adjoining occupiers are set out in Section 6.8 of the appended report. Whilst it is acknowledged that the further alterations to the access as now proposed by the applicants will have some potential for increased visibility between users of the access and adjoining properties, it must also be recognised that this will be periodic for very short periods in terms of individual users of the access such that there will be no sustained or unacceptable impact on residential amenity.

6.9 Contamination

6.9.1 The Council's Environmental Protection Team has considered the Ground First Ltd report and concur with the Phase 1 Report conclusions that the need for further investigation and assessment is needed prior to the commencement of development. This investigation, assessment, approval of measures to achieve any remediation required and the implementation of those measures to make the land fit for the intended use and comply with NPPF paragraph 183 can be achieved through the condition set out in the Environmental Protection Team comments at 4.5 of the appended report.

7.0 CONCLUSION

7.1 There is no in-principle planning policy objection to the proposals contained in this application. The precise details of the holiday caravans/ lodges installed, in the event of planning permission being given, is a matter on which a planning condition attached to any approval. The colour and external finishes can also be controlled through a planning condition to ensure a high-quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. The proposed layout of the holiday caravans/ lodges and their associated parking and road/paths network, coupled with the ground re-profiling and landscaping scheme, would result in a development which, whilst visible due to the hillside location, would not be unduly obtrusive in the rural landscape. The impact of the development would be further softened as the new tree planting in the landscape scheme establishes and matures.

7.2 A refusal of the proposals contained in this application on the grounds that it would cause unacceptable visual harm to the landscape or to the setting of listed

buildings and other heritage assets contained in that landscape, could not be sustained. With regard to the heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high-quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified, in applying the balance required by paragraph 202 of the NPPF

7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation works proposed. The Transport Statement 9as amended by inclusion of the recent addendum) uses nationally recognised standards and modelling and has established that there would be no access junction or road network capacity problems resulting from the proposed development. A safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, and can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 110 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 and the NPPF can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.

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

7.5 This proposal would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 84 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD11 - Tourism Facilities and Visitor Accommodation

MD12 - Natural Environment

MD13 - Historic Environment

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

PREAPP/11/01503 Proposed Caravan (60%) /Activity Site (40%) PREAMD 6th December 2011

PREAPP/20/00170 Proposed change of use for leisure complex to include New Reception/office and amenity block, creation of wildlife pond and activity areas, woodland walks and recreation areas and a mixture of luxury lodges, cabin, static and touring caravans.

PREAMD 28th August 2020

21/03090/FUL Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping PDE

SA/06/0412/F Change of use of land for motorcycle activities including quad-biking and enduro-bikes (max 28 days), 4 x 4 events (max 28 days) and other recreational outdoor pursuits to include corporate team building, assault course, mountain biking, motorcycle schooling, 4 x 4 dealership demonstrations (max 150 days of which no more than 30 days for motorised vehicles), ancillary camping/caravan site in association with the above events and engineering operations to form landscape bunding REFUSE 16th August 2006

SA/04/0489/F Change of use of land for all year operation of motorsports including quad bikes, enduro bikes, 4x4 vehicles and demonstrations, motor cycle schooling and practice, mountain biking and outdoor pursuit activities (including corporate team building events / assault course / clay pigeon shooting). WDN 8th June 2004

11. Additional Information

[View details online:](#)

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 Claire Wild
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. No more than 120 static holiday caravans/lodges and 35 tourer holiday caravan pitches shall be stationed/provided on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

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

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

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

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

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

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

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

7. Before the static holiday caravans/ lodges are first installed on the land details of their appearance and external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the static holiday caravan/ lodges.

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

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives

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

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

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

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

development.

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

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

Reason: To safeguard the residential amenities of the area.

12. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

13. Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, 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 caravan/leisure park is first occupied.

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

14. The development hereby permitted shall not be brought into use until the new section of access road, areas shown on the approved plans for parking, loading, unloading, and turning of vehicles and passing bays have been provided properly constructed, laid out, hard surfaced and drained in accordance with details which have been approved in writing by the Local Planning Authority. The areas shall be maintained thereafter free of any impediment to their designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

15. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be

moved or removed only with the prior written approval of the Local Planning Authority

Reason: To safeguard the amenities of the local area by protecting trees.

16. Prior to the commencement of the development the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted arboricultural method statement and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To safeguard the amenities of the local area by protecting trees.

17. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any such work commencing. The work shall then be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the local area by protecting trees.

18. New tree planting shall meet the requirements of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations.

Reason: To ensure the survival of new trees.

19. No above ground works shall be commenced until full details of both hard and soft landscape works, incorporating the details shown on drawing number 3072-001 Rev A (Landscape Mitigation Planting Plan) 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 upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

20. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy 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.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further 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 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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 human health and offsite receptors.

21. Prior to first occupation / use of the holiday caravan site bat and bird boxes shall be installed in accordance with details of their makes, models and locations which have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 5 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 at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 4 of the Ecological Appraisal (Salopian Consultancy 14th June 2021).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

23. No development shall take place (including demolition, ground works and vegetation clearance) until a plan and details of the proposed protective fencing to be erected to safeguard the ancient woodland during construction of the development has been submitted and agreed in writing by the Local Planning Authority. The plan shall include a minimum 15m buffer temporarily fenced off.

Reason: To protect the ancient woodland and associated habitat from damage and disturbance.

24. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and paragraph 180 of the NPPF.

25. The wildlife pond shown on the approved site plan shall be constructed in accordance with section drawings showing its profiles and depth; details of its lining, overflow arrangements and the planting of its margins which have first been approved in writing by the Local Planning Authority.

Reason: To ensure the construction of a satisfactory pond which takes into account the ground conditions of the site, in the interests of public safety, visual amenity and biodiversity.

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.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

oconstruct any means of access over the publicly maintained highway (footway/verge) or

o carry out any works within the publicly maintained highway (street), or

oauthorise the laying of private apparatus within the confines of the public highway (street)

including any a new utility connection, or

o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or

o otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

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

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

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

3. Section 278 Agreement

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>

Mud on highway

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

No drainage to discharge to highway

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

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.

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

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

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

5. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. 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 2006 Natural Environment and Rural Communities Act. 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.

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Committee and date

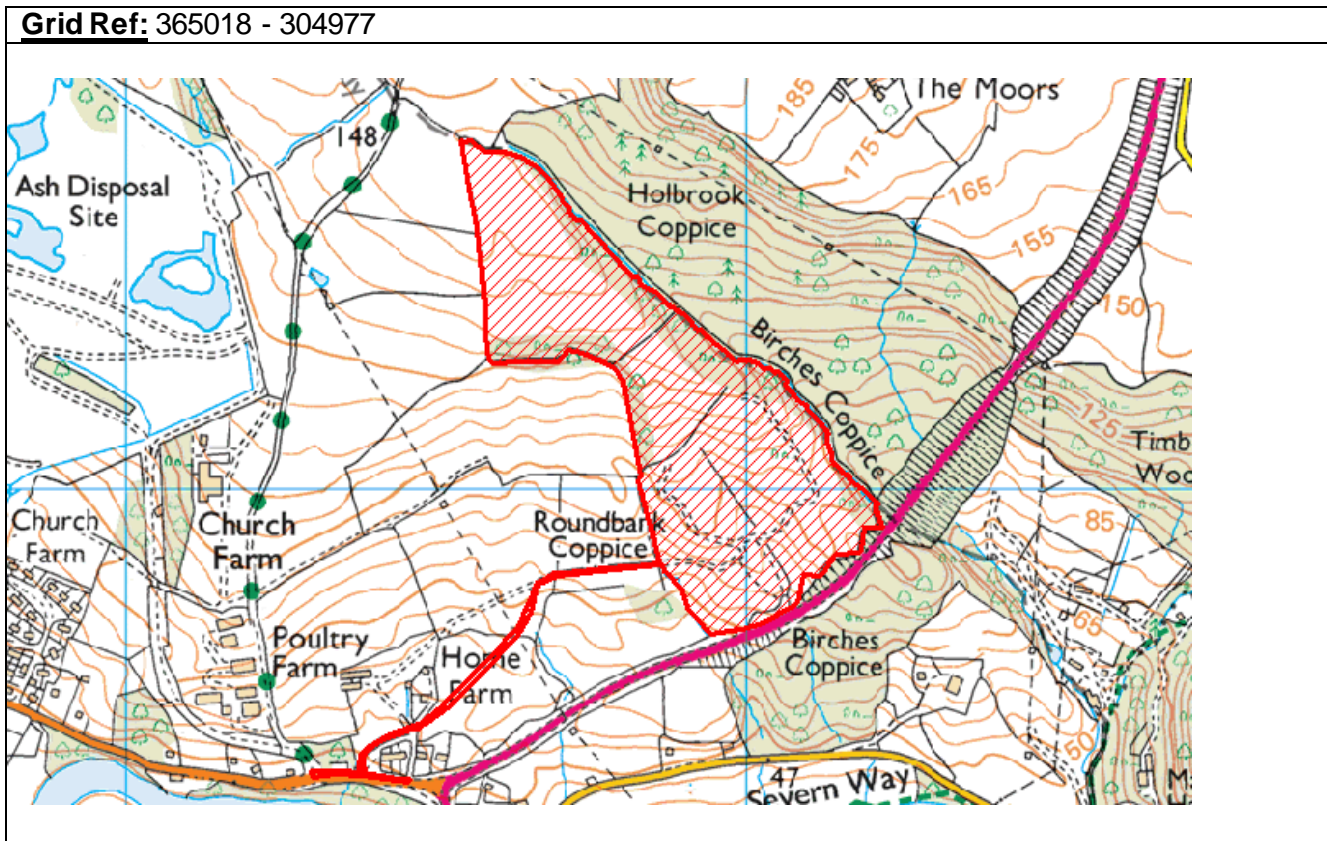
Item
Public

Development Management Report

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

Summary of Application

Application Number: 21/03090/FUL	Parish:	Buildwas
Proposal: Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping		
Site Address: Buildwas Leisure Site Buildwas Telford Shropshire		
Applicant: Montague Property And Marnwood Properties Ltd		
Case Officer: Tim Rogers	email	: tim.rogers@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development consists of a leisure holiday park development comprising, in the amended layout, of 120 static lodges/caravans and 35 touring caravan pitches along with supporting infrastructure. (124 static lodges/caravans and 53 touring caravan pitches were originally proposed). The proposed site layout shows an amenities block and reception building but these are indicative at this stage and do not form part of the current planning application.
- 1.2 An existing vehicular access in the southern boundary of the main body of the application site direct onto the A4169 road would be retained for emergency vehicle use only. The development would make use of an existing 4.0-4.5m access road running through the farm from the west, with exception to the central section of the access route where a new section of road is proposed to bypass the farmyard and existing caravan storage. Passing places are proposed to be provided at regular intervals along the access route, which would provide an overall width of 6.0 to 6.5m. The access road would be reconstructed and surfaced in permeable tarmac, and/or surfaced in conventional impermeable tarmac and drained by swales. The existing access to Home Farm from Buildwas Road is proposed to be improved to provide suitable geometry for vehicles towing large touring caravans.
- 1.3 The main site entrance would be at the southern end of the western boundary. On entering the site a roughly oval shaped wildlife pond is proposed on the southern side of the access road before an existing area of hardstanding, which would be retained for parking is reached. A reception building with parking and a pull-in lay by is shown on the northern side of this road section, but this building is indicative at this stage and does not form part of the current application. The remaining area at the southern end of the site would be an open, landscaped space containing a network of paths, existing trees and an activity area. Along the entire eastern edge of the site the band of ancient woodland (Birches Coppice) would be retained and supplemented with new hedge planting.
- 1.4 The site topography rises in a north westerly direction with an informal layout of loop roads serving the proposed touring caravan pitches, which would generally follow the contour lines and be positioned in groups amongst the existing tree planting and with large open areas between those groups where new planting is proposed. There would be pitches also adjacent to the main access road which heads northwards up the site. To the west of this road section and in the vicinity of the touring pitches there is a site shown for an amenity building, but the details of that structure do not form part of the current planning application.
- 1.5 The upper half of the site would contained the static holiday units, which on the site layout drawing are described as two types - 'luxury lodge/cabin' and 'static

caravan'. (It appears that the former would be twin unit structures and that latter single units). No illustrative details have been submitted to show the envisaged appearance of these units, but they would all conform to the definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960; Caravan Sites Act 1968 (Section 13(1) as amended) and the Mobile Homes Act 1983. A row of these units would be positioned 'end-on' to Birches Coppice along the north eastern side of the continuation of the main access road, following the loop of this road at the extreme northern end, and highest part, of the site. The northern end of the site is roughly triangular in shape and would be subdivided by five spur roads, each with the static units positioned on their northern side and planting zones on their southern sides. Parking would be provided immediately adjacent to each unit. An existing woodland pathway would be retained along the western site boundary.

- 1.6 The foul drainage for the site would be provided by one or more package treatment plants due to a foul mains drainage connection not being achievable. With respect to surface water drainage the drainage strategy set out in the submitted FloodvRisk Assessment states:

"The proposed internal roads are to be constructed using permeable tarmac or impermeable roads drained by swales with check dams. This is dependent on infiltration test results, but infiltration will be used if possible to do so. Log cabins and static caravans are to be drained via stone filled bases. The static caravans have an approximate roof area of 34m² and log cabins 77m² which do not require significant drainage systems and water is discharged to the stone filled bases to mimic the existing hydrology. Existing ditches and watercourses to the south of the site are to be inspected and cleared of any obstructions on a regular basis. If the site infiltration tests fail, the pond to the south of the site is proposed to act as attenuation storage for surface water run-off from site access roads and large buildings. However, upstream storage and control is to be provided where practical, as this provides an additional treatment stage and conforms with the SuDS hierarchy. If required the detailed drainage design will utilise a flow control device from the pond, to control outflows to the equivalent greenfield run off rates for the given contributing catchment."

- 1.7 The proposed landscaping scheme would incorporate existing tree stock on site which is largely dominated by mature oak trees, along with a number of tree groups and hedgerows comprising of a mix of hawthorn, field maple, hazel and ash. The proposed new tree and hedgerow planting would be a diverse mix of broadleaved species to provide a robust future tree population resilient to pests and disease. The species would include field maples, alder, silver birch, scots pine, wild cherry, pedunculate oak, mountain ash and small leaved lime. Understorey planting would comprise of a variety of planting including dogwood, hazel, hawthorn, holly, crab apple and viburnum.
- 1.8 The supporting statement advises it is proposed that the leisure park would be managed by a single operator, who would sell short-term holiday lets at the site. It also states this proposal would be a diversification of the applicants' existing recreational enterprise into a new area of tourism/recreation activity.
- 1.9 The application is accompanied by Planning and Design Statement; a Desk Study Report into ground conditions/geology; an Ecological Assessment; Landscape and

Visual Impact Assessment; Heritage Impact Assessment; Transport Assessment; Arboricultural Report; and a Flood Risk Assessment incorporating the Drainage Strategy.

- 1.10 A Screening Opinion has been issued the effect that an Environmental Impact Assessment was not required for the proposals contained in this planning application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprise of agricultural land of some 19.6 hectares. Ground levels rise steeply across the site in a northerly direction.

The site has two principal access points. One access is on the site's southern part of its western boundary via a track that extends from the B4380 and passes through Home Farm, the other via a wide road access off the A4169 which follows the south-eastern side of the site. Several gravel tracks run through the site providing a moderately dense access network, including one that follows the edge of the woodland on the site's north-eastern boundary and provides access across a culverted stream to the woodland further north-east beyond the site. There are also some gravel hardstanding areas, portacabins, and a wheel wash (associated with the site's use as an off-road centre) in the southern part of the site. The 4x4 centre is called Buildwas Leisure and encompasses 50 acres of varied terrain, from thick woodland and undulating moonscape type craters to fast open tracks and muddy hill climbs.

- 2.2 The majority of land cover within the site is rough grass grazed by sheep. Mature trees are also a notable feature. The Site features the edge of mixed woodland (Holbrook Coppice and Birches Coppice) that is within a stream valley along the Site's north-eastern side and extends to cover higher ground to the north-east of the Site. The southern part of the Site features several individual mature trees and belts of mature trees. The Site's south-eastern boundary with the A4169 is marked by wooded area and outgrown hedgerow, except for a gap where there is access to a track that doglegs into the Site to provide direct access to the largest area of hard standing and portacabins. To the immediate south of the A4169 is further woodland (also Birches Coppice). The central parts of the south-western boundary also feature a mature tree belt. Further north on this boundary is an outgrown hedgerow with some trees, while its southern part is mostly open, except for a post and wire fence. West of the Site are pasture fields that feature hedgerows, some of which feature mature trees, forming narrow tree belts in places. To the west of the Site there is also Home Farm and a caravan storage area (~350m west of the Site).

The field is bordered to the east by thick woodland and screened on the western and southern sides by existing mature trees and landscaping. The immediate surrounding area is agricultural in nature with a mix of open arable and grassland fields, and smaller fields scattered with patches of thick tree cover and intermittent hedgerows.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council view is contrary to the Officer recommendation. The Principal

Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, considers that the material planning considerations raised by this application, which is of a significant scale, warrants determination by Committee.

4.0 Community Representations

Consultee Comment

4.1 Buildwas Parish Council (25.08.21) - Object:

- Access. The access road is at the bottom of a steep hill (Buildwas Bank) where vehicles regularly have difficulty slowing and a junction that is already prone to accidents. Councillors have concerns about caravans waiting to turn right at this point. The projections indicate that on changeover day each week there could be 100 caravans crossing the junction. The access road is not sufficiently wide to allow two caravans to pass each other. The application indicates that there will be some passing places, but with the high projected number of vehicles, these do not appear to be sufficient.

- Flooding. There are existing issues with flooding along the access road which has a negative impact on the properties here. A previous planning application for 4 houses was rejected because of the flooding issues. Drainage is clearly insufficient and, prior to any development, it must be improved either by the applicant or the local Land Drainage Authority.

- Size and scale of the development. The area of land to be developed is disproportionate to the size of the village in which it sits. This will impact on the rural character of the parish, will have some visual impact for some current residents, and impacts on the following points.

- Loss of fields in a rural area bordering an Area of Outstanding Natural Beauty.

- Significant increase in traffic compared to current levels.

This is a concern when considered for this application alone and will have a negative impact on existing residents who use the access road for their own properties. Although the application for development of the power station site has been rejected, the future of the site is unclear, and the Parish Council has concerns about the future cumulative impact of traffic increases from any potential future development of the site.

- Noise disturbance from the site. Noise travels easily in the valley in which the parish is situated, and the Parish Council received complaints from residents in the village due to noise that carried from a recent wedding held at the location of the application. This will have an amenity impact on neighbouring properties, and potentially on the wider parish area.

- There is no provision for environmental sustainability within the application for the site, including no provision for electric car charging.

- Light pollution. The potential increase in light pollution would have an impact on the valued dark skies of the parish.

4.2 SC Highways Development Control (18.10.21) - No Objection:

The proposed right turn lane/ghost island junction enhancements proposed to facilitate this development are considered acceptable, subject to their appropriate construction which will be subject to a S278 Agreement (HA1980).

In respect to the proposed speed limit extension, this will need to be delivered by Shropshire Council, as a Traffic Regulation Order is required. Therefore, the applicant will be required to make a financial contribution of £5,000.00, via S106 agreement (TCPA).

Subsequently, following the delivery of the proposed junction enhancements and speed limit extension, the proposed development is unlikely to lead to significant adverse highway safety conditions and/or “severe harm” (NPPF) on the adjacent highway network, which could be demonstrated or sustained at appeal.

Conditions:

Access Prior to other operations

Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

Ghost Island Junction Enhancements & Pedestrian Refuge

Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, 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 caravan/leisure park is first occupied.

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

Parking Loading, Unloading and Turning

The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

4.2.1 SC Highways Development Control (12.08.21) - Comment:

Although, the general principle of the proposed development could be acceptable from a highways and transport perspective. It is considered that the applicant has not considered the adjacent highway and traffic situation sufficiently, or its interaction with pedestrian and other active travel movements locally. To demonstrate that the development is unlikely to have any significant impact on the local situation.

The Transport Statement has not included any measured local speed data for traffic passing the site access. Instead, relying on the promotion of an extension to the adjacent 40mph speed limit, to be effective, in managing traffic speeds. So that the demonstrated visibility splays, at the development access, are acceptable in

respect to Manual for Streets 2 (MfS2). It should be noted that the existing speed limit, at this location, is exceeded on a regular basis, with the resultant local concerns being raised. These higher vehicle speeds are due to the exit and approach to the Ironbridge Bypass. It is quite likely that moving the speed limit alone is unlikely to change established driver behaviours, to the point where the proposed junction visibility splays would not be acceptable and provide a potential risk to vehicles access and egressing the site access.

Ideally, the applicant should show the actual visibility splays which can be achieved currently, and if possible, negotiate with the adjacent landowners to improve the local situation, which is likely to be mutually beneficial. Particularly, as the introduction of a Traffic Regulation Order (speed limit) cannot be guaranteed, as it requires a formal consultation process. It is known that the Police, who are formal consultees in the process, will object to such speed limit requests, unless appropriate engineering measures are put in place, to ensure that the new speed limit is self-enforcing, as much as possible.

The Transport Statement suggests that the existing right turn facility is adequate for the development, which may be true, for single car movements. But as the supporting tracking diagram indicates a significant number of movements will be towed caravans, as well as some agricultural and service vehicles. Subsequently, a greater length of central carriageway space, should be made available to accommodate these longer vehicles. Particularly, as there is sufficient room available, within the currently hatched area, without adversely affecting the adjacent major junction. Therefore, it would be appropriate for the developer to consider modifying the existing right turn lane to more accurately reflect the space needed to serve the long right turning vehicles.

In addition, enhancement and improvements to this right turn facility may have a positive effect on passing traffic speeds. Particularly, if high contrast surfacing and white lining is provided. Recent observations on site revealed that there were fast moving vehicles in both directions, crossing the double white line markings, effectively driving through the right turning lanes, to overtake slower moving vehicles.

Similarly, the Transport Statement indicates, that this development will significantly increase potential pedestrian movements locally, including the need to safely cross the main road, to access bus stops and other local amenities. Subsequently, further consideration should be given by the developer, to improving pedestrian safety for their visitors, at this location. It is considered that the use of a pedestrian refuges (splitter islands) within the enhanced right turn lane junction. To link the existing adjacent pedestrian footway facilities, on both sides of the carriageway, maybe appropriate.

The proposed road and junction enhancements will need to be supported by an appropriate Road Safety Audit. Subsequently, such improvements if acceptable could also aid the introduction of the extended speed limit being proposed.

4.3 SC Drainage - No Objection:

The proposed drainage strategy in the FRA is acceptable in principle. However, the final detailed drainage proposals, calculations and plans should be submitted for approval.

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.

4.4 SC Trees - No Objection:

Having read the submitted information including the Salopian Consultancy Arboricultural Appraisal it is apparent that there are significant amenity trees on site which are to be incorporated into the design. The only proposed losses are a C category hedge and C category tree (T55) to be removed for internal access.

I can support the proposal if the following conditions are applied:

1) All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

2) Prior to the commencement of the development the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted arboricultural method statement and submit to the LA a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To safeguard the amenities of the local area by protecting trees

3) All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area by protecting trees

4) New tree planting shall meet the requirements of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations

Reason: To ensure the survival of new trees

4.5 SC Environmental Protection (15.11.21) - No Objection:

A report by Groundfirst; Phase I Contaminated Land report; Land at Home Farm, Buildwas, Telford, Shropshire; Report ref. 4223R1, 6th September 2021 FINAL has been submitted in support of this planning application.

Within the development boundary there is a former landfill site, and the Phase I report has identified the need for further investigation and assessment prior to commencement of the development.

A site investigation to include a ground gas risk assessment is required and this must have regard to BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings which provides a framework in line with current Environment Agency guidance (2020) Land Contamination: Risk Management (LCRM) and includes information about what is needed for adequate ground gas site investigation in order to assess the risks.

In addition, part of the site is within a Coal Authority Development Low Risk Area and therefore Environmental Protection endorses Coal Authority recommendations that if a site is within a Coal Mining Reporting Area (as defined by the Coal Authority, based on their current data and experience across Great Britain), then a mine gas risk assessment should be carried out. This must have regard to new Guidance, CL:AIRE Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021.

Therefore, applicant must be made aware of the above comments in particular regarding the new guidance requiring a mine gas risk assessment and the following must be included as Conditions if planning permission is granted:

Contaminated land

- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy 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.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further 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 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the

Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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 human health and offsite receptors.

