

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

Date: Monday, 15 July 2024

Committee:
Southern Planning Committee

Date: Tuesday, 23 July 2024

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.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

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
Richard Huffer
Christian Lea
Hilary Luff
Nigel Lumby
Tony Parsons
Ed Potter
Robert Tindall

Substitute Members of the Committee

Roy Aldcroft
Joyce Barrow
Gwilym Butler
Rachel Connolly
Cecilia Motley
Nigel Hartin
Kevin Pardy
Colin Taylor
Claire Wild
Paul Wynn

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the minutes of the Southern Planning Committee meeting held on 25 June 2024

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 5.00 pm on Thursday 18 July 2024 .

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 West Bungalow Chirbury Montgomery Shropshire SY15 6BH (23/04608/REM) (Pages 5 - 18)

Approval of reserved matters (access appearance, landscaping, layout and scale) pursuant to 22/04842/OUT for the demolition of existing bungalow and erection of 2No. dwellings

6 Proposed Battery Storage Facility North Of Bath Mews Minsterley Shrewsbury Shropshire (24/00889/FUL) (Pages 19 - 40)

Erection of a raised platform and installation of a battery energy storage system (BESS) with boundary fencing, access track, landscaping, and associated infrastructure

7 Proposed Development Land At Redhill Shrewsbury Shropshire (24/01248/FUL) (Pages 41 - 64)

Proposed construction of two dwellings

8 Land At Tip House Farm, Billingsley (24/01654/FUL) (Pages 65 - 72)

Erection of an affordable dwelling (in response to an identified local need) and detached garage and associated works

9 Schedule of Appeals and Appeal Decisions (Pages 73 - 78)

10 Date of the Next Meeting

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 20 August 2024 , in the Shrewsbury Room, Shirehall.



Committee and Date

Southern Planning Committee

23 July 2024

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 25 June 2024

2.00 - 2.46 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward

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

Present

Councillors David Evans (Chairman), Nick Hignett (Vice Chairman), Caroline Bagnall, Andy Boddington, Richard Huffer, Christian Lea, Hilary Luff, Nigel Lumby, Ed Potter and Robert Tindall

15 Apologies for Absence

An apology for absence was received from Councillor Tony Parsons

16 Minutes

RESOLVED:

That the Minutes of the meeting of the Southern Planning Committee held on 21 May 2024 be approved as a correct record and signed by the Chairman.

17 Public Question Time

No public questions had been received.

18 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.

There were no interests declared.

19 Proposed Residential Dwelling South Of Plealey Shrewsbury Shropshire (24/00121/FUL)

The Development Manager introduced the application which was an application for the erection of a detached dwelling and conversion of Dutch barn to form garage/garden store and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout. She reminded members that the application had been deferred from the previous meeting to allow a site visit to take place.

Councillor Allan Hodges spoke on behalf of Pontesbury Parish Council in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Roger Evans, local Ward Councillor spoke in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Paul Middleton, (Agent), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members commented that the design and siting of the dwelling was acceptable and that there was a proven need for single storey dwellings as identified in the Neighbourhood Plan and through Housing needs surveys

RESOLVED:

That contrary to Officer recommendation planning permission be granted and that delegated authority be given to officers to apply conditions as necessary.

20 Proposed Dwelling North West Of Pleasant View Rowley Shropshire (24/01047/REM)

The Principal Planner introduced the application which was an application for the approval of reserved matters (appearance, landscaping, layout and scale) in pursuance of outline planning permission No. 22/04011/OUT, for erection of pair of two-bedroomed affordable dwellings and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout.

The Solicitor read out a statement from Councillor Heather Kidd the local member in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Members felt that the design and materials used were acceptable

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted and that delegated authority be given to officers to apply conditions as necessary

21 Catsley View Meaton Lane Meaton Kinlet Bewdley (24/01556/FUL)

The Planning Officer introduced the application which was an application for Change of use of land to domestic, demolition of existing cattery building and erection of a

domestic outbuilding and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout. The Planning Officer drew members attention information set out in the schedule of late representations.

Members felt that the size and scale of the proposed new building was unacceptable and that the building could not be considered as subservient to the existing dwelling. They also expressed concern regarding the lack of ecological information.