4.5.1 SC Environmental Protection (29.07.21) - Comment:

The proposed development boundary is a former landfill site, Home Farm, Buildwas; licence A25/30/SL/111. Home Farm was licensed on 11th July 1990 to accept 5000 cubic metres of hardcore, stone, soil, subsoil and solid dry waste produced in the course of construction, maintenance or demolition of buildings. It was noted from inspection records that at times the operator did not always comply with the conditions of the licence, small quantities of tarmac and in one instance biodegradable waste was deposited. Pre-site and subsequent gas monitoring results recorded low levels of methane with occasional hot spots of carbon dioxide up to 11.5%w (circa 1991).

The proposed site plan shows the reception block and a wildlife pond on the area of landfill and given the fact that a former landfill site has been identified within the site boundary, it is disappointing that the Agent on behalf of the applicant failed to tick the box in Question 6, Land where contamination is suspected for all or part of the site. As a minimum a Phase 1 Desk Study would have been required to be submitted with this application.

if planning permission is granted, conditions must be included to assess the potential risks and mitigate where necessary (Condition as recommended in 4.5 above).

4.6 Environment Agency (28.07.21) - Comment:

Foul Drainage: When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). For a development such as this the application should be accompanied by the 'Foul Drainage Assessment Form' (FDA1) for your Council's consideration. The submitted Design & Access Statement (Berry's, dated May 2021) states that 'a utility search for foul sewage has been carried out and Severn Trent has confirmed no assets are within the site boundary and highway to the south of the site'. It is therefore proposed that the foul drainage for the site will be 'served by 1 or more package treatment plant(s)'.

In the first instance your Council should be satisfied, in consultation with Severn Trent Water, that the proposed development cannot be served by the nearest public foul sewer. It is believed that the Buildwas Pumping Station is relatively close to the development. Should a connection be feasible your Council and Severn Trent Water must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal.

With regards the issuing of an Environmental Permit the applicant should consider the following Environment Agency guidance which is available on the Government website at:

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

It should be noted that the Environment Agency will not issue a Permit for a private sewage treatment system(s) if it's reasonable to connect to the public sewer. The assessment of what is reasonable takes into account:

- the comparative costs of connecting to public sewer and installing a private sewage treatment system
- any physical barriers that would prevent you connecting to the public sewer
- any environmental benefits that would arise from installing a private sewage treatment system such as the reuse of treated effluent

In the event that the applicant can show that it would not be practical to connect to the public foul sewer they should seek pre-permit advice from the Agency using the form:

4.7 SC Archaeology (03.08.21) - No comments to make on this application with respect to archaeological matters.

4.8 SC Conservation (09.08.21) - Comment:

The agent has prepared a Heritage Impact Assessment which I have reviewed and which concludes there is a general lack of inter-visibility with identified heritage assets as a result of the topography of the site and area as well as due to existing vegetation, and further concludes that with the addition of soft landscaping to help retain the rural character of the site the development would generally have a neutral impact on the setting of heritage assets and not constitute a negative change. Based on this assessment there is generally no objection on heritage grounds to the proposed scheme where we would highlight the planting mitigation plan which has been submitted following on from the LVIA that was prepared. We would also refer to our earlier comments on keeping signage minimal and appropriate, maintaining low illumination levels and making sure permanent built forms and features have recessive building finishes where these details should be agreed where relevant.

4.9 SC Ecology (15.11.21) - No Objection:

Conditions and informatives have been recommended to ensure protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.

The ecology survey carried out by Salopian Consultancy (14th June 2021) found no suitable habitat for Great Crested Newts on site and the ponds within 500m scored poorly on the HSI assessment. Three oak trees were identified as having potential roosting features for bats. No further surveys were recommended. In the event a bat of great crested newt is found during works, works must stop and NE or a licensed ecologist must be contacted for advice on how to proceed.

The ancient woodland shall be protected during the course of the development and a minimum of a 15m buffer shall be implemented between the development and the

woodland.

Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area. SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.

Conditions and informatives are recommended for inclusion on a planning permission decision notice relating to the provision of a minimum of 5 bat boxes and 5 bird boxes; external lighting; work in accordance with the submitted method statement; temporary buffer zone to the ancient woodland during construction works and the submission and approval of a construction environmental management plan. (These are set out in full in Appendix 1 to this report).

4.9.1 SC Ecology (09.08.21) - Comment:

Holbrook Coppice Ancient Woodland lies adjacent to and partly inside the site boundary: The proposed site plan needs to be amended to include a minimum 15m buffer zone (consisting of semi-natural habitats) between the Ancient Woodland and development. As it stands, the proposed development is not in line with paragraphs 174 and 175 of the NPPF, SAMDev Plan policy MD12 or Core Strategy policy CS17.

4.10 Severn Trent Water (13.09.21) - No Objections:

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.

4.11 Telford and Wrekin Council - No Objections in principle but ask that the following points be taken into account when determining the application:

-It does not appear that sufficient justification has been provided within the submitted documentation as to how the scheme is an appropriate scale and character to its surroundings (the supporting text refers to being compatible with their location). The scale of development and impacts (transport) relative to the scale of Buildwas needs considering but this does not appear to have been discussed or justified within the supporting statement. This is considered to be necessary, especially when the pre-application advice response mentioned that efforts to minimize the visual impact (scale, lighting, signage and external appearances) are strongly recommended. It is questioned whether there are any designs/illustrations of the caravans to help further assess the proposal?

-It is reasonable to conclude that much of the traffic will flow to and from Telford along the A4169. The scale of development should again be considered in this rural location. The Transport Statement only briefly refers to sustainability (the bus route frequency, connections to rights of way and the possibility of cycle hire). The shuttle bus would be an important benefit and securing this should be a priority rather than it being a possibility. It's not clear how these sustainability benefits are likely to reduce reliance on car movements to and from the site and this should be explored further.

-The site adjoins the Holbrook Coppice Ancient Woodland, which extends into the Shropshire authority area. The proposed layout shows points where the static caravans would be located very close to the ancient woodland (the site plan isn't clear when it has the different green shades whereas Birches Coppice on their plan is within the ancient woodland). Even with the retained tree line, the proposals lie within very close proximity to this protected area and within less than 20m, as requested within the pre-application advice response.

-It is appreciated that separate statements have been submitted for both and from Telford & Wrekin Council's perspective, the key issues are impacts to/from the Wrekin Strategic Landscape Area (SLA) and the World Heritage Site. The SLA is referenced in the LVIA but the WHS isn't mentioned in the Heritage Impact Assessment. Given that the WHS is located only 1.2km away from the application site, Telford & Wrekin Council would request that the impact on this sensitive designation is assessed accordingly.

Public Comments

4.11 Site Notice displayed 21.07.21; Press Notice published 20.07.21. 12 neighbour notification letters sent out.

The comments received are summarised below, with their full text being viewable on the Council's website:

5 Objections:

-Road entrance and proposed access not fit for purpose; already over capacity without accounting for the 5 houses being completed next to it and sharing the access.

- Increase in traffic accessing the lane will cause congestion in all directions which will naturally divert onto the private access road to the rear of Buildwas Cottages, which cannot sustain such traffic that has no right of way.

- Dangerous build up of traffic on the main road which is already an accident hot spot.

- Increased traffic will hinder his right of access.

- Already a perfectly good access point some 500 yards away shown on the plans off B4380 nearer the actual site that would cause none in the community any adversity, harm or hardship.

- Transport Statement indicates there will be 266 two-way extra vehicles using the road due to the caravan site, therefore there will be 660 vehicles (including existing users on the private road, each way, each day - a 415% daily increase.

- Over a 12 hour 'active period' this equates to one vehicle using the route every 60 seconds, with several vehicles on the road at the same time with insufficient passing places on narrow access.

-have safety concerns about the use of their access onto the private drive as traffic builds up.

- Access road not suitable for towed caravans; no footpaths along its length.

-Currently problems with cars and caravans accessing the storage site.

-Will not allow own land for use as splay on road and which would make it difficult for homeowners to exit their properties.

-Additional traffic will increase noise and air pollution in what is currently a quiet

and idyllic environment.

-Site not within or on the edge of a recognised named settlement served by a range of services and facilities.

-Not directly linked or part of an established and viable tourism enterprise where additional accommodation of this form is required and therefore fails to comply with the Shropshire Core Strategy and National Policies.

- No objections to the overall idea for the proposed site, but major concerns over the impact of additional traffic on the proposed access route on highway safety.

-Visual impact cannot be screened by planting and overall mitigation is not convincing.

-Will cause unacceptable harm to the natural environment.

-Site notice has not been publicly visible in a prominent position on the proposed access to the site.

1 letter of support:

- The area is bereft of accommodation of this nature.

- Will do the area a great deal of good.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structures

Impact on visual amenity and rural character of the area

Impact on heritage assets

Highway safety and transport

Ecology

Drainage

Residential amenity

Contamination

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

6.1.2 Core Strategy policy CS5 advises that within the countryside proposals will be supported in principle where they relate to sustainable and rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17. Policy CS16 seeks the development of high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. It specifies that in rural areas proposals must be of an appropriate scale and character for their

surroundings and, either be close to or within settlements or associated with an established and viable tourism enterprise where accommodation is required. This site is judged to be close to the settlement Buildwas and relates to land which has been used for leisure activity. (CS17 is discussed in 6.2 below). Core Strategy policy CS13 relating to economic development, enterprise and employment is also supportive of rural enterprise and diversification of the economy, in a number of specified areas which include green tourism and leisure.

- 6.1.3 The Site Allocations and Management of Development (SAMDev) Plan policy MD11 relates specifically to tourism facilities and visitor accommodation, advising that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements of other listed Development Plan policies and national guidance. With specific reference to visitor accommodation in rural areas, policy MD11.7 recognises that static caravans, chalets and log cabins can have a greater impact on the countryside and such schemes should be landscaped and designed to a high quality. The requirements of policy MD11.8 are met by this proposal because the holiday let development would conform to the legal definition of a caravan.
- 6.1.4 The above Development Plan policies are wholly in accordance with the National Planning Policy Framework (2021) which advises at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. It is supportive of a prosperous rural economy and at paragraph 84 states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.1.5 There is, therefore, no in principle planning policy objection to the current proposal. The acceptability or otherwise of the proposed developments rests on the detailed planning considerations considered in turn below.

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

6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 130 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate and appropriate amount and mix of development.

6.2.2 SAMDev Plan policy MD2 (Sustainable Design) expands on policy CS6 in seeking to ensure development contributes to locally distinctive or valued character and existing amenity value and advises at MD2.3 That development proposals should:

“Embrace opportunities for contemporary design solutions, which take reference

from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”

6.2.3 No details of the holiday caravans/ lodges, other than the slab sizes on which they would be stationed, have been provided. Their appearance is a matter on which a planning condition attached to any approval would specify that the holiday caravans/ lodges stationed on the land would be of the form and appearance shown on drawings which have first been approved in writing by the Local Planning Authority. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11.

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

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

6.3.2 SAMDev Plan policy MD11.2 states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) and a Heritage Impact Assessment (HIA) to address these matters. (The latter is considered in section 6.4 of this report below).

6.3.3 The LVIA submitted contains an analysis of landscape character, identifies landscape and visual receptors, looks at the construction and operational impacts of the proposed development, cumulative effects, the mitigation planting plan and then carries out a landscape assessment and visual assessment. The conclusions reached on the landscape effects are summarised in tables in the LVIA report. With respect to vegetation on the site and its boundaries a slight adverse effect would initially occur, becoming slight beneficial after 3-5 years as planting becomes established. (A moderate adverse nature of effect on the landform of the site is judged not to be significant in the revised LVIA discussed at 6.3.5 below). In the context of the Estate Woodlands landscape character type identified by the Shropshire Landscape Typology an initial slight adverse impact would become negligible after 3-5 years as planting establishes. The proposed development would have a negligible effect on the Shropshire Hills AONB, Ironbridge Gorge World Heritage Site landscape and Wrekin Forest Strategic Landscape designations. In terms of visual effects the LVIA concludes that for the visual receptors comprising users of the Severn Way; Shropshire Way; visitors to the Wrekin and Buildwas Abbey; users of the A4169; users of two rights of way in the locality and residents of properties in and around Hill View Farm the nature of the effect would be negligible and thus not significant. For users of Buildwas Lane and PRow 0409/14/1 there would be an initial slight adverse effect becoming negligible after 3-5 years as planting establishes and so overall the nature of the effect would not be significant. The LVIA concludes the proposed development is considered acceptable in terms of its likely landscape and visual effects.

6.3.4 A review of the LVIA was sought from the Council's retained Landscape Consultants (ESP Ltd). They comment that it is substantially a good piece of work using appropriate methodology and best practice, and that its findings are reliable, with the exception of the assessment of landscape effects on the landform of the site. The proposals would appear to involve a level change of up to 4 metres to accommodate the proposed lodges and pitches, which they advise throws into question the assessment made of the magnitude of change on this receptor. They comment also that the mitigation proposals appear effective (Although there would be net loss of some 3.1ha (23%) of improved grassland on the site, the proposals would lead to a net gain in native woodland and tree cover and increased biodiversity on the remaining grassland areas), but are at a strategy level and so a standard landscape and landscape maintenance condition is recommended. The Council's Consultant's conclusions are that on completion the nature of effect on Landscape Receptors would be slight adverse in respect of vegetation of the site and its boundaries; the landform of the site and the character of the Wooded Estatelands landscape character typology, with the nature of effect 3-5 years after completion being slight beneficial in respect of vegetation, potentially slight adverse in respect of the landform of the site query and negligible on th character of estate woodlands. They concur that there would be negligible effect on the AONB, Wrekin Forest Landscape Designation and Ironbridge Gorge World Heritage Site. In terms of the visual receptors identified, the nature of effect for all after 3-5 years would be negligible, with an initial slight adverse effect for users of Buildwas Lane, public right of way 0409/14/1, residents of properties near Home Farm and residents of Poolview Caravan Park. In their view the proposals have the potential to comply with Development Plan policies CS6, CS16, CS17, MD2, MD11 and MD12.

6.3.5 The agent was asked to supply more details of existing and proposed levels so that further consideration could be given to the site levels/landform changes that the proposed development would require. In response a site levels contour drawing with 3D modelling has been submitted, followed by further clarification in the form of site section drawings and a revised LVIA statement. This explains that the maximum depth of cut would be about 4 metres and the maximum height of fill about 3.5 metres, although most of the cut and fill would be notably less as the section drawings show. Slope gradients would be a maximum of 1 in 3 to minimise the requirement for retaining structures. A Mitigation Planting Plan has also been prepared which includes 2ha of structural/screen planting of a mix of native trees and shrubs. The planting mix includes 8 native tree species and 8 native understorey species. Species have been selected to provide a mix of qualities that include relatively fast and dense growth, evergreens, habitat and food for wildlife (e.g. berried species), longevity, and an ongoing contribution to local landscape character. The layout of the planting has been designed to create a wooded character in the northern part of the site and provide connectivity between existing wooded areas and hedges in the south of the site. Seeding as required of a meadow mix (80:20 mix of grasses & native wildflowers, including 22 species). This mix has been selected to provide a range of species suitable for the varied soil, light and moisture conditions likely to be found across the Site.

This information has been forwarded to the Council's Landscape Consultants and it is anticipated that their further comments on these details will be received in time

for the Committee meeting. The levels drawings show that no levels changes would be made within the root protection areas of the retained trees and hedgerows.

6.3.4 The measures that would be incorporated in the proposed development as a whole, to minimise or mitigate landscape/visual impact would include not just a reliance on screen planting (Which would take time to establish) but also through the cut and fill contouring. The proposed site sections and levels details submitted show that in comparison with existing site levels that on the lower half of the site (Sections A to C) that levels would mostly follow those that exist, with relatively small variations, with cut and fill at the mid and lower parts of this area. The upper half of the site (Sections D to F) would mostly entail cut rather than fill which would assist in reducing the prominence of stationed caravan units on this rising land. The informal terraces which would be created for the pitches without the use of retaining structures would not be out of keeping with the existing land form.

6.3.5 It is considered that with adherence to the proposed site levels and contour details provided, together with the landscaping works which can be conditioned on an grant of planning permission, that the proposed development can be satisfactorily assimilated into the surrounding rural landscape, without causing undue harm to the visual amenity and rural character of the area.

6.4 **Impact on Heritage Assets**

Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors. SAMDev Plan policy MD13 advises that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that, wherever possible, proposals avoid harm or loss of significance to designated and non-designated heritage assets, including their settings. Where a proposal is likely to affect the significance of designated or non-designated heritage assets, including their setting, policy MD13.2 requires applications to be accompanied by a heritage assessment. This policy accords with paragraph 194 of the NPPF which advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting. It explains "The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

6.4.1 A Heritage Impact Assessment (HIA) has been submitted with this application which has identified designated and non-designated heritage assets in the locality. The former comprise of properties named The Slip, The Moors, Abbey House and associated structures, Buildwas Abbey; remains of a wall S-W of the west end of Buildwas Abbey, Mill House and Bridge House. The latter comprise Home Farm and Hill View Farm (Buildwas Mill). The assessment concludes that the application site has no historic relationship with any identified heritage assets and that there is no inter-visibility with Buildwas Abbey and its associated designated heritage assets which are considered the most sensitive assets of the highest significance. It acknowledges that there is the potential for some dynamic views from lower

ground, but adds that the proposed development would still allow the land to retain its rural character and some level of openness with soft landscaping. There would be no loss of significance to the identified heritage assets due to a general lack of inter-visibility as a result of topography and intervening vegetation. The HIA concludes the proposed development is not anticipated to be a negative change and instead a neutral impact and would not sever the last link between the setting of the relevant heritage assets and their original setting: It would neither increase or decrease the experience of the historic environment. (The conclusions of the LVIA discussed in section 6.3 above that the development would have a negligible impact on the Ironbridge Gorge World Heritage Site is also pertinent here.

6.4.2 The Council's Historic Environment(Conservation) Team is content with the analysis and findings of the Heritage Impact Assessment. A refusal on the grounds of the proposal causing harm to heritage assets could not be sustained in this case.

6.5 Highway Safety and Transport

6.5.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It also seeks to secure safe developments. The NPPF, at paragraph 110, advises in assessing applications for development should be ensured that:

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

Paragraph 111 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.5.2 The Planning Statement submitted states that while a development of this nature will rely on private car transport for access, it is proposed the operator will provide a shuttle bus service to transport guests to the local area and Telford Central railway station. Cycle hire will also be offered to guests to allow them to make local journeys by bicycle. The development would make use of an existing 4.0-4.5m access road running through the farm, with exception to the central section of the access route where a new section of road is proposed to bypass the farmyard and existing caravan storage. Passing places are proposed to be provided at regular intervals along the access route, which would provide an overall width of 6.0 to 6.5m. The access road would be reconstructed and surfaced in permeable tarmac, and/or surfaced in conventional impermeable tarmac and drained by swales. The existing access to Home Farm from the B4380 Buildwas Road is proposed to be improved to provide geometry for vehicles towing large touring caravans. Whilst there are land constraints preventing a new bell-mouthed junction being constructed, localised improvements have been designed to upgrade the existing access. The improvements would facilitate simultaneous entry and exit from the access by large cars towing luxury touring caravans. The existing junction arrangement has a short central right turn 'ghost island' storage lane

for the junction, which would to serve the development traffic. A system of double white lines is provided to the east of the access to protect a right turn lane for the nearby junction with the A4169 Much Wenlock Road.

- 6.5.3 A Transport Statement has been submitted with the planning application. It explains that the reason for the proposed access route via the existing private roads leading through Home Farm is as follows:

"There is presently an existing access point to the site area from the A4169 Ironbridge Bypass, which provides access to an off-road vehicle events area. As the A4169 is an 'WS2+1' single carriageway road with a crawler lane leading towards Telford, in accordance with the Design Manual for Roads and Bridges (DMRB) CD 123 - Geometric design of at-grade priority and signal-controlled junctions, providing a junction for a development of this nature is deemed not to be acceptable. Consequently, the existing access location from the B4380 is considered to provide an appropriate location for the development to access the local road network. It is intended that the existing access from the A4169 will be retained as an emergency access, but this shall always remain locked and will only be used in an emergency situation."

The Transport Statement comments that the existing speed limit on the Buildwas Road at the site access is presently the national speed limit. The terminal signs for a 40mph speed limit for Buildwas village is some 60 metres west of the access. The application proposes that the 40mph speed limit is extended to a point to the east of the site access near to the junction with Much Wenlock Road. The Transport Statement asserts the visibility splays achievable at the proposed site access of 2.4 metres by 79 metres, applying criteria from Manual for Streets 2, in conjunction with the 40mph speed limit extension, would be appropriate for the prevailing highway conditions. There is an existing ghost island for the private access with the B4380 which would be retained and improved as part of the proposed development for the benefit of traffic turning right into the access to the proposed development off the B4380.

- 6.5.4 The Transport Statement includes a review of collisions in the last five years within 250 metres of the site access, of which there has been four at the junction of the B4380 with the A4169 to the east of that access. It does not consider the details of these incidents suggest that there is a significant road safety problem with that junction, which is unrelated to that proposed for use by this development. The conclusions reached by the Transport Statement are:

"The site benefits from excellent connectivity with the wider road network via the A1469 which joins the B4380 just a short distance from the site

Sustainable travel options are available for the development in the form of a local bus route and potential opportunities for cycling and walking trips. We also propose that a shuttle bus service to and from Ironbridge is provided for customers staying at the site.

We estimate that the development will generate an additional 266 2-way traffic movements on the network per day. We consider that the site access and local road network has sufficient capacity to accommodate these

movements and no road safety or capacity issues are anticipated as a result of the proposed development."

6.5.5 The final comments of the Council's Highways Consultants are set out at 4.2 above, with their initial commentary being at 4.2.1. they consider that the proposals would not have an unacceptable impact on highway safety, and would have no significant effects on the transport network (In terms of capacity and congestion) provided that the proposed right turn lane/ghost island enhancements are delivered in conjunction with the speed limit extension. With these measures paragraph 111 of the NPPF (Quoted in full at the end of paragraph 6.5.1 above) would not be engaged. A Section 106 Agreement would be required as part of any grant of planning permission to provide a financial contribution of £5000.00 towards the cost of the Traffic Regulation Order for the speed limit extension.

6.6 Ecology

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

6.6.2 The application is accompanied by an Ecological Appraisal which incorporates an Extended Phase 1 Survey, a Preliminary Roost Assessment of trees and a Habitat Suitability Assessment (HSI) in respect of ponds and great crested newts. This work has established that further Phase 2 surveys to inform licensing or mitigation measures are not necessary.

6.6.3 The Council's Ecology Team is content with the findings of the ecological appraisal. The new planting proposed would enhance biodiversity and there would be net gains also through the provision of bat and bird boxes. The carrying out of work in accordance with the mitigation and enhancement measures as specified in the Ecological Appraisal by Salopian Consultancy, provision of bat and bird boxes, approval of an external lighting plan and protection measures during construction works are all matters which can be conditioned on a grant of planning permission to safeguard matters of nature conservation importance.

6.7 Drainage

6.7.1 Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. The Council's Drainage Consultants consider that the FRA has established that there are no technical constraints to the site being adequately drained and that it would not create a food risk. The precise drainage details to be installed is a matter which can be conditioned should planning permission be granted.

6.8 Residential Amenity

6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest residential properties to the site are those situated in the vicinity of the junction of the private road which would serve the development with the B4380. Other properties are well to the south of the site, beyond woodland on the opposite side of the A1469. The separation distances between the proposed lodges and existing dwellings, coupled with the topography and proposed layout would ensure no significant privacy or overbearing impacts on existing properties. The proposed

landscaping scheme would also assist in reducing further the inter-visibility between the properties. While there would be noise and fumes associated with the traffic movements generated by the proposed development, in addition to the current farm and caravan storage traffic using this access road, it is not considered that this would be sufficient to justify a refusal on the grounds of undue harm to the residential amenities of the locality.

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

6.9 Contamination

6.9.1 Core Strategy policy CS6 seeks to secure safe developments. The National Planning Policy Framework (NPPF), at paragraph 183, advises that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land instability and contamination. It states that adequate site investigation information, prepared by a competent person, should be available to inform these assessments. The NPPF continues at paragraph 184 stating where land is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. A Phase 1 Contaminated Land Report has been submitted with the application which has been prepared by Ground First Ltd. The report concludes that further investigation and/or suitable mitigation is required in order to manage potential low to moderate ground gas risks, due to past landfill activity on part of the site, and a suitable watching brief should be maintained during the groundworks phase of development.

6.9.2 The Council's Environmental Protection Team has considered the Ground First Ltd report and concur with the Phase 1 Report conclusions that the need for further investigation and assessment is needed prior to the commencement of development. This investigation, assessment, approval of measures to achieve any remediation required and the implementation of those measures to make the land fit for the intended use and comply with NPPF paragraph 183 can be achieved through the condition set out in the Environmental Protection Team comments at 4.5 above.

7.0 CONCLUSION

7.1 There is no in-principle planning policy objection to the proposals contained in this application. The precise details of the holiday caravans/ lodges installed, in the event of planning permission being given, is a matter on which a planning condition attached to any approval. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. The proposed layout of the holiday caravans/ lodges and their associated parking and road/paths network, coupled with the ground re-profiling and landscaping scheme, would result in a development which, whilst visible due to the hillside location, would not be unduly obtrusive in the rural landscape. The impact of the development would be further softened as the new tree planting in the landscape scheme establishes

and matures.

- 7.2 A refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings and other heritage assets contained in that landscape, could not be sustained. With regard to the heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified, in applying the balance required by paragraph 202 of the NPPF
- 7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation works proposed. The Transport Statement using nationally recognised standards and modelling has established that there would be no access junction or road network capacity problems resulting from the proposed development. A safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 110 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 and the NPPF can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.
- 7.4 These proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. Ecological interests and drainage can be safeguarded through the recommended planning conditions. The proposed development would not unduly harm the residential amenities of the locality. Remediation for ground contamination/gases can be addressed through the recommended planning condition.
- 7.5 This proposal would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 84 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD11 - Tourism Facilities and Visitor Accommodation

MD12 - Natural Environment

MD13 - Historic Environment

National Planning Policy Framework

RELEVANT PLANNING HISTORY: _

PREAPP/11/01503 Proposed Caravan (60%) /Activity Site (40%) PREAMD 6th December 2011

PREAPP/20/00170 Proposed change of use for leisure complex to include New Reception/office and amenity block, creation of wildlife pond and activity areas, woodland walks and recreation areas and a mixture of luxury lodges, cabin, static and touring caravans.

PREAMD 28th August 2020

21/03090/FUL Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping PDE

SA/06/0412/F Change of use of land for motorcycle activities including quad-biking and enduro-bikes (max 28 days), 4 x 4 events (max 28 days) and other recreational outdoor pursuits to include corporate team building, assault course, mountain biking, motorcycle schooling, 4 x 4 dealership demonstrations (max 150 days of which no more than 30 days for motorised vehicles), ancillary camping/caravan site in association with the above events and engineering operations to form landscape bunding REFUSE 16th August 2006

SA/04/0489/F Change of use of land for all year operation of motorsports including quad bikes, enduro bikes, 4x4 vehicles and demonstrations, motor cycle schooling and practice, mountain biking and outdoor pursuit activities (including corporate team building events / assault course / clay pigeon shooting). WDN 8th June 2004

11. Additional Information

[View details online:](#)

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 Claire Wild
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. No more than 120 static holiday caravans/lodges and 35 tourer holiday caravan pitches shall be stationed/provided on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

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

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

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

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

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

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

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

7. Before the static holiday caravans/ lodges are first installed on the land details of their appearance and external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the static holiday caravan/ lodges.

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

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives

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

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

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

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

development.

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

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

Reason: To safeguard the residential amenities of the area.

12. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

13. Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, 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 caravan/leisure park is first occupied.

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

14. The development hereby permitted shall not be brought into use until the new section of access road, areas shown on the approved plans for parking, loading, unloading, and turning of vehicles and passing bays have been provided properly constructed, laid out, hard surfaced and drained in accordance with details which have been approved in writing by the Local Planning Authority. The areas shall be maintained thereafter free of any impediment to their designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

15. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be

moved or removed only with the prior written approval of the Local Planning Authority

Reason: To safeguard the amenities of the local area by protecting trees.

16. Prior to the commencement of the development the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted arboricultural method statement and submit to the Local Planning Authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To safeguard the amenities of the local area by protecting trees.

17. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any such work commencing. The work shall then be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the local area by protecting trees.

18. New tree planting shall meet the requirements of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations.

Reason: To ensure the survival of new trees.

19. No above ground works shall be commenced until full details of both hard and soft landscape works, incorporating the details shown on drawing number 3072-001 Rev A (Landscape Mitigation Planting Plan) 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 upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

20. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy 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.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further 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 (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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 human health and offsite receptors.

21. Prior to first occupation / use of the holiday caravan site bat and bird boxes shall be installed in accordance with details of their makes, models and locations which have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 5 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 at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 4 of the Ecological Appraisal (Salopian Consultancy 14th June 2021).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

23. No development shall take place (including demolition, ground works and vegetation clearance) until a plan and details of the proposed protective fencing to be erected to safeguard the ancient woodland during construction of the development has been submitted and agreed in writing by the Local Planning Authority. The plan shall include a minimum 15m buffer temporarily fenced off.

Reason: To protect the ancient woodland and associated habitat from damage and disturbance.

24. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and paragraph 180 of the NPPF.

25. The wildlife pond shown on the approved site plan shall be constructed in accordance with section drawings showing its profiles and depth; details of its lining, overflow arrangements and the planting of its margins which have first been approved in writing by the Local Planning Authority.

Reason: To ensure the construction of a satisfactory pond which takes into account the ground conditions of the site, in the interests of public safety, visual amenity and biodiversity.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

oconstruct any means of access over the publicly maintained highway (footway/verge) or

ocarry out any works within the publicly maintained highway (street), or

oauthorise the laying of private apparatus within the confines of the public highway (street)

including any a new utility connection, or

oundertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or

ootherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

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

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

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

3. Section 278 Agreement

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>

Mud on highway

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

No drainage to discharge to highway

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

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.

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

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

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

5. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. 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 2006 Natural Environment and Rural Communities Act. 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.

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<p>Committee and date</p> <p>Southern Planning Committee</p> <p>23rd August 2022</p>
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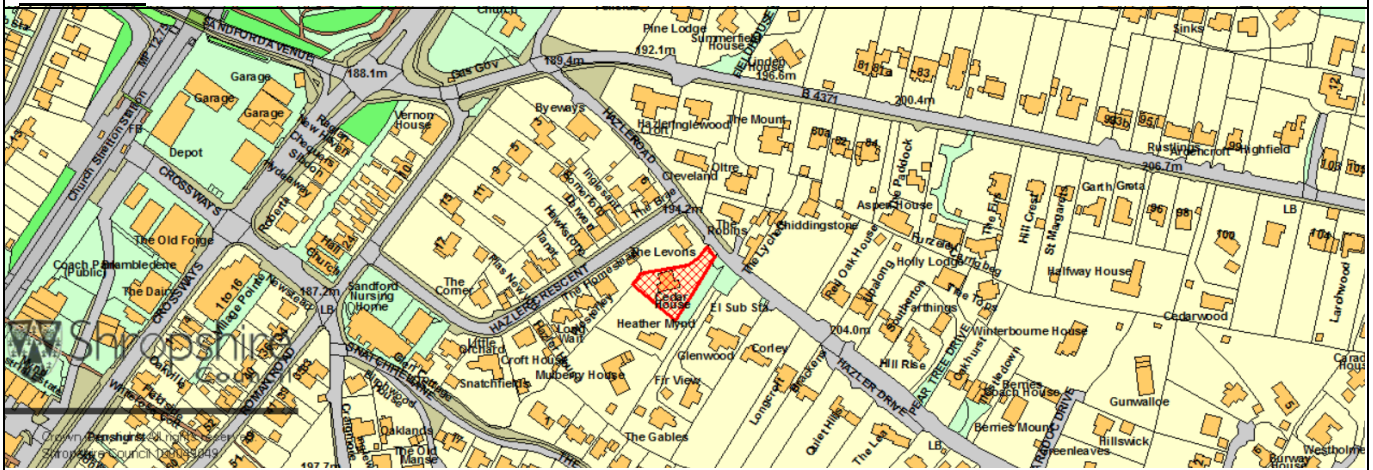
Development Management Report (Update)

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

Summary of Application

Application Number: 21/01955/FUL	Parish:	Church Stretton
Proposal: Erection of detached garage		
Site Address: New dwelling (Cedar House) adj. The Levons, Hazler Road, Church Stretton, Shropshire, SY6 7AQ		
Applicant: Halco Homes Ltd		
Case Officer: Trystan Williams	email: trystan.williams@shropshire.gov.uk	

Grid Ref: 345927 - 293480



Recommendation: Grant permission subject to the conditions set out in Appendix 1 of Annex A

UPDATE REPORT

1.0 Introduction and purpose of report

- 1.1 This application seeks full planning permission to erect a detached domestic outbuilding in front of a newly built dwelling approved under previous applications 18/01563/OUT and 20/02813/REM, partly in place of one of two on-site vehicle turning spaces.
- 1.2 At their meeting on 28th June 2022, notwithstanding an officer recommendation of approval, members of the Southern Planning Committee resolved to defer determining the application pending further negotiations with the property's new owners to try and address concerns, particularly about vehicles potentially needing to reverse out of the site onto the public highway. Subsequently, given the constraints of the plot, the applicants have decided not to submit amended plans showing the garage repositioned or foreshortened. However, they have submitted a brief statement explaining why they feel the scheme would not have any significant adverse impact on highway safety, as discussed in more detail below. Bearing this in mind (alongside all other material considerations), the committee is now requested to determine the application as it stands.
- 1.3 For background and ease of reference, the case officer's original committee report and recommendation are attached as Annex A.

2.0 Highway safety

- 2.1 The applicants' statement explains that even if the garage were to be set further back or foreshortened, there would be insufficient space for a turning facility in front owing to the plot's narrow width at this point. However, it emphasises that a 3-point turn is possible further back, at the head of the driveway directly in front of the new house. The applicants also argue that, in any event, highway safety would not be significantly compromised because:
- the site is accessed off a "very quiet" residential road subject to a 30mph speed limit;
 - reversing onto this road would not be contrary to the Highway Code or any other statutes; and
 - the access affords 41-metre visibility splays in both directions, which would be ample for exiting in either a forward or reverse gear.
- 2.2 Officers again acknowledge the safety concerns raised by the Highways Development Control Team, Church Stretton Town Council and neighbouring residents, and concede that turning in the remaining space directly in front of the house may not always be possible (for example if multiple cars are present) or attractive (as it would be quicker for drivers who have parked in the proposed garage to reverse straight out). However, it is maintained that there are many other properties along Hazler Road where cars must be reversed in or out, as is quite usual in residential areas. It is also true that the local planning authority, or for that matter the police, could not ultimately prevent motorists from reversing onto or off the road even if additional turning space were to remain available on-site. Furthermore, it is recognised that the shape of the plot and the need to avoid any further damage to retained trees (again see the original committee report in that respect) severely limit options for siting a garage elsewhere.

3.0 Conclusion

- 3.1 Overall, therefore, and also giving appropriate weight to the other relevant planning issues as discussed in the original report, officers maintain that the proposal accords with the principal determining criteria of the relevant development plan policies, and hence continue to recommend approval subject to conditions to reinforce the critical aspects.

ANNEX A

**COPY OF OFFICER REPORT AND RECOMMENDATION
CONSIDERED AT 28TH JUNE 2022 SOUTHERN PLANNING COMMITTEE MEETING**



Committee and date

Southern Planning Committee

28th June 2022

- New dwelling (Cedar House) adj. The Levons

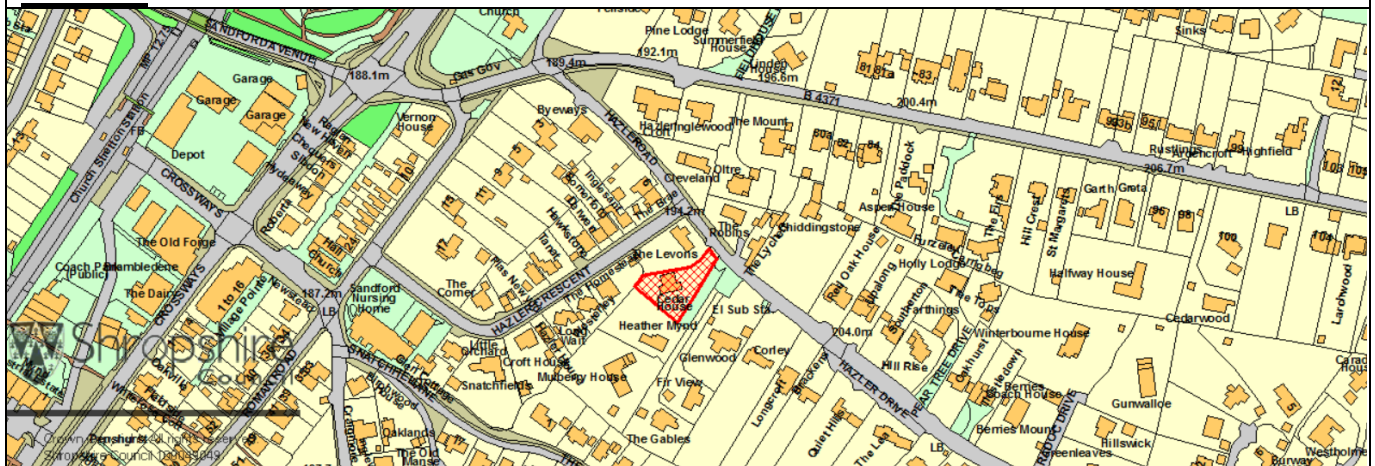
Development Management Report

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

Summary of Application

Application Number: 21/01955/FUL	Parish:	Church Stretton
Proposal: Erection of detached garage		
Site Address: New dwelling (Cedar House) adj. The Levons, Hazler Road, Church Stretton, Shropshire, SY6 7AQ		
Applicant: Halco Homes Ltd		
Case Officer: Trystan Williams	email: trystan.williams@shropshire.gov.uk	

Grid Ref: 345927 - 293480



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission to erect a detached domestic outbuilding in front of a newly built dwelling approved under previous applications 18/01563/OUT and 20/02813/REM. It would be a long, narrow 30.6m² single-storey structure with brick plinth, weatherboarded upper walls, side-hung vertical timber garage doors and a gabled clay tiled roof. It would contain a single garage at the front and a small storeroom behind.
- 1.2 As now clarified on an amended block/landscaping plan, the scheme also involves slight changes to the previously approved layout of the site entrance, and in this respect the application is retrospective. The double timber entrance gates are now slightly wider and aligned more centrally within the narrow road frontage rather than being offset to the right (northwest). Consequently, a short stretch of native hedge planting previously agreed to the left has been omitted except for a very small amount just in front of an established hedge along the southeast boundary. Instead, the gates are hung off brick piers with low stone flanking walls. Meanwhile the garage would encroach into what would have been an open parking space/turning head just inside the entrance, although the driveway would still extend along the building's right-hand side and up to another parking space/turning area in front of the dwelling itself.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Levons stands alongside the junction of Hazler Crescent with unclassified Hazler Road in Church Stretton's eastern suburbs and conservation area, and the wider Shropshire Hills Area of Outstanding Natural Beauty (AONB). It is a detached 1920s two-storey house faced in brick under a hipped plain tiled roof. On its southeast side, and previously part of its garden, the application site is a 0.095-hectare funnel-shaped plot with a narrow frontage onto Hazler Road as described above, and the new dwelling (now named 'Cedar House', and of two storeys in brick and weatherboarding with a projecting timber-framed and glazed dormer over the entrance) set well back and elevated slightly where the space opens out. The outbuilding would stand just inside and left of the entrance, against the southeast boundary with a tree-lined driveway serving two dwellings on 'backland' plots. Further southeast is another shared driveway and, beyond that, an Arts and Crafts-style house with mock-Tudor and weatherboarded front gables. More dwellings opposite are again varied in form and style, but most have generous plots with established hedges and trees.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to the planning committee for determination because the officer recommendation of approval is contrary to an objection from the Town Council, and Shropshire Council's Planning and Development Services Manager, in consultation with the Planning Committee Chairman and Local Member, agrees that material planning considerations have been raised and warrant consideration by the full committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Shropshire Hills AONB Partnership – comment:

No site-specific comments. However, this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB designation, planning policies concerned with protecting the landscape, plus the statutory AONB Management Plan. The Partnership also reserves the right to make a further, detailed response.

4.1.2 Shropshire Council Flood and Water Management – comment:

Any permission given should include an 'informative' encouraging sustainable surface water drainage systems (SuDS).

4.1.3 Shropshire Council Historic Environment (Archaeology) – no objection:

No comments

4.1.4 Shropshire Council Historic Environment (Conservation) – no objection:

The garage would be modest in scale and form, and would have minimal impact upon the conservation area's character and appearance.

4.1.5 Shropshire Council Tree and Woodland Amenity Protection:

25/5/21 – objection:

For the following reasons it is recommended that planning permission is refused:

- The proposal has arboricultural implications which conflict with the previously approved site layout.
- Since the garage would significantly encroach into the Root Protection Area (RPA) of a retained tree protected by both the conservation area regulations and conditions attached to the previous reserved matters approval for the new dwelling, the scheme also conflicts with good practice as set out in BS5837:2012 '*Trees In relation to demolition design and construction*'.
- Additionally, the proposals would erode the previously approved landscaping scheme without capacity for sustainable compensation or other improvements to the street scene in the conservation area and AONB. This is contrary to aspirations for sustainable design and environmental net gains under the Council's Core Strategy Policy CS6 and Site Allocations and Management of Development (SAMDev) Plan Policies MD2 and MD12.

4.1.6 29/7/21 – objection:

The further amended block/landscaping plan now submitted offers no significant advantages, so the previous objection is maintained. Neither has any additional arboricultural detail or evidence to justify the tree and landscape impacts been provided.

4.1.7 19/11/21 – objection:

Further information from an arboricultural consultant has now been provided. This concedes that a tree protection plan agreed under a previous planning condition was breached by excavations and siting of a shipping container within the RPA of a whitebeam protected by the conservation area regulations, whilst the house was

being built. The consultant proceeds to argue that this has already affected the tree's vigour, and hence that it is now acceptable to construct the outbuilding within the same area provided a 'no-dig' method is used. This is at best an afterthought and damage limitation exercise which cannot be supported. Instead, the excavated ground should be reinstated.

4.1.8 It is also reiterated that, besides the additional built form of the proposed garage, omitting the previously agreed hedgerow planting would further erode the verdant character of the Hazler Road street scene.

4.1.9 Shropshire Council Highways Development Control – objection:

As previously approved the area of the proposed garage would have been used as additional turning space, enabling vehicles to enter and exit the property in a forward gear. Omitting this facility is likely to result in reversing manoeuvres on the public highway. Any garage here should be repositioned to enable turning on-site, as should be confirmed on a dimensioned scale drawing also clearly showing all available parking spaces.

4.1.10 Church Stretton Town Council:

3/6/21 – objection:

By occupying space previously allocated for turning, the proposed garage would lead to drivers having to reverse blindly out onto Hazler Road at a point close to five other property entrances. Furthermore, the previously agreed hedgerow planting is now omitted.

4.1.11 20/7/21 – objection:

The revised block plan includes an existing tree previously omitted, extremely close to the proposed garage, which would encroach into its RPA. Councillors therefore share the concerns of Shropshire Council's Tree Officer.

4.2 **Public comments**

4.2.1 Residents from five separate households have objected on the following grounds:

- The proposed outbuilding at the very front of the site would be too prominent within the street scene and conservation area, and contrary to a Town Council Design Guide which encourages garages to be set back level with or behind established building lines.
- Providing access to the garage would involve omitting new hedgerow planting along the site frontage, in contravention of previous planning conditions and to the detriment of the street scene. This planting was intended to compensate for a hedge which was removed when the new dwelling was built.
- The small section of hedgerow planting now proposed on the amended block/landscaping plan would not remotely meet the requirements of the current planning permission, which includes planting along half of the road frontage.
- The garage would encroach into the RPA of a mature tree which was omitted from the original plan.
- The single garage would occupy a space which might otherwise have accommodated two cars, leaving inadequate parking provision for the new four-bedroomed house.
- The garage's proximity to the site frontage means it would afford emerging drivers

with inadequate visibility along the road, thereby compromising the safety of passing traffic and pedestrians.

- The garage would leave inadequate turning space within the site and result in drivers reversing into the road.

5.0 THE MAIN ISSUES

- Principle of development
- Layout, scale, design and impacts on conservation area/wider landscape
- Access and highway safety
- Impact on residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The development is acceptable in principle as it relates to the previously approved and now established new dwelling on the site. Ancillary use of the outbuilding would be reinforced through a standard condition.

6.2 Layout, scale, design and impacts on conservation area/wider landscape

6.2.1 Core Strategy Policy CS6 and SAMDev Plan Policy MD2 expect all development to protect, restore, conserve and enhance the natural, built and historic environment, and to reinforce local distinctiveness by taking account of building forms, scale and proportion, heights and lines, materials and architectural detailing. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have particular regard to the desirability of preserving or enhancing the character and appearance of conservation areas. This is reflected by Part 16 of the National Planning Policy Framework (NPPF) and SAMDev Policy MD13, which attach great weight to conserving the significance of designated heritage assets, and require even 'less than substantial' harm to be weighed against any public benefits of the proposal. The NPPF also requires great weight to be given to conserving landscape quality and character in AONBs.

6.2.2 It is agreed with the Conservation Officer that the outbuilding itself would not be unduly prominent given its small scale, low height, traditional form, proportions, materials and detailing, the backdrop of established vegetation (and not just the whitebeam tree whose root protection area is in question), plus the fact that despite being positioned in front of Cedar House it would still be set back slightly from the façade of neighbouring property The Levons. Moreover, another outbuilding occupied a very similar position until recently.

6.2.3 The key issue, then, is whether potential damage to the whitebeam tree and omitting the previously agreed hedge planting would be harmful enough to warrant refusing planning permission.

6.2.4 Clearly the Council would not lightly condone the recent breach of the previously agreed tree protection plan, and it is noted that the Tree Officer recommends reinstating the ground to try and reinvigorate the tree rather than proceeding to build the garage, despite the applicant's arboricultural consultant suggesting that no-dig construction would potentially avoid any further significant impact. However, it was accepted under the previous application that this is an individually unremarkable 'Category C' tree of low quality and with an expected lifespan of 10-20 years.

Ultimately, therefore, it would be unlikely to merit a tree preservation order in the event of a Section 211 application to remove it, and under which there would similarly be no provision for compensatory planting.

- 6.2.5 It is recognised that the whitebeam does have group value in terms of extensive tree cover being a particular characteristic of this part of the conservation area, and acknowledged that in a recent appeal decision concerning development elsewhere along Hazler Road the Planning Inspectorate gave significant weight to that issue (ref. 21/02908/REF and associated planning application 20/02537/OUT). However, that was a larger-scale scheme for two new dwellings, and would have directly involved removing a number of mature trees.
- 6.2.6 Officers also judge that the reduced hedgerow planting resulting from the slight reconfiguration of the site's entrance does not demonstrably harm the conservation area. This would always have been a short stretch of hedgerow set back behind visibility splays, and whilst the new entrance currently looks a little stark, its brick piers and stone walling are completed to a high standard, recessed behind vegetation on either side, and will soon weather.
- 6.2.7 Furthermore, this modest development in a suburban setting has no significant impact on the wider landscape.
- 6.2.8 Overall, therefore, and on balance, officers suggest that the above policies are satisfied, and find the scheme's visual, heritage and landscape effects acceptable.

6.3 **Access and highway safety**

- 6.3.1 Officers also acknowledge the consultee and public concerns about access and highway safety, and concede that turning in the remaining space directly in front of the new house may be tight or unattractive to drivers who have parked in the proposed garage nearer the site entrance. However, there are many other properties along Hazler Road where cars must be reversed in or out, as is quite usual in residential areas.
- 6.3.2 The amended block plan confirms that the access retains 41-metre visibility splays in both directions, and shows sufficient space for both the garage doors and the site entrance gates to be opened or closed simultaneously while cars stand on the access apron, clear of the road. Meanwhile there would still be two dedicated on-site parking spaces including the garage (plus room for many more cars along the driveway subject to them reversing in or out), which is considered sufficient given the location within walking distance of a train station and town centre services, and the lack of any specific parking standards in the Council's Local Plan policies.

6.4 **Impact on residential amenity**

- 6.4.1 The outbuilding would not result in significant overlooking or overshadowing, or appear overbearing, given its small scale and separation from the neighbouring properties.

7.0 **CONCLUSION**

- 7.1 The development is acceptable in principle as it would be ancillary to the main house. The outbuilding itself, being small in scale and sympathetically designed, would not

be unduly prominent, and whilst there are some implications for previously agreed tree protection and landscaping plans, on balance it is not considered that these would demonstrably harm the character and appearance of the conservation area or the wider landscape. Neither do officers anticipate significant highway safety or residential amenity impacts. Overall, therefore, the application is considered to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

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

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

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

8.2 Human rights

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the community.

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications if the decision and/or imposition of conditions are challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into

account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10.0 BACKGROUND

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS17 - Environmental Networks

SAMDev Plan Policies:

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

Relevant Planning History:

18/01563/OUT – Erection of dwelling and garage; formation of access drive (outline application with matters of access, appearance, landscaping, layout and scale reserved) (permitted June 2018)

19/01833/REM – Approval of reserved details (access, appearance, landscaping, layout and scale) in pursuance of outline planning permission No. 18/01563/OUT (for erection of dwelling and garage, and formation of access drive) (withdrawn January 2020)

20/02813/REM – Approval of reserved matters (access, appearance, landscaping, layout and scale) in pursuance of outline planning permission No. 18/01563/OUT (for erection of dwelling and formation of vehicular access) (permitted November 2020)

21/00231/DIS – Discharge Conditions 2 (materials), 3 (roof detailing) and 4 (fenestration) of reserved matters approval No. 20/02813/REM (for erection of dwelling) (approved January 2021)

21/00745/DIS – Discharge Condition 4 (drainage) of planning permission No. 18/01563/OUT (for erection of dwelling and formation of access drive) (approved February 2021)

21/04722/DIS – Discharge Condition 4 (fenestration) of reserved matters approval No. 20/02813/REM (revised proposal following previous approval of application 21/00231/DIS) (approved October 2021)

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QRMA54TDMD700>

List of Background Papers:
Application documents available on Council website
Cabinet Member (Portfolio Holder):
Cllr Ed Potter
Local Members:
Cllr David Evans Cllr Hilary Luff
Appendices:
Appendix 1 – Conditions and Informatives

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

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

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

2. The development shall be carried out in strict accordance with the approved, amended plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development, in accordance with Policies CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS THAT REQUIRE APPROVAL DURING CONSTRUCTION/PRIOR TO OCCUPATION OF DEVELOPMENT

3. No works in connection with the outbuilding hereby permitted, including further ground clearance or excavations, shall commence until there has been submitted to and approved in writing by the local planning authority a scheme to safeguard existing trees and hedges which are to be retained on the site and along its boundaries. This shall include:
 - a) A tree protection plan which reflects guidance in BS 5837:2012: 'Trees in relation to design, demolition and construction'
 - b) A fully detailed and task-specific arboricultural method statement for all works within agreed root protection areas as defined in (a), to include details of a 'no-dig' construction method for the outbuilding

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

Reason: To safeguard retained trees and hedges in order to help preserve the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS RELEVANT FOR LIFETIME OF DEVELOPMENT

4. The external materials of the outbuilding hereby permitted shall match in colour, form and texture those of the existing dwelling on the site.

Reason: To ensure that the development harmonises with the existing dwelling, and to help preserve the character and appearance of the Church Stretton Conservation Area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

5. The outbuilding hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the existing dwelling on the site as a single dwelling unit. At

no time shall any part be occupied as a separate dwelling, or used for commercial or business purposes beyond a level that is incidental to the primary residential use.

Reason: To help safeguard the residential amenities of the area, in accordance with Policies CS6 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

1. Your attention is drawn specifically to Condition 3 above, which requires the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

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

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

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <http://www.shropshire.gov.uk/roads-and-highways/developing-highways/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

3. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.
4. If any vehicular access and/or parking/turning areas slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water from the development to drain onto the public highway or into highway drains.

5. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the use of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.
6. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework Paragraph 38.



Committee and date

Southern Planning Committee

23rd August 2022

PROPOSED REDEVELOPMENT OF FORMER IRONBRIDGE POWER STATION REPORT SEEKING ONWARD DELEGATION TO DETERMINE THE CROSS - BOUNDARY APPLICATIONS ON BEHALF OF TELFORD & WREKIN COUNCIL

Responsible Officer Tim Rogers: e-mail: tim.rogers@shropshire.gov.uk

1. Summary

- 1.1 Shropshire Council and Telford & Wrekin Council have considered a 'Cross boundary planning application', applications to re-develop the former Ironbridge Power Station site for housing, employment and related uses. This has required the developer to submit two separate planning applications to each planning authority. Whilst separate applications the Councils have worked in close partnership to enable a deliverable and sustainable development.
- 1.2 Shropshire is the 'lead planning authority' as the majority of the application site falls within the Council's area. Half of an existing road bridge and rail bridge are located within the Telford & Wrekin area.
- 1.3 The Telford and Wrekin application received an approval resolution in May 2021. The corresponding Shropshire application (19/05560/OUT) received an approval resolution subject to s106 Legal Agreement in September 2021. Since this time work on the complicated legal agreement to accompany the planning permission has progressed and this will be completed shortly.
- 1.4 The Telford approval resolution is subject to a Memorandum of Understanding ('MOU') with Shropshire Council which is also nearing completion. This will ensure that an appropriate proportion of the infrastructure contributions on this cross-boundary application mitigates the impacts of the development within the boundary of Telford & Wrekin. This is in accordance with a schedule which has been agreed between the Authorities and ratified by Shropshire Council's Southern Area Planning Committee.
- 1.5 As Shropshire is the lead planning authority for the former power station site Telford & Wrekin Council has indicated as part of its committee resolution that, subject to completion of the MOU, it intends to delegate responsibility for determining the outline planning application and any future planning application at the former Power Station site to Shropshire Council. This is subject to the continued close partnership workings that has been established determining this application. Telford & Wrekin Council would retain an active role considering

relevant matters, however the administration related to such applications would be significantly reduced for all parties. It should be noted in this respect that most future applications affecting the site will affect areas falling solely within the Shropshire Council administrative boundary.

- 1.6 Article 11.4 of the Council's Constitution advises that approval of the relevant area planning committee is required in order to accept an onward delegation to determine cross boundary planning applications from another local planning authority. This report seeks to secure such approval to ensure, without prejudice, that the outline planning applications and any subsequent planning applications relating to the site (reserved matters / discharge of conditions etc.) can be determined solely by Shropshire Council in order to avoid unnecessary duplication.

2. Recommendation

That Members accept the onward delegation to determine cross boundary planning applications from Telford & Wrekin Council Local Planning Authority to the Shropshire Council Local Planning Authority in accordance with Article 11.4 of the Council's constitution and following completion of the associated s106 agreement and Memorandum of Understanding

REPORT

3. The Ironbridge Power Station Planning Application

- 3.1 Shropshire Council received the following planning application (Reference 19/05560/OUT) in December 2019:

Proposal: 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.

Address: Land at former Ironbridge Power Station, Buildwas Road, Ironbridge, Telford, Shropshire, TF8 7BL. Applicant: Harworth Group Plc

- 3.2 The outline planning application received an approval resolution on 20th September 2021 following extensive planning consultations. Permission is now about to be issued as the associated s106 legal agreement will shortly be completed.
- 3.3 Issuing the permission will immediately trigger the submission of subsequent applications for reserved matters and discharge of conditions on phase 1 of the development. It would be expedient for these and other future applications to be

dealt with solely by Shropshire Council as the lead planning authority to avoid duplication and potential confusion.

- 3.4 Such applications would be compliant with the infrastructure schedule agreed between the Planning Authorities and Harworth and secured by the s106 Agreement and Unilateral Undertaking referred to above. Telford & Wrekin Council would of course remain an important planning consultee for such applications.

4. Onward delegation of planning control from Telford & Wrekin Council

- 4.1 In resolving to approve their equivalent outline planning application the Telford & Wrekin Council Planning Committee accepted their officer recommendation that responsibility for determining the outline application should be delegated solely to Shropshire Council as the lead planning authority for the site. Future applications to Telford and Wrekin would be determined under the scheme of delegation, and Telford & Wrekin Council have indicated through officer's scheme of delegation these should also be determined by Shropshire, subject to the continued partnership arrangements.

- 4.2 The approval of this Committee is therefore required in order for Shropshire Council to accept the onward delegation to determine the cross boundary planning applications from Telford & Wrekin Council under Article 11.4 of Shropshire Council's Constitution.

- 4.3 A significant number of subsequent applications for reserved matters approval and discharge of conditions are expected to be received over the expected 14-year build-out period of the Harworth development. This is having regard to the major and multi-phase nature of the proposals. Each application will be subject to its own planning consultation process. If all subsequent applications were determined by both Shropshire Council and Telford & Wrekin Council, then this would lead to unnecessary duplication and potential confusion amongst consultees and other planning stakeholders.

- 4.4 In view of this it is considered expedient to accept the offer to receive onward delegation to determine these planning applications from Telford & Wrekin Council pursuant to that Council's approval resolution in May 2021.

5. Conclusion

- 5.1 It is considered expedient for Shropshire Council to accept the offer of onward delegation to determine the cross-boundary planning applications from Telford & Wrekin Council with respect to the proposals to redevelop the Ironbridge Power Station site for the reasons stated. This would be subject to continued close collaboration between the two Council's and in accordance with the Memorandum of Understanding between the two Councils, the associated S106 Agreement, and the agreed conditions.

6. Risk Assessment and Opportunities Appraisal

- 6.1 Predetermination: This report seeks approval of this committee to accept the onward delegation of planning control from Telford & Wrekin Council specifically with respect to the redevelopment proposals for the former Ironbridge Power Station site. Shropshire is the lead planning authority and most of the application area falls within Shropshire Council's administrative boundary. As both authorities have made approval resolutions for their respective outline applications there is no issue of predetermination.
- 6.2 Human Rights: – Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These must 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.
- 6.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.
- 6.4 Environmental consequences of the proposal: The environmental consequences of the proposals to redevelop the Ironbridge Power Station site have been comprehensively assessed as part of the planning consultation process and through assessment of the proposals in 3 separate meetings of the Council's Southern Area Planning Committee. The proposal to accept the offer of onward delegation to determine all cross-boundary applications from Telford & Wrekin Council has no material environmental consequences. Future planning applications will be subject to the same detailed level of planning consultation including with Telford and Wrekin Council, thereby allowing any environmental implications to be appropriately assessed and addressed.
- 6.5 Stakeholder Consultation: The outline planning application for redevelopment of the Ironbridge Power Station site has been subject to extensive consultation with consultees, stakeholders, and local residents. The extent of these consultations is detailed in the relevant committee reports.
- 6.6 Financial Implications: There are no material financial implications in relation to resource or administration arising from the proposal to accept onward delegation to determine cross boundary applications from Telford & Wrekin Council with respect to the Ironbridge outline planning application. The financial mitigation and viability of the proposed redevelopment scheme have been comprehensively detailed in the relevant reports to the Southern Area Planning Committee, and are not altered.
- 6.7 Additional Information:

List of Background Papers - Documents and plans relating to outline planning application 19/05560/OUT considered at the meeting of the Southern Area Planning Committee on 20th September 2021

Cabinet Member (Portfolio Holder) - Cllr Ed Potter

Local Member Cllr Claire Wild,
Cllr Dan Thomas, Cllr Caroline Bagnall (Adjacent Wards)

Appendices - None

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Committee and date
Southern Planning Committee
23 August 2022

Development Management Report

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

Summary of Application

Application Number: 22/00778/OUT

Parish: Diddlebury

Proposal: Outline application for the erection of an agricultural workers retirement dwelling to include access

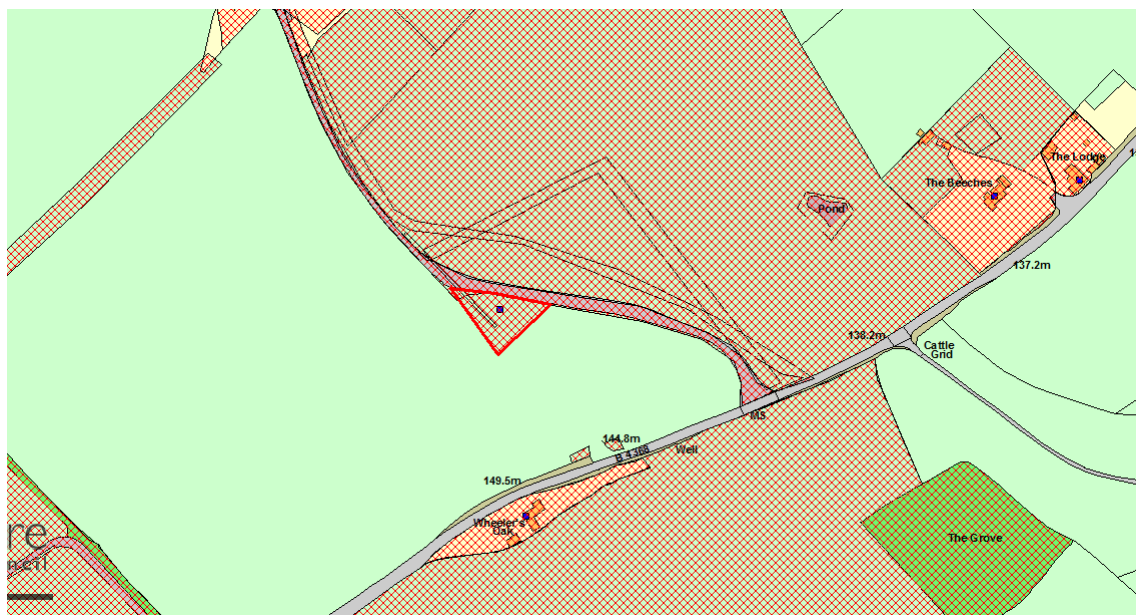
Site Address: Proposed Agricultural Workers Dwelling South Of Corfton Farm Corfton Shropshire

Applicant: Mr S Povall

Case Officer: David Jones

email : david.jones@shropshire.gov.uk

Grid Ref: 348935 - 284711



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Recommendation:- That planning permission be refused for the following reasons:

1. The scale of the development would exceed the size restrictions in policy MD7a of the SAMDev (2015) and the Supplementary Planning Document (SPD) Type and Affordability of Housing (adopted 12th September 2012) which seek to ensure that secondary agricultural dwellings are suitable for affordable housing purposes should they no longer be required for agricultural purposes. It is also not considered that the case has been made for an essential need for an additional third worker to live on site for the proper functioning of the farming enterprise nor have the advantages to the business been satisfactorily demonstrated in planning terms for an agricultural retirement dwelling. The proposal is therefore contrary to policy CS5 of the Core Strategy, policy MD7a of the SAMDev Plan and the Type and Affordability of Housing SPD.
2. It considered that the location of the development would result sporadic and isolated development in this countryside location which would detrimentally affect the amenities and character of the area and the landscape and scenic beauty of this part of the Area of Outstanding Natural Beauty. The proposal is therefore contrary to policies CS6 and CS17 of the Core Strategy and policies MD2 and MD12 of the SAMDev Plan.
3. Whilst the benefits of the proposal are acknowledged, these are not considered to be sufficient to outweigh the conflict with Development Plan policy.

REPORT

1.0	THE PROPOSAL
1.1	This is an outline planning application for an agricultural workers retirement dwelling, the vehicular access to the development has been included for consideration as part of the planning application.
1.2	Though the planning application is in outline form it has been confirmed that the proposed agricultural workers retirement dwelling would provide around 120 square metres floorspace which the Planning Application Supporting Statement explains is the size of an affordable dwelling plus the additional space for a boot room and a farm office. Further that the proposal is made for a bungalow with a maximum width of 16.5 metres, a maximum depth of 14 metres, and a maximum height of 6.2 metres. Access would be via the existing track to the farm which has an existing vehicular access with the B4386 to the south.
1.3	The application is supported by: <ul style="list-style-type: none"> - Planning Application Supporting Statement. - Rural Workers Justification Report.
1.4	The submission explains that the applicant is a partner and a director in two business at the farm. The farm comprises a total of 749 hectares (1850 acres) and

	that all but 10 hectares (25 acres) of which is arable land. It is further explained that the majority of the farm is owned 142 hectares (350 acres) or rented 405 hectares (1000 acres) with a significant acreage of land taken on contract farming agreements or annual cropping licenses 202 hectares (500 acres). A range of various types of outbuildings are present at the farmstead. The arable enterprise comprises 536 acres growing various crops on a rotation basis. In addition, a broiler enterprise is operated with 4 poultry buildings with capacity to house 220, 000 birds, rearing a total of approximately 1, 650, 000 birds per year. The submission explains that the primary functional need for on farm residential accommodation relates to the management and daily running of the poultry site and that the majority of labour for the arable enterprise does not need to reside on site.
1.5	The applicant and his son are employed full time and also manage the arable and the poultry business. It is explained that the applicant is approaching retirement age and intending to train and support his son who will eventually take over the farming operations. The applicant currently resides in a farmhouse on the farmstead and his son resides in an annexe to this property.
1.6	The arable and the poultry businesses each employ one member of staff and additional labour is obtained at peak times which can result in there being up to 20 workers at one time. The submission explains that the manager of the poultry operation lives at an existing house adjacent to the farmstead.
1.7	The foul drainage will be discharged into a package sewage treatment plant which it is gleaned will thereafter be discharged into a soakaway, surface water will also be disposed of to a soakaway.
2.0	SITE LOCATION/DESCRIPTION
2.1	The application site is located to the north of the B4386 in proximity to Corfton. The application site comprises part of an arable field located around 200 metres south of existing farmstead. A range of various types of outbuildings are present at the farmstead. There are also two residential properties present on the farmstead one of which benefits from an annexe.
2.2	The application site is located within the Area of Outstanding Natural Beauty "AONB".
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
	The officer recommendation is contrary to the views of the Parish Council and it has been agreed at the agenda-setting meeting that it is appropriate for the application to be determined by Planning Committee given the issues raised.
4.0	Community Representations
4.1	Consultee Comment

4.1.1	<p>Diddlebury Parish Council</p> <p>24/03/2022 Support. The parish council voted to support this application and raise no objections.</p>
4.1.2	<p>SC Highways</p> <p>23/03/2022 From a highways perspective, no objection is raised to the proposed development subject to the following conditions and informative notes. Observations/Comments:</p> <p>The proposal seeks outline consent with access as a determined matter and all other matters reserved, for the erection of an agricultural workers retirement dwelling. The proposed dwelling will be accessed from the private drive that leads to Corfton Farm. The access junction of the private drive with the B4386 is acceptable.</p> <p>Conditions:</p> <p>Parking and Turning No development shall take place until full details for the parking 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.</p> <p>Informative notes:</p> <p>Works on, within or abutting the public highway This planning permission does not authorise the applicant to:</p> <ul style="list-style-type: none"> - carry out any works within the publicly maintained highway, or - authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway <p>The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details https://www.shropshire.gov.uk/roads-and-highways/road-network-management/#</p> <p>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.</p> <p>No drainage to discharge to highway</p> <p>Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No</p>

drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

Mud on highway

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

4.1.3

Drainage & SUDS

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Councils Development Management Team.

Informative Notes:

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.

4.1.4	<p>SC Ecology</p> <p>31.03.2022 Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.</p> <p>I have reviewed the information and plans submitted in association with the application and I am happy that no ecological survey is required for the proposed development.</p> <p>Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area. SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.</p> <p>I recommend that the following conditions and informatives are included on the decision notice:</p> <p>Bat and bird boxes condition</p> <p>Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:</p> <ul style="list-style-type: none"> - A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species. - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for Sparrows (32mm hole, terrace design), House Martins (House Martin nesting cups) and/or small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development. <p>The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.</p> <p>Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.</p> <p>Lighting Plan condition</p> <p>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</p>
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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.

Nesting birds informative

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

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

All vegetation clearance should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

General site informative for wildlife protection

Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. 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 2006 Natural Environment and Rural Communities Act. 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.

Landscaping informative

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

4.1.5

SC Archaeology

Background to Recommendation:

The development site lies immediately adjacent an enclosure site c250m south of Corfton Farm (HER PRN 04894) and a second cropmark enclosure c340m south of Corfton Farm (HER PRN 04186). The development site also falls within the former extent of Corfton Hall Park (HER PRN 21724). A geophysical survey (Stratascan,

	<p>August 2014, Ref. J725) and a watching brief (Headland Archaeology, March 2015) were carried out on land immediately adjacent to the development site for the new trackway. Neither the geophysical survey nor the archaeological monitoring identified features relating to the cropmark enclosure, and it was concluded that the possible enclosure may never have extended into the area subject to the archaeological investigations, or evidence for its presence may have been truncated by subsequent ploughing or tree planting. Both the geophysical survey and watching brief did however identify a possible third enclosure site ditch, c.390m south east of Corfton Farm (HER PRN 31403). Given the density of likely prehistoric activity in this area, the proposed development site is considered to have moderate to high archaeological potential.</p> <p>RECOMMENDATION:</p> <p>In view of the above, and in relation to Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development. As a minimum, this is likely to comprise an archaeological watching brief on all ground works associated with the development. However, additional archaeological work may be required depending on further details submitted with the reserved matters application. Any associated infrastructure such as drainage, soakaways and services should avoid direct impact on the adjacent cropmark enclosures.</p> <p>An appropriate condition of any such consent would be: Suggested Conditions:</p> <p>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.</p>
4.1.6	<p>Shropshire Hills AONB Partnership</p> <p>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.</p>
4.2	<p>Public Comments</p>
4.2.1	<p>The planning application was advertised with a site notice and the publicity period expired on the 29.03.2022. At the time of writing no observations have been</p>

	received in relation to the planning application.
5.0	THE MAIN ISSUES
	Principle of development Siting, scale and design of structure Visual impact and landscaping
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.2	Policy CS5 (Countryside and Green Belt) of the Core Strategy states that development proposals on appropriate sites which maintain and enhance the countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits particularly where they relate to dwellings for agricultural workers.
6.1.3	<p>Policy MD7a (Managing Housing Development in the Countryside) of the SAMDev permits dwellings to house essential rural workers in the countryside subject to the following criteria which are applicable to the proposal under consideration:</p> <p>a) there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business; and,</p> <p>b) in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution towards the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling.</p> <p>c) in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the enterprise for the majority of the time, a functional need is demonstrated, and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.</p>
6.1.4	The policy goes on to state that such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural business may also be subject to occupancy restrictions. At paragraph 3.60 of the supporting text of this policy it is explained that for an additional rural worker dwelling it is essentially treated as a specialist type of affordable dwelling (as set out in Core Strategy Policy CS 5) and will be treated in a similar way when considering proposals. As such it is clear that there is not the same flexibility as regards the scale of the floorspace of a

	secondary agricultural dwelling in comparison with a primary dwelling.
6.1.5	The Supplementary Planning Document (SPD) Type and Affordability of Housing (adopted 12th September 2012) at paragraph 3.2 states that applicant's will be required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at the business for the majority of the time (being 24 hours a day, 7 days a week). The policy goes on to state that consideration may be given to business cases which support farmers with a family connection seeking to retire on the farm, if an advantage to the business continuity can be proven and the property is treated on a similar footing to an affordable dwelling.
6.1.6	The SPD states at paragraph 3.7 that in locations where market housing is not normally permitted occupational dwellings are justified on their functional need and should the need disappear, they will default to become rural affordable dwellings. The SPD also acknowledges that there may be a need for a farm office or wet room as part of the development. The guidance goes on to explain that the starting point is that the rural occupational dwelling should aim for a maximum gross internal floorspace of 100sqm for consistency with the maximum size allowed for an affordable dwelling.
6.1.7	The National Planning Policy Framework states planning decisions should avoid the development of isolated homes in the countryside unless one or more of the listed circumstances apply. This includes cases where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
6.1.8	In planning policy terms, the application site is considered to be located in the countryside. The nearest settlement is located to the north east at Corfton which is designated as a community cluster under the provisions of the development plan where limited residential can be permitted.
6.1.9	The proposal is made for an additional farm dwelling and part c) of policy MD7a explains that where the case is made for an additional farm dwelling to provide further accommodation for a worker who is required to be present at the enterprise for the majority of the time a functional need has to be demonstrated and the dwelling should be treated as affordable housing, including the applicable size restrictions. The SPD also states that consideration may be given to business cases which support farmers with a family connection seeking to retire on the farm, if an advantage to the business continuity can be proven and the property is treated on a similar footing to an affordable dwelling.
6.1.10	Based on the calculations provided by the applicant it is also accepted that the poultry operation can justify a requirement for a full-time worker in man hour terms.
6.1.11	The planning application is made for a secondary dwelling and the information submitted with the application indicates that it will have a floor area of around 120 metres square as it includes additional space for a boot room and a farm office.

	<p>Policy MD7a allows some flexibility in terms of floor area for a primary dwelling. This is not the case were planning application to be submitted for an additional dwelling to provide further accommodation for a worker who is required to be present at the enterprise and instead there is a more rigid size restriction that the floor area should not exceed 100m² such that were it no longer required for agriculture it can be made available as an affordable dwelling in accord with the requirements of the policy. It is considered material in this regard that there is already an existing dwelling on the farmstead which is currently occupied by the applicant, and which serves as the primary dwelling for the farm. The proposal is therefore considered to contravene the provisions of policy MD7a due to the size of the secondary dwelling proposed.</p>
6.1.12	<p>In terms of the functional need it is necessary to establish whether it is essential for one or more workers to be readily available at most times for unexpected situations outside of normal working hours. The Rural Workers Justification Report explains that the primary functional need for on farm residential accommodation relates to the management and daily running of the poultry site and that the majority of labour for the arable enterprise does not need to reside on site. It is also explained that the poultry site manager is contracted between 9am and 5pm and two hours per day on Saturday and Sunday. The responsibilities of the Poultry Site Manger also do not extend to the heating system for the broiler enterprise. On this basis it is considered that the contract hours of the poultry site manger indicate that their presence on site for the majority of the time (being 24 hours a day, 7 days a week) is not essential. Having regard to the latter point and given that the remainder of the farm business is predominantly arable, also that there are already two dwellings and an annexe present on the farmstead it is not considered that the case is made for an additional third worker to live on site for the proper functioning of the enterprise.</p>
6.1.13	<p>The SPD states that consideration may be given to business cases which support farmers with a family connection seeking to retire on the farm, if an advantage to the business continuity can be proven and the property is treated on a similar footing to an affordable dwelling. The submission states that the proposal forms part of an intention by the applicant's son to succeed him in the business. Whilst the intent is described there appear to be no legally binding arrangements to demonstrate that the management of the farm business would be transferred to the applicant's son or that the transfer of management is conditional upon the grant of planning permission for the agricultural retirement dwelling. In addition as the dwellings exceeds the size requirements for an affordable dwelling (being 120 metres square as opposed to 100 metres square) it is not considered that proposal is being treated on a similar footing as an affordable dwelling under the terms of the guidance. Having regard to these material considerations it is not considered that advantage to the business has been demonstrated under the terms of the guidance nor would the dwelling be affordable dwelling in terms of its size.</p>
6.2	Siting, scale and design of structure
6.2.1	<p>Policy CS 6 (Sustainable Design and Development Principles) of the Core Strategy (2011) seeks to create sustainable places by ensuring that development will be</p>

	designed to a high quality using sustainable design principles to achieve an inclusive and accessible environment which respects and enhances local distinctiveness, and which mitigates and adapts to climate change. The policy also seeks to ensure that all development meets the requirements listed which includes protecting the historic environment, protects residential and local amenity and includes appropriate car parking and landscaping provision. Policy MD2 (Sustainable Design) of the SAMDev (2015) contains similar provisions at 2. i. and requires that development contributes to and respects local distinctive character by responding appropriately to the form and layout of existing development.
6.2.2	The agricultural dwelling is sited around 200 metres to the south of the farmstead. The distance from the farmstead means that unlike the two existing dwellings present that it will not readily have sight or sound of the outbuildings present. It is considered that this reinforces the earlier conclusion that the case has not been made for an additional third worker to live on site for the proper functioning of the farm enterprise. It is also considered that given the location away from the farmstead that the proposal would result sporadic and isolated type development in this countryside location which would detrimentally affect the amenities and character of the area.
6.3	Visual impact and landscaping
6.3.1	The application site is located within the AONB. On this basis the Shropshire Hills AONB Partnership were consulted and they have stated that they do not have any observations on the proposal.
6.3.2	The NPPF states great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB. There is also a statutory requirement to have regard to the AONB Management Plan.
6.3.3	On a similar basis to the conclusion in the preceding section it is considered that given location away from the farmstead that the proposal would result sporadic and isolated development which would be detrimental to the landscape and scenic beauty of the AONB.
	As the planning application is located in the AONB which is a sensitive area under the Town and Country Planning (Environmental Impact Assessment "EIA") Regulations 2017 a screening opinion has been issued and it was determined that the proposal was not EIA development.
7.0	CONCLUSION
7.1	The proposal entails a secondary agricultural dwelling, and the size would exceed that expected under the provisions of policy MD7a for an affordable dwelling. It is also not considered that the case is made for an additional third worker to live on site for the proper functioning of the farm enterprise. It is also not considered that advantage to the business has been satisfactorily demonstrated for a retirement dwelling in planning terms nor that the resultant dwelling would be affordable were it no longer be required for agricultural purposes.
	It is also considered that the location of the development away from the farmstead

	would result in a sporadic and isolated type development which would detrimentally affect the amenities and character of the area and the AONB.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
8.2	Human Rights
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>

9.0	Financial Implications
	<p>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.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=R7EVK8TDLMI00>

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 Cecilia Motley
Appendices None

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Committee and date
Southern Planning Committee
23rd August 2022

Development Management Report

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

Summary of Application

Application Number: 22/01833/FUL	Parish:	Abdon And Heath
Proposal: Change of use of land to domestic garden land and erection of a three-bay detached garage with new vehicular access		
Site Address: Cartway Cottage Woodbank Abdon Craven Arms Shropshire		
Applicant: Mr S Graham		
Case Officer: Helen Tipton	email	: helen.tipton@shropshire.gov.uk

Grid Ref: 358873 - 285342

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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for a change of use of land to domestic garden land and the erection of a three-bay detached garage with new vehicular access.
- 1.2 The proposed site is outside the curtilage of the associated dwelling and would comprise of a three-bay garage with horizontally mounted, timber boarded walls and a plain clay tile, pitched roof. The three garage doors would consist of timber.
- 1.3 The remaining parcel of land around the garage would be omitted from the curtilage and remain in existing use.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The property is situated in a remote location, on the western slopes of Brown Clee Hill, in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). Access to the property is made along a steep, unmade private track off a minor, rural road. The latter extends between Cockshutford and the Abdon / Upper Earnstrey Park road. The house itself is a traditional, detached stone cottage positioned in a wooded hollow.

The proposed outbuilding would be sited to the north of the dwelling, in a field hollow, which is set below the level of the adjacent driveway / track. Approach to the site would be made via a short section of new driveway, extending from the stretch of existing driveway that leads south west, directly to the house.

The surrounding countryside has a very loose scatter of further dwellings and farm buildings, (including 'Highcroft', one hundred metres to the northeast), but is primarily open pastureland, scrub and moorland, including Clee Liberty common, beyond Cartway Cottage. There are extensive views southwest from the property, down the Corvedale and over the scheduled ancient monument of 'Nurdy Bank' Iron Age hill fort.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to planning committee because the officer recommendation of approval is contrary to that of the Parish Council. Shropshire Council's Local Member and the Chairman and Vice Chair of its planning regulatory committee also consider that the issues raised warrant the committee's full consideration.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 Shropshire Council Ecology - comment.

We have read the submitted Ecological Impact Assessment (Churton Ecology, November 2021) and are happy with the level of survey work. Conditions and informative comments are recommended.

4.1.2 Shropshire Council Highways - no objection.

Shropshire Council, as Highway Authority, has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

4.1.3 Shropshire Council Drainage - comment.

Any permission granted should include an 'informative' encouraging the use of sustainable surface water drainage systems. Information can be found in the Council's SuDS Handbook, which is available in the Related Documents Section on the Council's website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

Informative comments are also given in relation to finished floor levels.

4.1.4 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.

4.1.5 Shropshire Council Rights of Way - no objection.

No comments.

4.1.6 Shropshire Council Trees - comment.

There appears to be only minor direct arboricultural implications from this proposed development, but from a landscape perspective the site is situated high on the slopes of Abdon Hill and falls within the AONB. The Tree Team recommends that in accordance with local policies for good design and the sustainable integration of new development into the wider landscape and green infrastructure networks, the highest possible standards of landscape mitigation and compensation should be secured prior to the determination of this application.

The need for a full application to include details on sustainable landscape mitigation was clearly set out in the pre-application discussions (PREAPP/21/00016 and the withdrawn application 21/02248/FUL).

The details submitted with this application contain very little meaningful detail on landscape mitigation and compensation, other than 19 circles on plan 20187/CM/LP, indicating the potential location of new tree planting. This is very short on details such as species size of stock and planting methods and aftercare, which makes it difficult to interpret the value of the indicative proposal. The Tree team note that Section 5.1 of the Ecological Report (habitats enhancement) the following recommendation is made: 'Native hedgerow planting is recommended along the west boundary of the site. Suggested woody species for hedgerow planting include those typical of the area,' with recommendations for appropriate species to use.

The Tree team maintains that given the location, landscape compensation and mitigation should be secured prior to the determination of the application. If however the Case Officer considers it expedient to grant consent with landscape issues, subject to conditions, then the Tree team recommend a landscaping condition.

4.1.7 Abdon And Heath Parish Council - objection.

The Parish Council appreciate the size has been reduced, and would support a garage within the existing curtilage, however the Parish Council's objections to this application remain:

It will be highly visible from the Nordy Ring and Corvedale.

Remains some distance from the property, making its use/purpose questionable.

New access to be created is very steep, requires trees and shrubs removal, and the site would require large amounts of earth moving/ disruption to the landscape.

Existing curtilage has space to accommodate a garage and one has already been constructed on a historic garage site adjacent to house.

The site has been developed over recent years and unsightly waste spoils remain.

4.2 Public Comments

4.2.1 The application was advertised by way of notice at the site.

4.2.2 No public representations have been received.

5.0 THE MAIN ISSUES

Principle of development

Siting, design and impact on the landscape/historic environment

Residential amenity

Ecology

Drainage

Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Additions to existing dwellings are considered acceptable in principle under the 'Type and Affordability of Housing' Supplementary Planning Document (SPD), which supports the Council's Core Strategy Policy CS11. Although this does not refer, specifically, to detached outbuildings, these pose no fundamental policy conflict, provided they are solely for ancillary domestic use. The use, solely for ancillary domestic purposes could be reinforced by condition.
- 6.1.2 The proposed structure and associated hardstanding would also be contained within the red line outlined on the submitted block plan, thus preventing any additional domestic sprawl into the surrounding land.
- 6.2 Siting, design and impact on the landscape/historic environment
- 6.2.1 The SPD expects domestic additions to be sympathetic to the size, mass, character and appearance of the original dwelling and to the local context. Meanwhile, the National Planning Policy Framework (NPPF) requires great weight to be given to conserving landscape and scenic beauty in areas of outstanding natural beauty and to conserving the significance of designated heritage assets, including any contribution made by their setting.
- 6.2.2 A similar application at the property, (reference 18/00027/FUL) was refused at committee in September 2019 and dismissed at appeal in March 2020. Although, in that instance, the proposed outbuilding was similar in scale, it was to be sited in a prominent, elevated position a substantial distance from the associated dwelling and was found to be harmful to the character and appearance of the surrounding area and AONB, with no sufficient justification to override these adverse impacts. The planning inspector, however concluded that, given the distance of the formerly proposed development from the Nordy Bank scheduled ancient monument, it would have had no effect on the significance of this designated heritage asset.
- 6.2.3 The latest application proposes the building to be seated much lower, in a hollow and closer to the dwelling. This would be a substantial improvement to the former scheme and would negate any detrimental impact on the wider landscape and AONB. Given the latest proposed low-lying position of the building, its occupation of land in a corner location and its distance from the Nordy Bank hill fort, there would also be no harmful impact on the monument's setting. Additionally, a landscaping condition could sufficiently mitigate, to further screen the building from any long-distanced or closer public views of the site.
- 6.2.4 The building would have a simple form and be rustic in nature, harmonising with its leafy surroundings and whilst the footprint of the structure would be large enough to accommodate three bays, there would be some further benefits by providing housing / cover for vehicles and equipment currently left exposed to potential visual intrusion.
- 6.3 Residential amenity
- 6.3.1 The Council's Core Strategy Policy CS6 seeks to safeguard residential and local amenity. In this case there are no concerns in this regard, given the proposed

building's distance from the nearest neighbouring dwelling and its low-lying position.

6.4 Ecology

6.4.1 The National Planning Policy Framework (NPPF) and the Council's Core Strategy Policy CS17 require the local planning authority to give consideration to the impact of the proposed development on the natural environment. This relates to the impact on statutorily protected species and habitats. The Council's Ecology team have confirmed they are satisfied with the scheme, subject to conditions to provide ecological enhancements for bats, nesting birds and other protected species.

6.5 Drainage

6.5.1 Although the actual site of the outbuilding is at risk of surface water flooding, the proposed use of the building would be ancillary and not intended for human habitation. As such, the Council's Drainage team recommend only informative comments in regard to finished floor levels of the building.

6.6 Other matters

6.6.1 Concerns over existing spoil at the site and the doubted intention for the building's use are not a material consideration of this application. In terms of the latter, the applicant's representative has confirmed the building would be utilised as a domestic garage and no alternative information is given that could call this use into question.

7.0 CONCLUSION

The proposed development would be acceptable in principle on the basis that it would be solely for ancillary domestic use. The revised low lying siting of the building, along with a landscaping condition to mitigate any visual or biodiversity impacts would ensure its landscape position is satisfactory, with no harmful effect on the Nurdy Bank hill fort. The design of the building would also be suitable and there are no overriding concerns in terms of neighbours living conditions, wildlife species and their habitat, drainage or other matters. As such, the application is recommended for approval, subject to conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS7 - Communications and Transport
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD12 - Natural Environment
MD13 - Historic Environment
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

10/03099/FUL Erection of extensions to dwelling incorporating existing attached outbuildings; formation of new vehicular access GRANT 6th September 2010
11/00382/DIS Discharge of Condition No.5 (Protected Species) attached to Planning Permission 10/03099/FUL DISAPP 13th May 2011
11/00429/DIS Discharge of Condition No.5 (Bats) attached to Planning Permission Ref: 10/03099 for the erection of extensions to dwelling incorporating existing attached outbuildings; formation of new vehicular access NPW 24th February 2011
11/00610/AMP Proposed Non-Material amendment to previously approved Planning Permission Ref: 10/03099 to amend plan/elevations of kitchen/dining area; rebuild rear extension due to foundations insufficient and reposition windows to south elevation for the erection of extensions to dwelling incorporating existing attached outbuildings; formation of new vehicular access GRAMP 12th April 2011
11/02954/AMP Application for a non-material amendment to PP 10/03099/FUL approved on 03/09/2010 to re-instate existing window opening and apply rendered finish to exterior wall of north elevation GRANT 6th July 2011
14/04985/FUL Conversion and extension of existing attached outbuilding to form ancillary accommodation to dwelling GRANT 5th March 2015
18/00027/FUL Erection of detached garage and formation of turning area REFUSE 30th September 2019
21/02248/FUL Erection of a three bay detached garage to include change of use of land to domestic curtilage WDN 5th August 2021

Appeal

19/02787/REF Erection of detached garage and formation of turning area DISMIS 3rd March 2020

11. Additional Information

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=RAAIFETDN2M00>

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Cecilia Motley
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. The site shall be landscaped as outlined in blue on the approved block plan. No development shall take place, including demolition, ground works and vegetation clearance until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

Precise details of native hedgerow planting along the western boundary of the site and bracken control, as set out in section 5.2.1 of the Ecological Impact Assessment (Churton Ecology, November 2021);

Details/schedules of proposed planting / soft landscaping;

Precise details / samples of hard surfacing materials;

Precise details of any walls, fences and other boundary treatments/means of enclosure;

Timetables for implementation.

All planting and seeding shall be completed during the first planting and seeding seasons following the substantial completion or first use of the building, whichever is the sooner and any trees or plants which, within a period of five years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the external appearance of the development is satisfactory, to safeguard the visual amenities of the Shropshire Hills Area of Outstanding Natural Beauty and in the interests of biodiversity.

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

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

- A minimum of 3 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for tit species (standard box design, 26mm hole).

- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for tit species (standard box design, 32mm hole).

- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for robins and blackbirds (open-front box).

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

Reason: To ensure the provision of roosting and nesting opportunities for bats and birds.

5. No above-ground development shall commence until samples/precise details of all external materials and finishes have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: To ensure that the external appearance of the development is satisfactory, and to help safeguard the visual amenity of the Shropshire Hills Area of Outstanding Natural Beauty.

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

6. Prior to the installation of any external lighting in connection with the development hereby approved, a detailed lighting scheme shall first be submitted to and approved in writing by the local planning authority, which takes into account the guidance contained in the Bat Conservation Trust's Guidance Note 08/18 'Bats and artificial lighting in the UK'.

The lighting shall be installed strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats.

7. The development shall only be used for purposes in connection with and ancillary to the occupation of the existing dwelling, (known as Cartway Cottage), on the site as a single dwelling unit. At no time shall it be used for commercial or business purposes or occupied as a separate independent dwelling.

Reason: To safeguard the residential amenities of the area and prevent the establishment of a new dwelling or other potentially inappropriate use in the open countryside.

Informatives

1. The applicant should ensure that the finished floor level is set above any known flood level or at least 300mm above the existing ground level.

2. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the incorporation of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.

3. Surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water from the development to drain onto the public highway or into highway drains.

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

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

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

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

5. 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.

6. 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.

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Committee and date

Southern Planning Committee

23rd August 2022

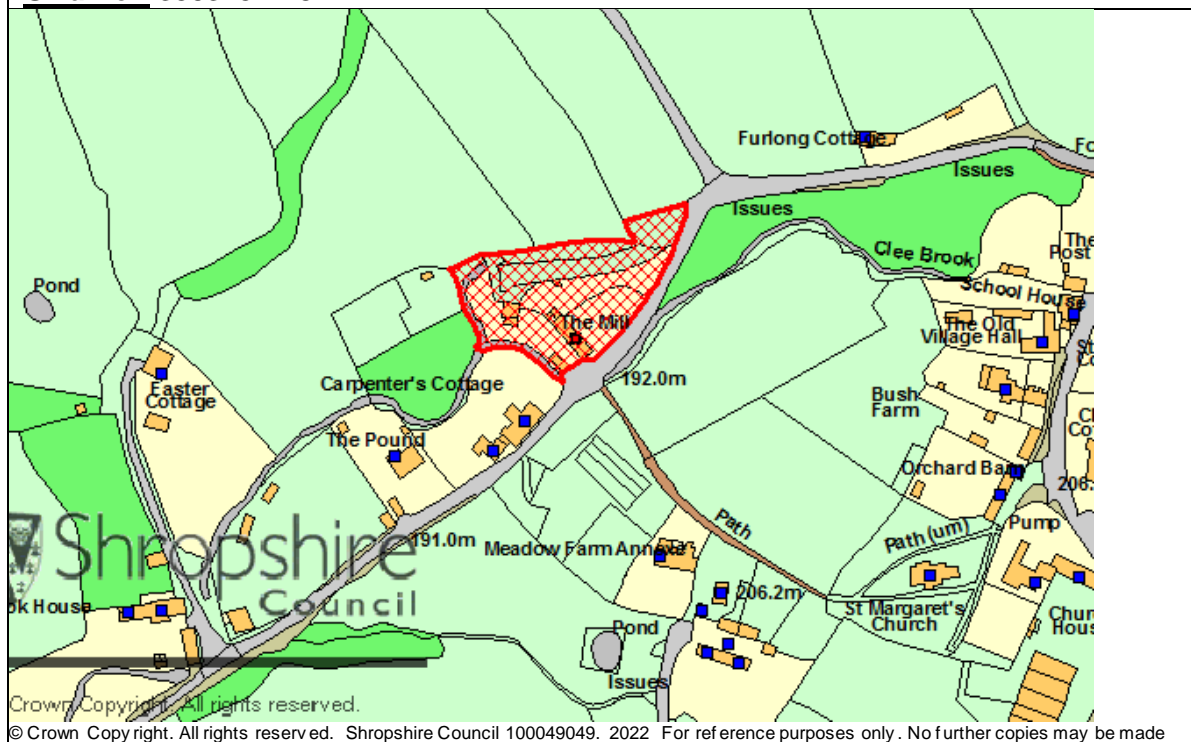
Development Management Report

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

Summary of Application

Application Number: 22/02338/FUL	Parish:	Clee St Margaret
Proposal: Conversion and extension to the Mill House; change of use of the Bakehouse to ancillary accommodation; restoration of the Corn Mill to working order; installation of a Bat House and associated external works		
Site Address: Mill House Clee St Margaret Craven Arms Shropshire SY7 9DT		
Applicant: Yeat Investments Ltd		
Case Officer: Helen Tipton	email	: helen.tipton@shropshire.gov.uk

Grid Ref: 356315 - 284447



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the conversion and extension of a dwelling, (Mill House); a change of use of an outbuilding, (Bakehouse) to ancillary accommodation; restoration of a corn mill to working order; installation of a Bat house and associated external works, including the construction of a new, additional access.
- 1.2 The scheme and its associated listed building consent application, (22/02339/LBC), follow the withdrawn applications 21/05446/FUL and 21/05447/LBC. Fundamentally, the latest application/s remain the same as submitted previously.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The property comprises mainly of three separate buildings, each listed in their own right and located within the village of Clee St Margaret. Approach to the site is made from the classified, rural road, (Clee Brook Lane), which runs through the village and leads, loosely between Haytons Bent and Cleemmarsh. The road climbs north-east, following the land gradient and its contours.

The group of Grade II listed buildings are set to the north-western side of the road and within a loop in the watercourse. They are accessed via a narrow drive, which is confined on either side by the one and a half storey dwelling and a single storey outbuilding, (Bakehouse), with both buildings sitting at right angles to the road. The Corn Mill is positioned at the end of the driveway and is set into an embankment. All three buildings are traditionally constructed of coursed sandstone.

The buildings and grounds are situated within the Clee St Margaret Conservation Area and the Shropshire Hills Area of Outstanding Natural Beauty, (AONB).

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to planning committee because the officer recommendation of approval is contrary to the opinion of the Parish Council. Shropshire Council's Local Member and the Chairman and Vice Chair of its planning regulatory committee also consider that the issues raised warrant the committee's full consideration.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Shropshire Council Archaeology - comment.

A Heritage Impact Assessment (HCUK Group, September 2021, Ref. 07315A) has been submitted with the application. This found that the Domesday Book reference indicates that a mill was present in the village at that time. However, whether the extant mill is on the same site as the mill recorded in 1086 is not known. The present group of Grade II listed buildings comprise a Mill house, a Mill building and Bakehouse (National Ref. 1470405), all of 18th century date with some later additions. The mill retains its machinery although the water wheel has been removed. The infilled wheel pit survives, alongside the mill pond and mill leat. It is noted that a separate report on the mill machinery has been submitted (Wallis Conservation Ltd, July 2021).

The Heritage Impact Assessment (HIA) concludes that the archaeological interest of the mill site derives from the surviving fabric of the buildings, the surviving machinery within the mill and the visible remains of the water management system. It also concludes that there is a high potential for below ground archaeological remains to survive within the site associated with earlier phases of the mill and activities and artefacts associated with its use, providing evidence for its development, change and use over time from at least the 18th century.

It is considered that the HIA provides a sufficient level of information about the archaeological interest of the proposed development site in relation to Paragraph 194 of the National Planning Policy Framework (NPPF) and the Site Allocations and Management of Development, (SAMDev) Policy MD13.

It is understood that the Conservation Officer will advise on the design merits and heritage impacts of the proposed development in relation to the standing historic buildings.

The following advice therefore relates to the archaeological interest of the proposed development site:

The initial phase of this programme of archaeological work should comprise a pre-commencement Level 3 Building Record of the three buildings, as defined in Historic England's 'Understanding Historic Buildings: A guide to good recording practice 2016', alongside a pre-commencement Level 2 survey of the structures and earthworks associated with the water management system, that conforms with Historic England's guidance on 'Understanding the Archaeology of Landscapes: A guide to good recording practice (2017)'.

The second phase, depending on the results of these surveys, as a minimum, will comprise an enhanced watching brief on all ground works associated with the proposed development. This should make full provision for the careful archaeological monitoring, sampling and recording of any archaeological features, structures or deposits encountered during the work. Additional pre-commencement archaeological investigation may, however be required in relation to the new bat house, and/ or following further details for the ground source heat pump following the results of the phase 1 surveys.

In relation to the work on the buildings, additional building recording should be undertaken during any intervention or removal of historic fabric,

to record any hitherto unknown architectural details of the buildings as the work progresses. The Conservation officer will be able to advise further on this, as appropriate.

It is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development.

Shropshire Council Conservation - comment.

4.1.2

The property was a recent listing in 2020. The application has been supported by a report on the corn mill which underlines the repairs required. This is also accompanied by a brief structural report. The proposed development includes the restoration of the corn mill and the extant internal machinery to working order and the restoration of the water management system associated with the mill, bringing it back into working use. This element of the proposal is welcomed to enable the history of the site to be preserved for future generations.

The application also includes the restoration and extension of the Mill House and the conversion of the Bakehouse to annex accommodation. The application is accompanied by a Heritage Impact Assessment, (HIA) which concludes that: 'It has been determined that the proposals will cause 'Less than Substantial Harm: Low level harm that does not seriously affect the significance of the designated heritage asset,' and that this is a very low level of harm. This is ascribed as change will occur to the Mill House with the introduction of the new extension to the north-east, but it is also acknowledged that the extension will be in keeping with the vernacular building form and the character of the Conservation Area. Overall, the heritage and public benefits of the scheme would mitigate the very low level of harm to their significance. We would generally concur with the above-mentioned conclusions.

The proposed extension to the mill house is extensive, however a case has been made for the level of extension on viability grounds to ensure the preservation and restoration of the site as a whole historic mill complex. It is clear that the corn mill, in particular, requires extensive structural intervention. Therefore, on balance the proposal could be considered acceptable in this instance, taking into account the public benefits to be delivered from the restoration of the buildings on site.

Conditions are recommended.

Shropshire Council Ecology - comment.

4.1.3

7 July 2022 - comment.

We have read the submitted Specialist Bat Assessment report (CRC Ecology, 15th October 2021), Preliminary Ecological Appraisal (Aspect Ecology, April 2022) and the Bat Mitigation Strategy report (April 2022). The following bat roosts are present in the buildings:

A single lesser horseshoe bat day/night roost within the loft space and first floor bedroom of B1 (farmhouse).

A single barbastelle bat day roost using features on the mill building (B2).

Maternity roost of more than six whiskered/Brandt's bats within B1 and B2.

Maternity roost of six brown long-eared bats within B1 and B2.

One soprano pipistrelle re-entered B2.

Two soprano pipistrelles emerged from B1.

'The survey work undertaken confirmed a number of roosts present in the buildings within the site. An application for a site-specific Natural England Mitigation Licence will be made, with a detailed mitigation strategy for the site, submitted and agreed with Natural England through the granting of the licence. Likely mitigation measures will include careful timing of works to avoid sensitive periods, exclusion of roosts within buildings, sensitive removal of roost features and construction of a 'bat house' to provide compensation for the loss of the existing roosts and provide additional roosting opportunities.'

Works to B1 and B2 will have to take place under a European Protected Species Licence from Natural England.

Section 4.2 of the Bat Mitigation Strategy report (Aspect Ecology, April 2022) sets out the mitigation and compensation measures which will form part of the licence application.

A European Protected Species 3 tests matrix is provided at the end of this response. The planning officer needs to complete sections 1 and 2, 'overriding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

Nesting birds

The Preliminary Ecological Appraisal report states; '*Several species of bird were observed within the site during the Phase 1 survey including: Wood Pigeon *Columba palumbus*, Blue Tit *Cyanistes caeruleus* and Carrion Crow *Corvus corone*.*

Most of the birds recorded at the site are not listed as having any special conservation status. The proposals will result in the loss of the area of scrub and a section of the hedgerow to facilitate site access and this could potentially affect any nesting birds that may be present at the time of works. Accordingly, a number of safeguards in respect of nesting birds are proposed, as detailed in Chapter 6. In the long-term, new nesting opportunities will be available for birds as described in Chapter 6..'

Conditions are recommended, which relate to the requirement for a European Protected Species Mitigation Licence, the installation of bat and bird boxes, proposed external lighting and for working methods.

8 August 2022 - comment.

Following receipt of additional information we are happy with the makes, models and locations of the proposed bird boxes, therefore a condition in regard to this element does not need to be included on the decision notice. We are also happy with the details of the bat house.

Reference is made to 'bb' on some of the drawings but this isn't provided in the key so we are not sure if this means 'bat box'. If the applicant wants to remove the bat roosting opportunities condition then details of the makes, models and locations of the 6 roosting opportunities for bats needs to be provided.

The Bat Mitigation Strategy states, in sections 4.3.2 and 4.3.3 that:

*"A number of integrated bat boxes / roost features, will be incorporated into the refurbished buildings:
.. integrated bat boxes will be installed at several locations on site, such as the gable end and under the eaves of the Mill, on the gable end of the Bakery
and the gable ends of the Main House;
.. a purpose-built soffit box will be erected along the southern aspect of the bakery (e.g. along the stream). This will be accessible to bats;
.. purpose-built weatherboarding will be included on a section of the south-western aspect of the main building. This will be raised to allow access to bats and mimic current conditions on site.
The precise number and locations of boxes / roost features will be determined by a competent ecologist, post-planning and agreed with Natural England during the application for the mitigation licence".*

Shropshire Council Drainage - comment.

- 4.1.4 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 a 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 not be feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 litres per second run-off rate, which should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 40% for climate change will not cause flooding of any property either within the proposed development site or to any other in the vicinity. Details of the proposed surface and foul water drainage should be conditioned.

Shropshire Hills AONB - comment.

- 4.1.5 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.

Shropshire Council Highways - no objection.

- 4.1.6 After having reviewed this and the previous applications for this site, the following advice from highways applies:
Shropshire Council, as Highway Authority, has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
Informative comments are provided.

Shropshire Council Affordable Housing - no objection.

- 4.1.7 There are no affordable housing obligations applicable to the proposed development.

Shropshire Council Trees - comment.

- 4.1.8 Whilst the Tree team do not object to the broad principle of the development, the application does not give significant details on trees and hedgerows to be retained or removed or how any losses or impacts would be compensated for. In the absence of such detail, the Tree team are unable to make a clear interpretation of the arboricultural implications and potential for amenity and biodiversity net gain or net loss.
The site falls within the conservation area, therefore all trees over 7.5cm stem diameter at 1.5 metres from the ground are protected, but no trees at the site are protected by a specific Tree Preservation Order. The boundary hedgerow, alongside the lane, is likely to be of value in relation to species diversity and age and contributes to the ecology and character of the area. As a minimum, the applicant should provide a tree protection plan demonstrating how the retained trees and boundary hedgerows will be protected during the development.
A condition is recommended in this regard.

Clee St Margaret Parish Council - objection.

- 4.1.9 Comments from the public were heard and included the following:
- a. Highway safety, traffic and noise - concerns that the increase in traffic that such a large development would have on the single-track lanes in, not only the village but all entry points to the village for several miles.
 - b. Effect on a listed building and conservation area in the AONB - The listing of the mill specifies the small nature of the mill and its buildings which would be detrimentally affected by the scale of the proposed development. This would not only affect the listed building but the conservation area and the AONB. Other properties within the conservation area are all of a similar, small size and this development would not be in keeping with the area.
 - c. There are concerns that the pumping of water from Clee Brook for the mill would affect the flow of the Brook including the ford, at the entrance to the village and affect the amenity of the properties that are bounded by the brook. This would also affect the wildlife that rely upon the Brook.
 - d. There was acceptance of some of the changes to the application, including the sewage treatment plant, changes to the access and revised water supply to the mill.

The Councillors discussed the application and fully supported the public comments. In addition, they were concerned about the following:

a. There were not enough details in the application regarding the commercial aspects of the development, including the use of The Mill itself and the residential development.

b. The Council are keen to see The Mill developed but the scale of the development is totally unacceptable for a Listed Building in the Conservation Area and AONB.

c. Councillors were concerned that, although this is described as a family home, due to its size they believe it will be a commercial enterprise and are concerned about the effects that such a large number of cars and people travelling to and from the property would cause; extra noise, traffic and affect the safety of road users on single track roads.

The Council resolved to object to this application.

4.2 Public Comments

4.2.1 The application was advertised by way of notice at the site and in the local press.

4.2.2 Objection comments have been received from five local residents, the full text of which may be viewed on the public planning file.

There is some support for a sympathetically restored property although, overall, the five public representations object to the proposed scheme. These are summarised below:

- Design, scale and policy -

Proposed extension and overall scale of development is too large and disproportionate, affecting the listed building and the conservation area.

Extension is an inappropriate design and unsympathetic.

Contrary to the parish plan, which supports only limited affordable housing.

No additional economic benefits as the property is already a dwelling.

- Highway impact and residential amenity -

Insufficient information as to its end use. Potential holiday accommodation use would have a negative impact on the highway and to local residents.

Proposed new access is poorly positioned on a narrow country road.

Additional traffic generated would be inappropriate.

Additional noise and light pollution.

- Watercourse and environmental impact

Existing water supplies would be inadequate to serve the working mill.

Detrimental impact on the environment created by diversion of the watercourse, also affecting local amenity.

Potential increased risk of flooding.

No detail of how water would be conveyed to mill pond.
No detail of a water extraction licence or for diversion of the watercourse.

5.0 THE MAIN ISSUES

Principle of development
Scale, design and impact on the listed buildings
Impact on the conservation area and wider landscape
Residential amenity
Affordable housing contribution
Archaeology
Ecology
Drainage
Access and highway safety
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The conversion or adaptation and re-use of historic buildings is considered acceptable, providing such development has no detrimental impact on the architectural or historic character of the structures. Development would need to be in accordance with the National Planning Policy Framework, (NPPF) and Core Strategy Policy CS17, which seek to protect and enhance the historic environment, together with Policy MD13 of the Site Allocations and Management of Development, (SAMDev) Plan which attaches great weight to conserving designated heritage assets. Also relevant is Core Strategy Policy CS5, which requires conversion schemes to contribute positively to the character of both the building itself and to the surrounding area. Meanwhile SAMDev Policy MD7a and the Historic England guidance document titled 'Adapting Traditional Farm Buildings' advises that rural buildings should generally be converted in their present form, with minimal alteration.

6.1.2 The scheme would see the enlargement of an existing dwelling, along with a change in use of a single storey outbuilding to annexe accommodation and the restoration and re-use of a water mill. The applicant's representative confirms that the Mill House would continue its use as a family home, whilst the single-storey outbuilding would provide additional, ancillary accommodation to the house, which could, potentially provide living space for a housekeeper. The water mill, (corn mill) is to be restored for preservation purposes and for occasional milling demonstrations, on an ad-hoc basis, although it is not intended for actual commercial use.

6.1.3 The development is acceptable in principle, given the established use of the buildings and because the principle of enlarging existing dwellings in the countryside is accepted under the Council's 'Type and Affordability of Housing' Supplementary Planning Document (SPD). However, since the scheme also proposes ancillary accommodation within the Bakehouse

building, a condition would expressly prevent independent occupation of it as a separate dwelling, to define the use, whilst a separate condition would restrict commercial use of the Corn Mill.

6.2 Scale, design and impact on the listed buildings

6.2.1 The site forms an historic mill complex and the buildings here are currently unoccupied and in a poor state of repair, particularly the corn mill. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings. This is reflected by the National Planning Policy Framework (NPPF), Core Strategy Policies CS6 and CS17 and SAMDev Policy MD13, which attach great weight to conserving designated heritage assets, and require even 'less than substantial' harm to be offset by public benefits of the proposal.

6.2.2 Firstly, it is acknowledged that the footprint of the proposed house extension is large, more than doubling the footprint of the existing dwelling and that part of it would be a contemporary, flat roof addition. However, the form and character of the existing house would be retained, and the rearmost section of the extension would be more sympathetic, repeating the general form and pattern of the dwelling. The flat roof part of the extension would be lower and sandwiched between, which would allow it to be screened from view whilst also demonstrating transition between the old and new elements of the building.

6.2.3 The former bakery / Bakehouse building would be converted to use, mostly in its present form, with minimal external alteration required and the same can be said for the Corn Mill, which is a particularly important local, historic feature. The harm to the buildings is considered overall to be less than substantial. Taking into account the conservation benefits of retaining the buildings in long-term viable use, it is agreed with the Conservation Officer that the house extension and other building alterations are justified, to preserve the whole site, in perpetuity for future generations.

6.3 Impact on the conservation area and wider landscape

6.3.1 The house extension would be seated level with the existing building, with the rear gradient continuing to shield the site from the north-east. The road facing gable wall of the house would be unaltered and there would be little or no change to the appearance of the principal elevation of the dwelling, or to the Bakehouse and Corn Mill buildings. As such, the traditional vernacular of the buildings would remain paramount.

6.3.2 In addition to the topography, the site is well concealed by mature roadside hedgerow and other planting and the buildings are not visible from the wider AONB setting. Given the above, the extension, alteration and adaptation of these established vernacular buildings would not have a detrimental impact on either the conservation area setting or the wider AONB. A condition would, however control landscaping.

- Residential amenity
- 6.4
- 6.4.1 The nearest residential dwellings are located to the south-west of the site and the development would have no impact on neighbours living conditions, in terms of privacy, outlook or light. Whilst there may be some inevitable disturbance during construction phases of development, the hours of construction would be controlled by way of condition.
- 6.4.2 The applicant has stated their intentions for the site, which would be retained, principally, as a dwelling. They do not seek commercial use of the Corn Mill or Bakehouse building and whilst the on-site living accommodation would increase overall and the Corn Mill may attract a small number of additional visitors, the numbers would not be expected to exceed those associated with normal residential activity. As such, there would be no change in use to the existing arrangements and none that would affect residential amenity.
- 6.5 Affordable housing contribution
- 6.5.1 Schemes to convert listed buildings are, in fact, exempted from the usual requirement for an affordable housing contribution under Core Strategy Policy CS11. In any event this is effectively now superseded by the updated NPPF, which states, categorically that tariff-style contributions should not be sought in connection with small-scale developments such as the current proposal.
- 6.6 Archaeology
- 6.6.1 The Council's Archaeology team raise no objection to the scheme and the archaeological potential of the site can be satisfactorily managed by a condition requiring a programme of archaeological work.
- 6.7 Ecology
- 6.7.1 The Habitats Regulations require strict protection of certain species and their habitats, including all UK bat species. Disturbance or destruction of breeding sites or resting places is allowed only in the interests of public health and safety or for other imperative reasons of overriding public interest and provided there is no satisfactory alternative, and no detriment to maintaining the species' populations at a favourable conservation status within their natural range.
- 6.7.2 This development would disturb bat roosts, which have been found to be present. However, suitable mitigation is proposed, and officers have fully considered the implications for the site's conservation objectives in the EPS matrix attached to this report as Appendix 2. A bat house is also proposed, and it is concluded that the development would satisfy the three 'tests' outlined above, subject to conditions as recommended by the Council's Ecology team.
- 6.8 Drainage

6.8.1 The submitted application form confirms that a new foul waste connection would need to be made to serve the enlarged residential accommodation and a Foul Drainage Assessment is provided, which calculates the proposed size of a newly proposed sewage treatment plant, amongst other drainage details. However, the application form specifies that a connection would be made to a new septic tank and whilst confirmation is given of an Environment Agency discharge certificate for an existing foul waste system, precise plans and details of the positioning of a newly proposed foul waste system, connections, percolation tests and surface water systems have not been provided. As such, a condition is given to ensure the precise drainage elements of the scheme are satisfactory and to ensure there is no risk of flooding at the site or elsewhere.

6.9 Access and highway safety

6.9.1 The Council's Highways team is satisfied with the proposed new access and visibility splays. The existing access would also be retained and hence the proposed arrangements are considered acceptable.

6.10 Other matters

6.10.1 Part of the restoration to the Corn Mill would involve work to the Mill Pond, stream and race, along with the provision of a new waterwheel. It is understood that the original watercourse arrangements would be reinstated, although any specific licence requirements for this would not be a matter for the local planning authority.

7.0 CONCLUSION

On balance, the development is acceptable in principle on account of the conservation benefits of restoring the listed buildings and historic site as a whole. The proposals are generally sympathetic to the fabric, character and overall significance of the buildings and to the character and appearance of the conservation area and the wider AONB. Furthermore, there are no undue concerns in terms of residential amenity, archaeology, ecology, drainage, highways or other matters. The application is therefore recommended for approval, subject to conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

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

MD12 - Natural Environment

MD13 - Historic Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

21/05447/LBC Works to convert Mill House with extension, conversion of Bakehouse to ancillary accommodation and the restoration of the Corn Mill to working order with associated external works; affecting a Grade II Listed Building WDN 7th January 2022

22/02339/LBC Conversion and extension to the Mill House, conversion of Bakehouse to ancillary accommodation, restoration of the Corn Mill to working order, the installation of a Bat House and associated external works affecting a Grade II Listed Building PCO

11. Additional Information

View details online:

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

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Cecilia Motley
Appendices APPENDIX 1 - Conditions APPENDIX 3 - EPS Matrix

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. Demolition and construction work shall not take place outside 7.30am - 6.00pm Monday to Friday and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No alterations to, stripping of or other works to the buildings shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed photographic record of their current fabric and fittings, to accord with 'Level 3' standards as defined in the Historic England document 'Understanding Historic Buildings: A Guide to Good Recording Practice'.

Reason: To provide an adequate record of the form and fabric of the listed buildings prior to their conversion.

5. No insulation work shall be carried or roof trusses or other structural components of the building, including internal mechanical and electrical services and / or internal and external fixtures and fittings cut, altered, removed or replaced until a full schedule and detailed method statement for such works have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: To safeguard the fabric and character of the listed building.

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

Reason: The site is known to hold archaeological and architectural interest. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds, in order to ensure a sustainable development.

7. No works shall take place to buildings on site until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

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

8. No development shall commence until precise details of surface water and foul drainage systems have been submitted to and approved in writing by the Local Planning Authority. These shall include:

Percolation test results and sizing calculations for any soakaway drainage field;

Provision for a silt trap or catch pit upstream of any drainage field;

Measures to prevent surface water from flowing onto adjacent land, including any public highway;

Details of any other Sustainable Drainage Systems (SuDS) to be incorporated;

A drainage layout plan, to include details of the proposed surface water and foul sewer connection.

The approved system(s) shall be implemented in full prior to the first use/occupation of the development and shall be retained thereafter for its lifetime.

Reason: To ensure that the development is provided with a satisfactory means of drainage and avoid causing or exacerbating flooding or pollution on the site or elsewhere. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

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

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

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

10. No new stonework or repairs to existing masonry shall commence until precise details/samples have been submitted to/inspected by and approved in writing by the Local Planning Authority. These shall include:

- drawing showing areas of new/repared/repointed stonework

- method of removing existing mortar

- representative sample of stone to be used

- details of method of laying/coursing the stone

- mortar mixes and joint finishes

- representative 1sqm sample panel of completed stonework

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed buildings.

11. No new or replacement external windows, doors, roof lights or any other external joinery shall be installed until complete joinery/product details of them, including details of window styles, glazing bars, mullions, sill mouldings and surface

treatments/decorative finishes have been submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. The development shall be carried out in accordance with the approved details.

Reason: To ensure the external appearance of the development is satisfactory and to safeguard the character and appearance of the listed buildings.

12. Besides demolition work, no above-ground development shall commence until samples/precise details of all external materials and finishes, (including that of the bat house) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with approved details.

Reason: To ensure that the external appearance of the development is satisfactory, and to safeguard the character and appearance of the listed buildings.

13. Other than demolition, no above ground work shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping. This shall include:

- Precise details/schedules of trees to be retained and any newly proposed planting and seeding;
- Details of any new walls, fences and other boundary treatments/means of enclosure;
- Details of hard surfacing materials;
- Timetables for implementation.

The hard and soft landscaping works shall be completed in accordance with the approved details and prior to the first occupation of the dwellings or in accordance with an agreed timetable. Thereafter, all fences, walls, hardstandings and other hard landscaping features shall be retained in accordance with the approved details, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the setting of the listed buildings, the conservation area and the visual amenity of the Shropshire Hills Area of Outstanding Natural Beauty.

14. Development of the 'Bakehouse' building hereby permitted shall only be used as additional accommodation in association with the existing dwelling on the site, known as Mill House and no part shall be sold or let separately or otherwise severed to form a separate, independent dwelling unit or be used for business or commercial purposes.

Reason: For the avoidance of doubt and in the interests of residential amenity.

15. Prior to first use / occupation of the buildings, the makes, models and locations of bat boxes; (a minimum of 6 roosting opportunities, including the bat house) shall be installed in accordance with Section 4.2 of the Bat Mitigation Strategy (Aspect Ecology, April 2022), . The roosting opportunities shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats.

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

16. At no time shall the restored Corn Mill building be sold or let separately or otherwise severed to form a separate unit of accommodation or be used for commercial or business purposes.

Reason: To define the consent and in the interests of residential amenity.

17. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirting's, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

18. No parts of the existing outbuilding shown to be retained on the submitted plans and drawings shall be demolished or rebuilt.

Reason: To ensure that the existing building is converted in its present form.

Complete demolition and rebuilding would be contrary to Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

19. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's 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

1. This planning permission should be read in conjunction with listed building consent No. 22/02339/LBC, to which further/alternative conditions may be attached.

2. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

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

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, scrub removal and 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.

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

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

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

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

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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.

6. If any vehicular access and/or parking/turning areas slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water from the development to drain onto the public highway or into highway drains.

7. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.

8. Your attention is drawn to the need to ensure provision of appropriate facilities for storage and collection of household waste (i.e. wheelie bins and recycling boxes). Specific consideration must be given to kerbside collection points, to ensure that site accesses, visibility splays, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways and vehicular carriageways) are unobstructed at all times, in the interests of public and highway safety.

9. 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.

APPENDIX 2

EUROPEAN PROTECTED SPECIES: The 'three tests'

Application reference number, site name and description:

22/02338/FUL.

Conversion and extension to the Mill House; change of use of the Bakehouse to ancillary accommodation; restoration of the Corn Mill to working order; installation of a Bat House and associated external works | Mill House Clee St Margaret Craven Arms Shropshire SY7 9DT.

Date:

7th July 2022

Officer:

Demi Cook
Planning Ecologist
Ecology Team
Tel: 01743 254316
Email: demi.cook@shropshire.gov.uk

Test 1:

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

The scheme includes restoring redundant Grade II-listed buildings and putting them into reuse. This is of public benefit in that the buildings are of national architectural and historic significance, and the NPPF recognises that retaining heritage assets in viable use is often the best way to secure their long-term conservation. Conservation has wider social, cultural, economic and environmental benefits, including preserving non-renewable resources for future generations to enjoy, making the most efficient use of existing fabric so as to reduce the consumption of building materials, energy and land through new-build, making a positive contribution to local character and sense of place, and contributing to our knowledge and understanding of our past.

Test 2:

Is there 'no satisfactory alternative?'

The most likely alternative would be for the buildings to remain unconverted and underused. This would likely result in their further deterioration of historic fabric, which would diminish the significance as a heritage asset, and possibly also the suitability as a bat roost. Furthermore, it would not be an efficient use of the existing resource and downplays the role of economic and social progress in helping to achieve sustainable development.

TEST 3:

IS THE PROPOSED ACTIVITY 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status IN THEIR NATURAL RANGE'?

Bat surveys in August 2021 identified the following bat roosts in the buildings:

- A single lesser horseshoe bat day/night roost within the loft space and first floor bedroom of B1 (farmhouse).
- A single barbastelle bat day/night roost using features on the mill building (B2).
- Maternity roost of more than six whiskered/Brandt's bats within B1 and B2.
- Maternity roost of six brown long-eared bats seen to emerge from the NW Gable of B1 and re-entering ridge of B2.
- One soprano pipistrelle day/night roost, re-entered B2.
- A day/night roost of two soprano pipistrelles emerged from the eaves of B1.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

Section 4.2 OF THE BAT MITIGATION STRATEGY REPORT (ASPECT ECOLOGY, APRIL 2022) SETS OUT THE APPROPRIATE MITIGATION AND COMPENSATION MEASURES, WHICH WILL FORM PART OF THE LICENCE APPLICATION.

'The proposed works to the buildings within the site will result in the permanent loss of roosts due to the refurbishment of the Mill and loss/refurbishment of loft spaces in the Mill House. Also, in the absence of mitigation, there is the possibility that individual bats may be killed or injured should they be present within the roosts at the time of works. Therefore, in order to enable the works to proceed lawfully and to ensure bats are fully safeguarded during the proposed works, an application for a Mitigation Licence will need to be submitted to Natural England once planning permission is granted and all relevant conditions discharged.

A specialist bat house will be constructed in the north-west of the site, prior to works affecting known roosts, adjacent to the reinstated "mill pond" (see indicative proposal in Appendix 2). This will compensate for the loss of the roosts within building B1 and B2 whilst works are being undertaken. The bat house will include provisions for new maternity and hibernation roosts (including a cool tower) as well as day/night roost opportunities and access/egress points suitable for the species identified during survey work such as Lesser Horseshoe Bat, Common and Soprano Pipistrelle, Brown Long-eared Bat and Barbastelle. The building will conform to design principles outlined in the Bat Mitigation Guidelines, with specific adaptations for certain species as appropriate (e.g. specific entrances for Lesser Horseshoe bats).'

I AM SATISFIED THAT THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE MAINTENANCE OF THE POPULATIONS OF LESSER HORSESHOE BAT, BARBASTELLE BAT, WHISKERED/BRANDT'S BATS, BROWN LONG-EARED BATS AND SOPRANO PIPISTRELLE BATS AT FAVOURABLE CONSERVATION STATUS WITHIN THEIR NATURAL RANGE, PROVIDED THAT THE CONDITIONS SET OUT IN THE RESPONSE FROM DEMI COOK TO HELEN TIPTON (DATED 7TH JULY 2022) ARE INCLUDED ON THE DECISION NOTICE AND ARE APPROPRIATELY ENFORCED. THE CONDITIONS ARE:

- **EUROPEAN PROTECTED SPECIES LICENCE;**
- **ERECTION OF BAT BOXES; AND**
- **LIGHTING PLAN.**
- Working in accordance with the report condition



Committee and date
Southern Planning Committee
23rd August 2022

Development Management Report

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

Summary of Application

Application Number: 22/02339/LBC	Parish:	Clee St Margaret
Proposal: Conversion and extension to the Mill House, conversion of Bakehouse to ancillary accommodation, restoration of the Corn Mill to working order, the installation of a Bat House and associated external works affecting a Grade II Listed Building		
Site Address: Mill House Clee St Margaret Craven Arms Shropshire SY7 9DT		
Applicant: Yeat Investments Ltd		
Case Officer: Helen Tipton	email	: helen.tipton@shropshire.gov.uk

Grid Ref: 356315 - 284447



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks listed building consent for the conversion and extension to the Mill House, conversion of Bakehouse to ancillary accommodation, restoration of the Corn Mill to working order, the installation of a Bat House and associated external works affecting a Grade II Listed Building.
- 1.2 The scheme and its associated planning application, (22/02338/FUL), follow the withdrawn applications 21/05446/FUL and 21/05447/LBC. Fundamentally, the latest application/s remain the same as submitted previously.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The property comprises mainly of three separate buildings, each listed in their own right and located within the village of Clee St Margaret. Approach to the site is made from the classified, rural road, (Clee Brook Lane), which runs through the village and leads, loosely between Haytons Bent and Cleemarsch. The road climbs north east, following the land gradient and its contours.

The group of Grade II listed buildings are set to the north western side of the road and within a loop in the watercourse. They are accessed via a narrow drive, which is confined on either side by the one and a half storey dwelling and a single storey outbuilding, (Bakehouse), with both buildings sitting at right angles to the road. The Corn Mill is positioned at the end of the driveway and is set into an embankment. All three buildings are traditionally constructed of coursed sandstone.

The buildings and grounds are situated within the Clee St Margaret Conservation Area and the Shropshire Hills Area of Outstanding Natural Beauty, (AONB).

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to planning committee because the officer recommendation of approval is contrary to the opinion of the Parish Council. Shropshire Council's Local Member and the Chairman and Vice Chair of its planning regulatory committee also consider that the issues raised warrant the committee's full consideration.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 Shropshire Council Archaeology - comment.

A Heritage Impact Assessment (HCUK Group, September 2021, Ref. 07315A) has been submitted with the application. This found that the Domesday Book reference indicates that a mill was present in the village at that time. However, whether the extant mill is on the same site as the mill recorded in 1086 is not

known. The present group of Grade II listed buildings comprise a Mill house, a Mill building and Bakehouse (National Ref. 1470405), all of 18th century date with some later additions. The mill retains its machinery although the water wheel has been removed. The infilled wheel pit survives, alongside the mill pond and mill leat. It is noted that a separate report on the mill machinery has been submitted (Wallis Conservation Ltd, July 2021).

The Heritage Impact Assessment (HIA) concludes that the archaeological interest of the mill site derives from the surviving fabric of the buildings, the surviving machinery within the mill and the visible remains of the water management system. It also concludes that there is a high potential for below ground archaeological remains to survive within the site associated with earlier phases of the mill and

activities and artefacts associated with its use, providing evidence for its development, change and use over time from at least the 18th century.

It is considered that the HIA provides a sufficient level of information about the archaeological interest of the proposed development site in relation to Paragraph 194 of the National Planning Policy Framework (NPPF) and the Site Allocations and Management of Development, (SAMDev) Policy MD13.

It is understood that the Conservation Officer will advise on the design merits and heritage impacts of the proposed development in relation to the standing historic buildings.

The following advice therefore relates to the archaeological interest of the proposed development site:

The initial phase of this programme of archaeological work should comprise a pre-commencement Level 3 Building Record of the three buildings, as defined in Historic England's 'Understanding Historic Buildings: A guide to good recording practice 2016', alongside a pre-commencement Level 2 survey of the structures and earthworks associated with the water management system, that conforms with Historic England's guidance on 'Understanding the Archaeology of Landscapes: A

guide to good recording practice (2017)'.

The second phase, depending on the results of these surveys, as a minimum, will comprise an enhanced watching brief on all ground works associated with the proposed development. This should make full provision for the careful archaeological monitoring, sampling and recording of any archaeological features, structures or deposits encountered during the work. Additional pre-commencement

archaeological investigation may, however be required in relation to the new bat house, and/ or following further details for the ground source heat pump following the results of the phase 1 surveys.

In relation to the work on the buildings, additional building recording should be undertaken during any intervention or removal of historic fabric, to record any hitherto unknown architectural details of the buildings as the work progresses.

The Conservation officer will be able to advise further on this, as appropriate.

It is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development.

4.1.2 Shropshire Council Conservation - comment.

The property was a recent listing in 2020. The application has been supported by

a report on the corn mill which underlines the repairs required. This is also accompanied by a brief structural report. The proposed development includes the restoration of the corn mill and the extant internal machinery to working order and the restoration of the water management system associated with the mill, bringing it back into working use. This element of the proposal is welcomed to enable the history of the site to be preserved for future generations.

The application also includes the restoration and extension of the Mill House and the conversion of the Bakehouse to annex accommodation.

The application is accompanied by a Heritage Impact Assessment, (HIA) which concludes that: 'It has been determined that the proposals will cause 'Less than Substantial Harm: Low level harm that does not seriously affect the significance of the designated heritage asset,' and that this is a very low level of harm. This is ascribed as change will occur to the Mill House with the introduction of the new extension to the north east, but it is also acknowledged that the extension will be in

keeping with the vernacular building form and the character of the Conservation Area. Overall, the heritage and public benefits of the scheme would mitigate the very low level of harm to their significance. We would generally concur with the above mentioned conclusions.

The proposed extension to the mill house is extensive, however a case has been made for the level of extension on viability grounds to ensure the preservation and restoration of the site as a whole historic mill complex. It is clear that the corn mill, in particular, requires extensive structural intervention. Therefore, on balance the proposal could be considered acceptable in this instance, taking into account the public benefits to be delivered from the restoration of the buildings on site.

Conditions are recommended.

4.1.3 Shropshire Council Ecology - comment.

7 July 2022 - comment.

We have read the submitted Specialist Bat Assessment report (CRC Ecology, 15th October 2021), Preliminary Ecological Appraisal (Aspect Ecology, April 2022) and the Bat Mitigation Strategy report (April 2022).

The following bat roosts are present in the buildings:

A single lesser horseshoe bat day/night roost within the loft space and first floor bedroom of B1 (farmhouse).

A single barbastelle bat day roost using features on the mill building (B2).

Maternity roost of more than six whiskered/Brandt's bats within B1 and B2.

Maternity roost of six brown long-eared bats within B1 and B2.

One soprano pipistrelle re-entered B2.

Two soprano pipistrelles emerged from B1.

'The survey work undertaken confirmed a number of roosts present in the buildings within the site. An application for a site-specific Natural England Mitigation Licence will be made, with a detailed mitigation strategy for the site, submitted and agreed with Natural England through the granting of the licence. Likely mitigation measures will include careful timing of works to avoid sensitive periods, exclusion of roosts within buildings, sensitive removal of roost features and construction of a 'bat house' to provide compensation for the loss of the

existing roosts and provide additional roosting opportunities.'

Works to B1 and B2 will have to take place under a European Protected Species Licence from Natural England.

Section 4.2 of the Bat Mitigation Strategy report (Aspect Ecology, April 2022) sets out the mitigation and compensation measures which will form part of the licence application.

A European Protected Species 3 tests matrix is provided at the end of this response. The planning officer needs to complete sections 1 and 2, 'overriding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

Nesting birds

The Preliminary Ecological Appraisal report states; *'Several species of bird were observed within the site during the Phase 1 survey including: Wood Pigeon Columba palumbus, Blue Tit Cyanistes caeruleus and Carrion Crow Corvus corone.*

Most of the birds recorded at the site are not listed as having any special conservation status. The proposals will result in the loss of the area of scrub and a section of the hedgerow to facilitate site access and this could potentially affect any nesting birds that may be present at the time of works. Accordingly, a number of safeguards in respect of nesting birds are proposed, as detailed in Chapter 6. In the long-term, new nesting opportunities will be available for birds as described in Chapter 6..'

Conditions are recommended, which relate to the requirement for a European Protected Species Mitigation Licence, the installation of bat and bird boxes, proposed external lighting and for working methods.

8 August 2022 - comment.

Following receipt of additional information we are happy with the makes, models and locations of the proposed bird boxes, therefore a condition in regard to this element does not need to be included on the decision notice.

We are also happy with the details of the bat house.

Reference is made to 'bb' on some of the drawings but this isn't provided in the key so we are not sure if this means 'bat box'. If the applicant wants to remove the bat roosting opportunities condition then details of the makes, models and locations of the 6 roosting opportunities for bats needs to be provided.

The Bat Mitigation Strategy states, in sections 4.3.2 and 4.3.3 that:

"A number of integrated bat boxes / roost features, will be incorporated into the refurbished buildings:

.. integrated bat boxes will be installed at several locations on site, such as the gable end and under the eaves of the Mill, on the gable end of the Bakery and the gable ends of the Main House;

.. a purpose-built soffit box will be erected along the southern aspect of the bakery (e.g. along the stream). This will be accessible to bats;

.. purpose-built weatherboarding will be included on a section of the south-western aspect of the main building. This will be raised to allow access to bats and mimic current conditions on site.

The precise number and locations of boxes / roost features will be determined by

a

competent ecologist, post-planning and agreed with Natural England during the application for the mitigation licence".

Clee St Margaret Parish Council - objection.

4.1.4

Comments from the public were heard and included the following:

- a. Highway safety, traffic and noise - concerns that the increase in traffic that such a large development would have on the single track lanes in, not only the village but all entry points to the village for several miles.
- b. Effect on a listed building and conservation area in the AONB - The listing of the mill specifies the small nature of the mill and its buildings which would be detrimentally affected by the scale of the proposed development. This would not only affect the listed building but the conservation area and the AONB. Other properties within the conservation area are all of a similar, small size and this development would not be in keeping with the area.
- c. There are concerns that the pumping of water from Clee Brook for the mill would affect the flow of the Brook including the ford, at the entrance to the village and affect the amenity of the properties that are bounded by the brook. This would also affect the wildlife that rely upon the Brook.
- d. There was acceptance of some of the changes to the application, including the sewage treatment plant, changes to the access and revised water supply to the mill.

The Councillors discussed the application and fully supported the public comments. In addition, they were concerned about the following:

- a. There were not enough details in the application regarding the commercial aspects of the development, including the use of The Mill itself and the residential development.
- b. The Council are keen to see The Mill developed but the scale of the development is totally unacceptable for a Listed Building in the Conservation Area and AONB.
- c. Councillors were concerned that, although this is described as a family home, due to its size they believe it will be a commercial enterprise and are concerned about the affects that such a large number of cars and people travelling to and from the property would cause; extra noise, traffic and affect the safety of road users on single track roads.

The Council resolved to object to this application.

4.1.5 Historic England - no comment.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals.

4.1.6 The Georgian Group - no comment.

4.1.7 Ancient Monuments Society - objection.

We objected to a previous but similar application (21/05447/LBC) in December 2021 and are disappointed our comments, particularly those about the dominating scale of the extension, have not been taken into consideration in this new application.

Overall, the conservation ethos of the scheme remains questionable on a number of aspects. The whole complex is a microcosm of milling antiquity, a vertical essay in the archaeology of milling, a process which had changed little from its Saxon inception, and is thus of the highest significance. The heritage statement (HIA) is sound but is less thorough on the assessment of the mill house, missing the importance of the timber framing, which could be 16th or 17th century, as well as the bake-house with its oven, which is integral with the build. Such a complete complex is very rare. More pertinently the HIA does not adequately quantify significance in terms of the extraordinary survival of a group of buildings which illustrate so extensively the processing of grain from field to mill to loaf, in a rural vernacular context.

In general, there is little adherence to the conservation principles of minimal intervention and maximum retention of historic fabric. The structural engineer's report for the mill is a concern with the proposed replacement of purlins, rafters and possibly even trusses, so that the end result will largely be a replication and the archaeology of the roof construction lost. This can be avoided by the judicious use of secondary timber elements to achieve consolidation rather than replication. Replacing the ground floor with a concrete slab will have an equally detrimental effect.

Ground floors of mills are often compacted with former millstones, made use of when no longer capable of being sharpened sufficiently to grind flour.

The structural engineer's report for the mill house is equally detrimental to the archaeology of the building with proposals such as replacing all purlins with engineered replicas and an insulated floor slab. A Limecrete floor would surely be a better option. The drawing makes a statement of the need to totally rebuild a chimney though this does not appear on the SE report. Which aspect of the chimney is proposed for rebuild is unclear.

To restore the mill is fraught with difficulties. The mill machinery has a number of missing components but enough still survive for it to illustrate its narrative.

Restoring the mill to working order will require the replacement of much of this remaining historic machinery. A consolidation of the wood with suitable hardening treatments and extra supports for the millstones, rather than replacing parts would be a better option. In addition, milling, if fully restored, puts an incredible strain on the structure in terms of vibration and the current building is highly unlikely to be able to withstand this, its current problems doubtless being related to this aspect.

As previously stated, the massive extension to the mill house is harmful and dominates the original cottage and little justification has been provided for almost tripling the footprint of this building, particularly when there is so much 'build' already on site. The extension essentially replicates the existing building in scale, mass and bulk, in addition to the connecting structure and alters the topography of the site and hence its archaeological profile. It overwhelms the site and the group

of three key historic structures. We understand the need to modify the house to meet modern living standards, and a modest extension would likely be acceptable, but as proposed, the extension results in the existing heritage asset becoming a mere minor wing of a much larger modern house, and that would be highly detrimental to its significance.

On the basis of the amount of historic building fabric to be replaced, not to mention the effect of the scale, bulk and massing of the extension on the mill house and dominance of the site as a whole, we disagree with the conclusions in the heritage study. Given the significant historic fabric to be altered within these buildings, we strongly recommend an accredited conservation engineer review the structural elements of this proposal before proceeding. We would also recommend revised plans for the extension are prepared that address and respect the heritage significance of the host building.

4.1.8 Council For British Archaeology - no comment.

4.1.9 Society for the Protection of Ancient Buildings - support.

The Society for the Protection of Ancient Buildings Mills Section is a statutory body in respect to proposals affecting listed buildings in the case of windmills and watermills.

This is a well-considered proposal which offers the opportunity for a significant group of buildings relating to a traditional industry using natural waterpower to be protected by a resident owner/occupier. It is pleasing that the plans for the millpond and water supply, the mill itself and the bakehouse are specified in detail broadly comparable with that provided for the extension to the Mill House, the design and specification of which appear well considered. Although this proposal includes a very large "extension" the primary intent is to preserve the appearance of the old buildings and their courtyard, so that the extension has been placed to the east and terraced into the hill so that only its roof appears from the road. This seems to be an extremely sympathetic approach, well in line with the spirit of the previous application and providing minimal disturbance to the existing buildings.

The SPAB Mills Section advocates the retention of as much of the historic character within the three buildings as can be accommodated. We also record the expectation that the existing or remaining machinery and equipment in the mill is retained, avoiding their replacement with modern or other pre-used substitutes.

We are concerned if the mill is returned to working order to produce flour, the historic gearing will be lost, once removed this cannot be replaced.

If this is to happen then we would hope what remains in the mill is recorded fully before work commences. The reinstatement of other items, the millstones and furniture, also the waterwheel is acceptable if not to grind again.

The main attraction of this application is that it offers comprehensive reinterpretation of an entire 'industrial' site of its era. The heritage value of the intervention would be heavily reduced if any part of the planned project were not implemented.

The SPAB Mills Section is supportive of the application given the granting of the application for the house should be dependent upon the restoration of the mill and the bakehouse to provide a Heritage site of great interest and an exemplar of sympathetic re-use. The SPAB Mills Section considers the application as appropriate and encourages the local authority to specify that the approval for any

one part of the proposal is conditional upon the completion of all the other parts. We suggest further that a condition be made binding on any subsequent owner of the site.

4.2 Public Comments

4.2.1 The application was advertised by way of notice at the site and in the local press.

4.2.2 Two public representations have been received in relation to this listed building consent application, both objecting to the scheme. However, other objection comments, which also relate to the sister planning application, are available to view on the public planning file. The objection comments relating to this specific application are summarised below:

The proposed extension and overall scale of development is too large and disproportionate, affecting the listed building and the conservation area. The extension is an inappropriate design and unsympathetic.

5.0 THE MAIN ISSUES

Impact on listed buildings
Ecology and other matters

6.0 OFFICER APPRAISAL

6.1 Impact on listed buildings

6.1.1 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings. This is reflected by the National Planning Policy Framework (NPPF), the Council's Core Strategy Policies CS6 and CS17, and Policy MD13 of its Site Allocations and Management of Development (SAMDev) Plan, which attach great weight to conserving designated heritage assets. Additionally Core Strategy Policy CS5 requires conversion schemes to contribute positively to the character of the building and its surroundings, whilst SAMDev Policy MD7a and Historic England guidelines normally expect traditional rural buildings to be converted in their present form without significant alteration or reconstruction.

6.1.2 The site forms an historic mill complex and the buildings here are currently unoccupied and in a poor state of repair, particularly the corn mill. Although, the footprint of the proposed house extension is large, more than doubling the footprint of the existing dwelling and part of it would be a contemporary, flat roof addition, the form and character of the existing house would be retained, remaining legible in character and the rearmost section of the extension would be more sympathetic, repeating the general form and pattern of the dwelling. The flat roof part of the extension would be lower and sandwiched between, which would allow it to be screened from view whilst also demonstrating transition between the old and new elements of the building.

6.1.3 The former bakery / Bakehouse building would be converted to use, mostly in its present form, with minimal external alteration required and the same can be said for the Corn Mill, which is a particularly important local, historic feature. The harm to the buildings is considered to be less than substantial overall and, taking into account the conservation benefits of retaining the buildings in long-term viable use, it is agreed with the Conservation Officer that the house extension and other building alterations are justified, to preserve the whole site, in perpetuity for future generations.

6.1.4 All historic fabric and unique features of the development site would be controlled by condition, which would ensure the long term survival of this group of buildings, as well as the internal workings of the Corn Mill and the bakery oven, which is proposed for retention.

6.2 Ecology and other matters

6.2.1 The relevant issues here are generally confined to the impact on the listed buildings themselves. However the Council is legally obliged to have regard to biodiversity when exercising any of its statutory functions, including determining applications for listed building consent.

6.2.2 This development would disturb bat roosts, which have been found to be present. However, suitable mitigation is proposed and officers have fully considered the implications for the site's conservation objectives in the EPS matrix attached to the associated officer's report, (22/02338/FUL). The EPS matrix is also available for view online, under this listed building consent application.

7.0 CONCLUSION

The proposals would secure the buildings in viable long-term use and are generally sympathetic to their fabric, character and overall significance. Furthermore, although bat roosts would be disturbed, the three tests, as set out in the EPS matrix are satisfied. On balance therefore, the application accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the Countryside
 MD7A - Managing Housing Development in the Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

21/05446/FUL Conversion and extension to the Mill House, change of use of the Bakehouse to ancillary accommodation, installation of ground source heat pump, restoration of the Corn Mill to working order with associated external works WDN 7th January 2022
 21/05447/LBC Works to convert Mill House with extension, conversion of Bakehouse to ancillary accommodation and the restoration of the Corn Mill to working order with associated external works; affecting a Grade II Listed Building WDN 7th January 2022
 22/02338/FUL Conversion and extension to the Mill House; change of use of the Bakehouse to ancillary accommodation; restoration of the Corn Mill to working order; installation of a Bat House and associated external works PDE

11. Additional Information

View details online:

[22/02339/LBC | Conversion and extension to the Mill House, conversion of Bakehouse to ancillary accommodation, restoration of the Corn Mill to working order, the installation of a Bat House and associated external works affecting a Grade II Listed Building | Mill House Cleve St Margaret Craven Arms Shropshire SY7 9DT](#)

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Cecilia Motley
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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No alterations to, stripping of or other works to the buildings shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed photographic record of their current fabric and fittings, to accord with 'Level 3' standards as defined in the Historic England document 'Understanding Historic Buildings: A Guide to Good Recording Practice'.

Reason: To provide an adequate record of the form and fabric of the listed buildings prior to their conversion.

4. No insulation work shall be carried out or roof trusses or other structural components of the building, including internal mechanical and electrical services and / or internal and external fixtures cut, altered, removed or replaced until a full schedule and detailed method statement for such works has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: To safeguard the fabric and character of the listed building.

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

Reason: The site is known to hold archaeological and architectural interest. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds, in order to ensure a sustainable development.

6. No works shall take place to buildings on site until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

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

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

7. No new stonework or repairs to existing masonry shall commence until precise details/samples have been submitted to/inspected by and approved in writing by the Local Planning Authority. These shall include:

- drawing showing areas of new/repared/repointed stonework
- method of removing existing mortar
- representative sample of stone to be used
- details of method of laying/coursing the stone
- mortar mixes and joint finishes
- representative 1sqm sample panel of completed stonework

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the listed buildings.

8. No new or replacement external windows, doors, roof lights or any other external joinery shall be installed until complete joinery/product details of them, including details of window styles, glazing bars, mullions, sill mouldings and surface treatments/decorative finishes have been submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. The development shall be carried out in accordance with the approved details.

Reason: To ensure the external appearance of the development is satisfactory and to safeguard the character and appearance of the listed buildings.

9. Besides demolition work, no above-ground development shall commence until samples/precise details of all external materials and finishes, (including that of the bat house) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with approved details.

Reason: To ensure that the external appearance of the development is satisfactory, and to safeguard the character and appearance of the listed buildings.

10. Other than demolition, no above ground work shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping. This shall include:

- Precise details/schedules of trees to be retained and any newly proposed planting and seeding;
- Details of any new walls, fences and other boundary treatments/means of enclosure;
- Details of hard surfacing materials;
- Timetables for implementation.

The hard and soft landscaping works shall be completed in accordance with the approved details, prior to the first use of the development or in accordance with an agreed timetable. Thereafter, all fences, walls, hardstandings and other hard landscaping features shall be retained in accordance with the approved details, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the setting of the listed buildings and the conservation area.

11. Prior to first use / occupation of the buildings, the makes, models and locations of bat boxes; (a minimum of 6 roosting opportunities, including the bat house) shall be installed in accordance with Section 4.2 of the Bat Mitigation Strategy (Aspect Ecology, April 2022), . The roosting opportunities shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats.

12. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirting's, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

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

13. No parts of the existing buildings shown to be retained on the submitted plans and drawings shall be demolished or rebuilt.

Reason: To ensure that the existing buildings are converted in their present form. Complete demolition and rebuilding would be contrary to Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

14. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's 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.

15. If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure architectural features are recorded during development.

Informatives

1. This listed building consent should be read in conjunction with planning application No. 22/02338/FUL, to which further/alternative conditions may be attached.

2. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015, a fee is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

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

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, scrub removal and 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.

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

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

5. 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.

AGENDA ITEM



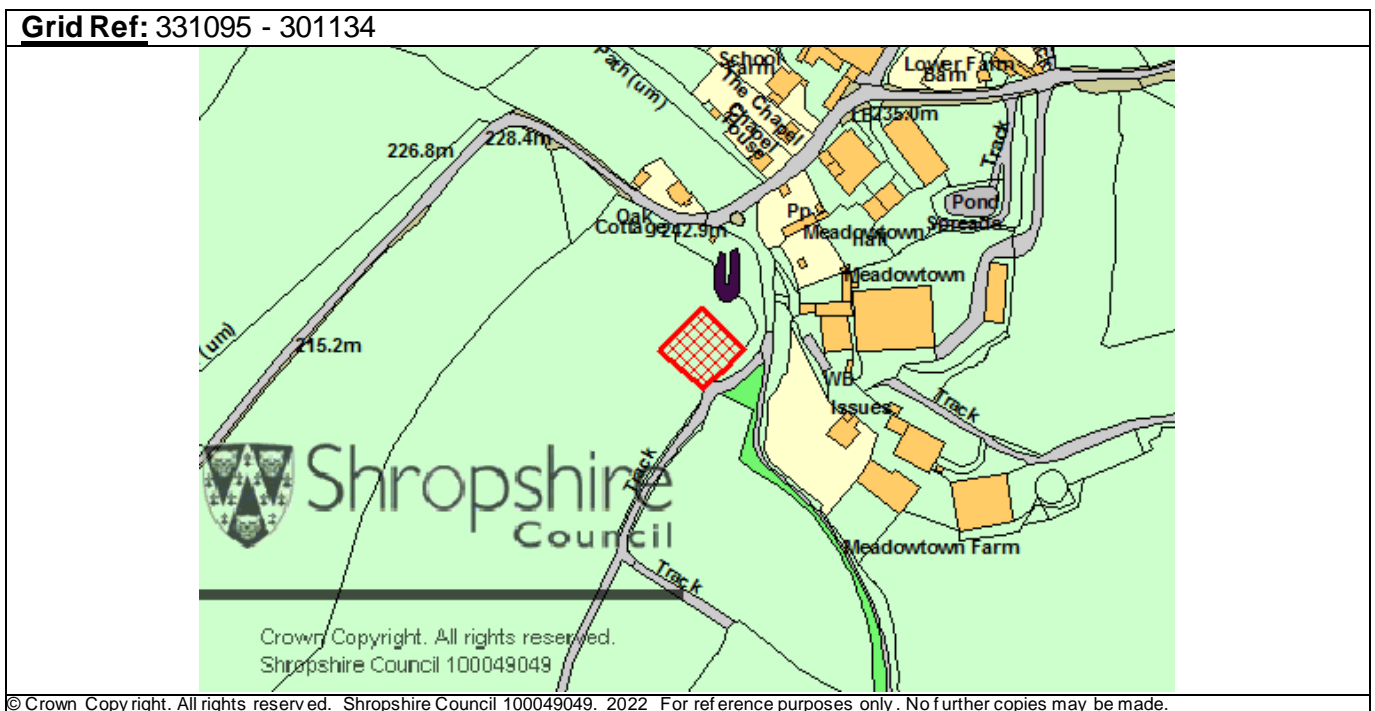
Committee and date
Southern Planning Committee
23rd August 2022

Development Management Report

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

Summary of Application

Application Number: 22/02353/FUL	Parish:	Worthen With Shelve
Proposal: Erection of a detached dwelling, associated garage/carport and siting of a septic tank, together with a new vehicular access and all associated works		
Site Address: Proposed Dwelling To The SW Of Meadowtown Shropshire		
Applicant: Mr R Jones		
Case Officer: Mandy Starr	email	: mandy.starr@shropshire.gov.uk



Recommendation:- That planning permission be refused for the following reasons:

Recommended Reasons for refusal

1. The proposed development would be sited in a prominent position on an open field, beyond the small settlement of Meadowtown, where its open outlook towards the northwest, contributes to the distinctive character of this part of the Shropshire Hills AONB, so any new development on this field is likely to be highly visible from surrounding hillsides and would be contrary to Policies CS6, MD2, CS17 and MD12. In addition to this increased visibility, the proposed dwelling would not reflect the pattern and grain of development of this small settlement given its isolated location and being away from any public highway. Furthermore whilst it is acknowledged that the settlement of Meadowtown forms part of a Community Cluster under the adopted SAMDev Plan, the proposal for an open market dwelling conflicts with Core Strategy policy CS4 and the relevant SAMDev Plan Settlement Policy S2.2(vii) as it comprises neither infilling nor conversion on a suitable site.

The benefits of development do not outweigh the harm identified. For these reasons the development is also considered contrary to the NPPF, and to the Council's settlement strategy as set out in CS1, CS4 and MD1 of the adopted Core Strategy and adopted SAMDev Plan, which are up to date and given full weight. There are no other material considerations of sufficient weight in favour of development to warrant a departure from Development Plan policy.

REPORT

1.0 THE PROPOSAL

1.1 The proposal is for the erection of a detached open market dwelling with associated garage/car port plus the siting of a new septic tank together with a new vehicular access and all associated works in a field in Meadowtown.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is part of an open field sited within the hamlet of Meadowtown and can only be reached via an unmade bare rock farm track coming off the main lane that runs through the settlement that runs towards Whitehouse, an isolated dwelling to the south of Meadowtown in the hills. This 0.9ha plot of land is sited to the southwest of a former quarry that is now a Site of Special Scientific Interest in what is currently a large steeply sloping pasture field that faces northwest towards Long Mountain; Stockton and Trelystan across the Camlad valley.

2.2 The nearest properties lie to the north – Oak Cottage and Meadowtown Hall which

is a Grade II listed C17 timber framed dwelling to the northeast, whilst Meadowtown Farmhouse and barns lie to the south of the track but lower down.

2.3 Meadowtown and the surrounding settlements are all within the Shropshire Hills Area of Outstanding Natural Beauty

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development is not considered to accord with the requirements of the Council's relevant adopted policies, but the Parish Council do not object to the scheme subject to design considerations and following the discussion of the case as the Agenda Setting Meeting on 4 August and taking into account the request of the Local Member for a Committee determination, it has been resolved that this application will now require determination by Committee to consider the important issue of what determines suitable infill in this Community Cluster.

4.0 Community Representations

4.1 Consultee Comment SC Ecology

Conditions and informatives are recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17

SC Highways

No objection subject to informatives

SC Affordable Housing

No affordable housing obligations are applicable in this instance as the site area falls below the 0.5 ha threshold by which the Local Planning Authority are able to require a contribution towards affordable housing,

Shropshire Hills AONB Partnership

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.

4.2 Public Comments

Worthen with Shelve Parish Council: This Parish Council would like the officer to make note of the design and ensure that the visual impact on the area is a

consideration. This parish council is taking a more flexible approach in relation to infill given the vernacular of the hamlet.

The site notice was displayed on 8 June 2022 and it expired on 29 June 2022

1 letter has been received objecting to the proposal on the following grounds:

- A new open-market dwelling in this location beyond the established built up area of the settlement would not constitute 'infill development', but an isolated and sporadic development, so the site should be regarded as open countryside and should be protected from development, because site is visually separated from main part of the Meadowtown and has a distinctly rural character with a highly visible open aspect to the southwest, so any new dwelling would impacting on the distance views and the scenic beauty of the AONB contrary to local and national planning policy.
- Whilst accept that Meadowtown has a loose-knit and irregular development pattern and that most properties have a highway frontage with a few separated by paddocks/fields contrary to submitted documents, the proposal lacks a contiguous boundary with any residential curtilage, there is no intervisibility between it and any other property and the southwest elevation would front onto the open countryside.
- Concerns that this would result in sporadic housing beyond settlement and into the wider landscape contrary to planning policy.
- Previous refusal in 2016 for 2 No detached dwellings which would have been very close to the current scheme, so consider that the same issues apply to this scheme and Council should be consistent in approach.
- Aware that Meadowtown is currently part of a Cluster, but under the new Draft Local Plan this won't be the case as it will be classified as countryside. This therefore carries weight to the other objections, and this should give enhanced protection to this site too.

1 letter has been received supporting the proposal on the following grounds:

- Meadowtown is due for some much-needed regeneration and help bringing it out from the dark ages
- Applicant is a well-known farmer who has lived and worked in the area his whole life and has now started to raise a family who need and deserve to live in the local community. If this scheme is not approved, then they will be forced to move away from the area due to lack of affordable housing

- Meadowtown has very few places of infill and it is considered that the proposed location would sit within these parameters and would sit well of the surrounding properties albeit on the edge of the hamlet
- Would like to see a plan of the elevation in relation to the other houses nearby such as Meadowtown Farm as we understand that it would be sunk into the hill, so as not to obscure views and fit in with surrounding properties.

The Local Ward Member has raised concerns about this case and wishes that it be discussed at Planning Committee on the grounds that there is a range of views on what 'infill' is in this Division and considering some recent decisions in Pennerley, Marton and Gravels Bank that has created a nucleated settlement that never existed before.

5.0 THE MAIN ISSUES

Principle of development
Affordable Housing Contribution
Layout, scale, design and landscape impact
Ecology
Residential Amenity
Access and Highway safety

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 development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and a Site Allocations and Management of Development Plan (SAMDev). Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given significant weight in the determination of planning applications.

6.1.2 The Council is satisfied it can demonstrate a deliverable 5-year supply of housing Land of 5.60 years of deliverable housing land against the housing requirement within the adopted Core Strategy to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the Community Hub and Cluster approach. The Council therefore considers the housing policies contained within the Core Strategy up to date and should be attached full weight.

6.1.3 Regarding housing numbers, the Council's Five-Year Housing Land Supply

- Statement confirms that, as of 31st March 2021 published February 2022 ,18No new dwellings had been completed in this Cluster and 16No sites have planning permission or Prior Approval up to 31st March 2021.
- 6.1.4 A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new open-market housing to sites within market towns, other 'key centres' and certain named villages (Community Hubs and Clusters) as identified in the Site Allocations and Management of Development (SAMDev) Plan. Isolated or sporadic development in open countryside (i.e. outside the designated settlements) is generally regarded as unacceptable unless there are exceptional circumstances.
- 6.1.5 Although Meadowtown is a very small settlement with few services and facilities of its own, it along with Hope, Bentlawnt, Hopesgate, Hemford, Shelve, Gravels, Pentervin, Bromlow, Middleton and Lordstone it forms part of a Community Cluster under Bishops Castle Settlement Policy S2.2(vii) under SAMDev Policies MD1 and S2.
- 6.1.6 This implies broadly that the settlement, which forms part of a wider Community Cluster, is sustainable, and carries significant weight, with the National Planning Policy Framework (NPPF) stating that proposals which accord with an up-to-date local plan should be approved without delay. Policy S2 gives a guideline of around fifteen additional dwellings across the Cluster by 2026, and besides conversion schemes, the intention is for these to comprise infill developments on suitable small scale 'windfall' sites.
- 6.1.7 The policy also notes the Worthen with Shelve Parish Council preference for no more than five dwellings to be built during each third of the Plan period and no more than 2 dwellings per site.
- 6.1.8 Since these settlements lack predefined development boundaries, and the Council's adopted policies do not explicitly define infill, an element of judgement is required in each case.
- 6.1.9 Core Strategy Policy CS4 confirms that new housing must be located within the settlements themselves and not on adjoining land or in the countryside in-between and in this case, the dispersed loose knit nature of the existing housing at Meadowtown is a feature and there is a distinct end to the dwellings on the southern side of the hamlet where the open countryside restarts typified by enclosed rolling fields.
- 6.1.10 Whilst it is acknowledged that any proposal for a new dwelling could not be sited closer to the public highway to the north of the site, due to the stone quarry (now a SSSI) being sited immediately to the north of the application site, the proposed location of the dwelling would actually be isolated from the main part of the hamlet on land which is higher than the hamlet and prominent and because the field then drops away in a steep slope to the north west of the site. As such the proposal is considered to be in a location that would be considered to be separated from the

main core of this small settlement.

- 6.1.11 Officers consider that this site for a new open market dwelling would therefore be outside of the core of the hamlet and would not be considered to be infill as is required under the CS4 policy and Settlement Policy. Furthermore, there are concerns that should this dwelling be approved that it would lead to further encroachment of this highly prominent field for development in the future.
- 6.1.12 It is also of significance that in 2016 under 16/04147/OUT, an application for 2No open market dwellings was refused for the land on the other side of this stone track on the similar policy grounds.
- 6.1.13 The comments of the Parish Council are noted regarding the need to give a more flexible approach to infill in this hamlet. However, a precedent has been set here, given the earlier refusal in 2016 for the 2No units on the other side of the rock track. Furthermore, because of the distinctive topography of the site in that is quite separate from the other dwellings to the north and east, this proposal cannot be considered as suitable infill in this instance.
- 6.1.14 It is noted in the Planning Statement that in reference to the proposed access it states :
- "Access is directly off a council road, the application site has good road frontage and this accords well with the existing pattern of development in Meadowtown."*
- This is considered to be misleading as the proposed vehicular access into the site would **not** be off a Council Road at all and nor does the application site have a good road frontage either. The existing field hedge that will be opened up to form the new access is a private track that according to the submitted site location plan is outside of the applicant's control and therefore is on land that he does not own or control.
- 6.1.15 Further discussions have since taken place with the agent and it has been confirmed that the applicant does not own the track and nor does he know who does. As a result, a Certificate D Notice has had to be published in the 'Shropshire Star' to advertise this application.
- 6.1.16 In addition no weight has been given to the applicants' personal circumstances either, given that the application is for an unfettered dwelling which could be sold on the open market. As a result, the proposal is considered to be unacceptable in principle due to planning policy.

6.2 **Affordable Housing Contribution**

- 6.2.1 The Council's Core Strategy Policy CS11 and a related Supplementary Planning Document require all market housing schemes to make an affordable housing

contribution (usually a one-off payment in lieu of on-site provision where a small number of dwellings is proposed). However this requirement is now effectively superseded by the revised NPPF published in July 2018, which states categorically (at Paragraph 63) that affordable housing provision should not be sought in connection with small-scale developments. It must therefore be accepted that the Council's policies in this respect are out-of-date and can no longer be given significant weight, meaning no affordable housing contribution is required here.

6.3 **Layout, scale, design and landscape impact**

- 6.3.1 Core Strategy Policy CS4 requires development in Community Clusters to be of a scale and design sympathetic to the character of the settlement and its environs, and to satisfy the more general design requirements under Policy CS6 and SAMDev Policy MD2. These expect all development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing. Meanwhile the NPPF affords certain designated areas, including AONBs, the highest level of protection in terms of landscape conservation.
- 6.3.2 In this case, the proposal is for a 3 /4-bedroom two-storey dwelling that would be sited 13m in from the field hedge boundary with the track. The new dwelling would have a square footprint and a floor area of 167m² with dimensions of 11m wide by 8.3m in length; arranged as a ground floor of 88m² and a first floor of 79m².
- 6.3.3 The design of the proposed dwelling is that of a one and half storey brick and slate dwelling with dormer windows in the roof. The eaves would be 4.4m high and the ridge 7.2m high. There would be a small single storey wing to the north.
- 6.3.4 The proposed layout would provide a central porch leading to a hall which has a separate family room and living room leading off it. Behind both of these rooms would be a large open plan kitchen and dining room. Off to the side facing north would be a shower room and boot room with the back door.
- 6.3.5 At first floor there would be four bedrooms including a master bedroom/ensuite, a bathroom. The 4th bedroom is designated as an office/study, but the dwelling is described as a four-bed unit on the application form.
- 6.3.6 The existing field gate into the pasture field beyond is to be retained for agricultural use. However this scheme would result in part of this hedge being removed to enable a new vehicular access off the rock track into the application site and this would involve a larger section of hedge being removed here.
- 6.3.7 No car parking spaces would be provided in a large front driveway that would also lead to a detached double garage. Foul drainage would be from a new septic tank/drainage field to be sited in the rear garden. The garden would have a depth of

9m from the house to the northwest facing boundary.

- 6.3.8 In terms of landscaping, new hedging is shown around all boundaries of the site and trees are shown on each corner at the rear of the site
- 6.3.9 The detached double garage would 2.7m from the front boundary and be sited with a southeast/northwest alignment. It would have a floor area of 37m². It too, would be constructed of brick walls with a slate roof and have eaves of 3.6m and a ridge of 5.7m. The proposed front elevation would also include what appears to be timber framing and render above the two-bay structure indicative that there may be some form of accommodation in the roofspace, but this has not been indicated on the drawings.
- 6.3.10 The proposed application form states that this proposal is for a 4-bedroom unit, but one bedroom is shown on the submitted plans as being for an office/study, This is unfortunate as the Parish Plan requires that dwellings should ideally be 3-bedroom only, in order to ensure that new open market housing can be remain affordable for local people in the future.
- 6.3.11 The Parish Council has also commented on the proposed design and visual impact of this new dwelling. It is noted that for the hamlet, the predominate materials are timber framing for the farmhouse and the use of stone walling for some older cottages, some of which have also been rendered in the past, whilst the later red brick dwellings tend to have distinctive buff brick decorative features and slate roofs. This proposal is for a brick and slate dwelling which would match the materials of the later dwellings in the hamlet, but no decorative features have been shown on the drawings, but these could be conditioned if the application was to be recommended for approval.
- 6.3.12 The 0.9ha plot is quite spacious and would extent north-westwards into the field by 33m and have a width of 29.6m wide. It would only be separated from the edge of the Meadowtown quarry by a small margin of 2.5m.
- 6.3.13 Concerns are also raised regarding the location of a dwelling on this prominent field with its steep contours given the Parish Council comments on design and visual impact.
- 6.3.14 A cross section drawing has now been submitted showing that the proposed dwelling would be partially dug into the hillside in a northeast/southwest alignment by some 3m from the north-eastern boundary of the site compared to the southern boundary. This would mean that the proposed garage and much of the dwelling would be partly below the existing field level and that the level of the north-eastern side boundary would become contiguous with the existing quarry slope edge here.

6.3.15 Notwithstanding that the proposal is also to plant trees and hedging around the site boundary for what is an entirely open field at present, it is considered that the dwelling would still remain somewhat prominent here and this would result in it being visible when viewed from the lane below leading to Rorrington, because of the steeply sloping field behind the site and in addition there are also views towards this field from across the Camlad valley from Long Mountain, as this hilly terrain is a important landscape feature.

6.3.16 There is also a requirement to consider how the proposal would comply with the requirements of new development within the Shropshire Hills Area of Outstanding Natural Beauty.

6.3.17 The Shropshire Core Strategy gives a high profile to the AONB in terms of quality of landscape, geodiversity and biodiversity, as an important asset for tourism, and as a key part of Shropshire's Environmental Network. It recognises the need for development to be of higher quality in the AONB, stating that:

“Proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable. Whilst these considerations will apply generally, there will be areas where development will need to pay particular regard to landscape character, biodiversity or other environmental considerations including in the Shropshire Hills Area of Outstanding Natural Beauty.”

“Landscape impact assessment, in common with any assessment of environmental effects, includes a combination of objective and subjective judgements, and it is therefore important that a structured and consistent approach is used. ... Landscape and visual impacts are separate, although linked procedures. Landscape effects derive from changes in the physical landscape, which may give rise to changes in its character and how this is experienced. Visual effects relate to the changes that arise in the composition of available views as a result of changes to the landscape, to people's responses to the changes, and to the overall effects with respect to visual amenity.”

6.3.18 The key issue here is that the proposal is to erect a dwelling that is outside of the main part of Meadowtown on what would be part of an exposed and prominent field that can only be reached by a farm track off the public highway. There are no other dwellings in this field, but the nearest ones Meadowtown Farmhouse, Meadowtown Hall and Oak Cottage sited some 50m away from the application site and this would result in an isolated development which would erode the character of the countryside here.

6.4 Ecology

- 6.4.1 Policy CS17 from the Core Strategy deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these assets
- 6.4.2 Policy MD12 from the SAMDev states that in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on any of the following: locally designated biodiversity sites; priority species and habitats; woodlands, trees and hedges and landscape character and local distinctiveness. In these circumstances a hierarchy of mitigation then compensation measures will be sought. There is also a need to encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets particularly where this improves the extent or value of these assets are recognised as being in poor condition. Finally, there is a need to support proposals which contribute positively to special characteristics such as adjacent high priority biodiversity areas.
- 6.4.3 A Preliminary Ecological Appraisal was provided for the application site by Arbor Vitae Environment Ltd on 21 April 2022. This assessed the potential for various protected species having established that the site is next to the Meadowtown SSSI and within the Shropshire Hills AONB.
- 6.4.4 The application site is improved grassland forming part of a larger holding used for grazing livestock. There is an existing boundary hedge to this field along the track with a field gate, but a new vehicular access will be provided down the track for the new dwelling.
- 6.4.5 The quarry has been designated as a SSSI for its geological interest only as being part of the Llandelio Series of Ordovician period exposing shales and limestone plus fossils.
- 6.4.6 The Assessment found no badgers, bats or great crested newts and birds would only be affected by the hedge removal for the new access.
- 6.4.7 In terms of mitigation and biodiversity enhancements, native hedgerow planting is proposed using typical Shropshire species, external lighting will be bat friendly and bat and bird boxes will be included in the development.
- 6.4.8 The Council's Ecologist has read the Assessment and is happy with the level of survey work and it able to recommend approval subject to conditions and informatives on bat and bird boxes, external lighting and standard informatives
- 6.5 **Residential Amenity**

- 6.5.1. Policy CS6 of the Core Strategy and Policy MD2 of SAMDev indicates that development should safeguard the residential and local amenity.
- 6.5.2 There are no undue concerns in this regard given the proposed location of the dwelling in this field sited away from other neighbouring dwellings

6.6 Access and Highway Safety

- 6.6.1 CS7 deals with Communications and Transport. Sustainable development requires the maintenance and improvement of integrated, accessible, attractive, safe and reliable communication and transport infrastructure and services
- 6.6.2 The application site is not on an adopted highway. Instead, the access is via a rock surfaced private farm track that leads from the public highway southwards past this field towards Whitehouse, an isolated dwelling to the south. The proposed dwelling would be some 92m from the nearest classified road which is the lane that runs through the settlement.
- 6.6.3 Adjacent to this access, the track forks and then runs off in a south easterly direction towards Castle Ring Fort. This is designated as a BOAT (Byway open to all traffic).
- 6.6.4 Highways consider that the proposal is acceptable in highway terms and have raised no objection subject to standard informatives.

7.0 CONCLUSION

- 7.1 Although it is clear that the host settlement is considered as falling within an identified Community Cluster, the criteria imposed by the SAMDev Plan clearly infer that for development to be considered acceptable, the development site will need to be considered as either infill or as a suitable conversion.
- 7.2 In this regard the proposal fulfils none of these policy requirements and the principle of development has therefore not been justified. Further still, the development site would be physically separated from the settlement in an open field and result in a development that would visually and physically encroach upon the open countryside beyond. In both regards the proposal is not considered to be in accordance with Core Strategy policies CS4 and CS6, and SAMDev policies MD1 and MD2 and is therefore recommended for refusal.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS8 - Facilities, Services and Infrastructure Provision

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

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

22/02353/FUL Erection of a detached dwelling, associated garage/carport and siting of a septic tank, together with a new vehicular access and all associated works PDE

11. Additional Information

AGENDA ITEM

Southern Planning Committee - 23rd August 2022

Proposed Dwelling To The
SW Of

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=RC3BGATDG4200>

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 Mrs Heather Kidd

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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, where applicable, and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

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SCHEDULE OF APPEALS AS AT COMMITTEE 23 August 2022

LPA reference	22/00665/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs Bott
Proposal	Installation of replacement windows to front of property
Location	39 Whitburn Street Bridgnorth Shropshire WV16 4QT
Date of appeal	09.08.2022
Appeal method	Householder Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/08226/ENF
Appeal against	Enforcement Notice
Committee or Del. Decision	Delegated
Appellant	Frank Ronald Evans
Proposal	Appeal against - i Material change of use of land from agricultural to caravan site and the siting of a static caravan on land for human habitation. and ii Engineering operations including laying of hardcore materials in association or otherwise with the use of the land for residential purposes.
Location	Appeal against - i. Material change of use of land from agricultural to caravan site and the siting of a static caravan on land for human habitation. ii Engineering operations including laying of hardcore materials in association or otherwise with the use of the land for residential purposes.
Date of appeal	10.08.2022
Appeal method	Enforcement Notice Appeal
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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