RESOLVED:

That in accordance with Officer recommendation planning permission be refused for the following reasons: -

1. The proposed domestic outbuilding by virtue of its scale and size is considered to be excessive as it would not be read as subordinate to the existing dwelling and this would result in harm to the character and appearance of this rural area contrary to the requirements of Policies CS6 and MD2 of the local development plan policies and the NPPF.
2. The proposed design which includes the provision of extensive floor-to-ceiling glazing and decking would result in the building having an appearance that would be tantamount to the erection of a new dwelling in the open countryside which would be contrary to both national and local planning policies CS5, MD7a and the NPPF
3. The proposed outbuilding would have a different roof profile compared to the existing cattery building and as the ground slopes to the east the proposed new building would be more prominent than the cattery building and this would result in overshadowing and loss of light to the neighbour's property given that some of the site would need to be re-profiled to level the site. Insufficient information has been provided to fully assess the proposed level changes or how the proposed development would relate to the neighbour's party boundary and the proposal is contrary to the local development plan policies CS6, MD2 and the NPPF
4. Insufficient ecological information has been provided to demonstrate that the development will not cause an offence under the 2017 Conservation of Habitats and Species Regulations (as amended) in relation to Bats contrary to the local development plan policies CS17, MD12 and the NPPF and secondly there is also a requirement to demonstrate biodiversity losses and gains including the provision for a 10% net gain for the development; as required by the local development plan policies and NPPF and utilising the DEFRA Statutory Biodiversity Metric/Small Sites Metric recent BS 8683:2021 'Process for designing and implementing Biodiversity Net Gain' and good practice guidance i.e. 'Biodiversity Net Gain ' Good Practice Principles for development', CIEEM, 2016.

22 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 25 June 2024 be noted.

23 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 23 July 2024 in the Shirehall.

Signed (Chairman)

Date:

AGENDA ITEM



Committee and date
Southern Planning Committee
23rd July 2024

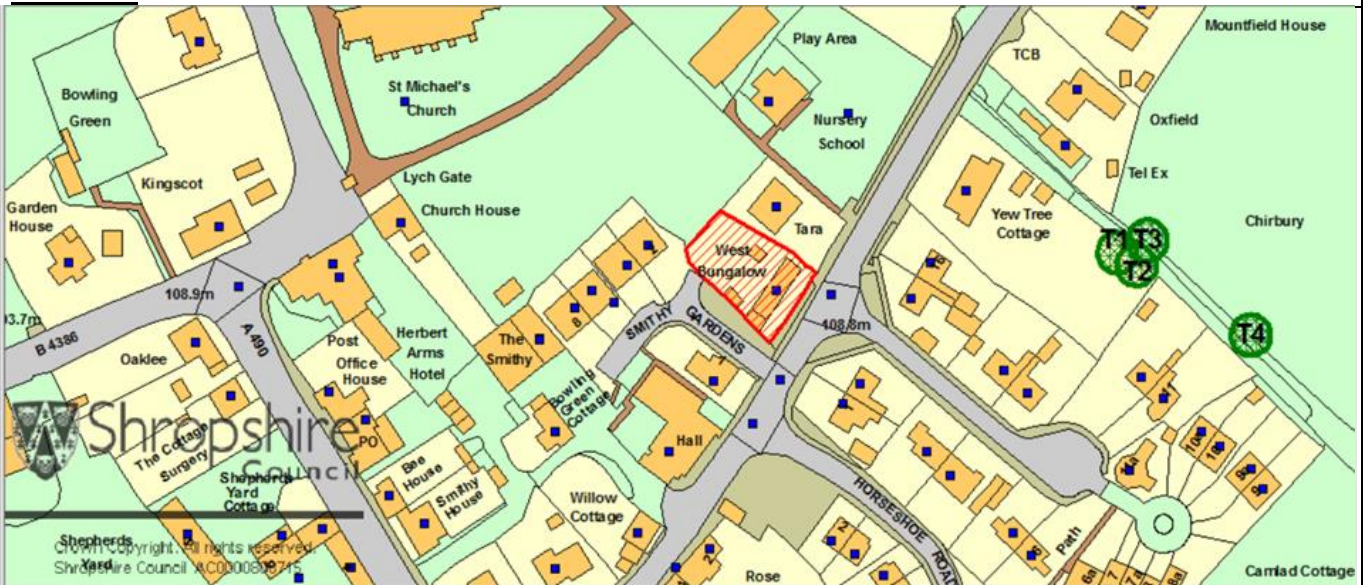
Development Management Report

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

Summary of Application

Application Number: 23/04608/REM	Parish: Chirbury With Brompton
Proposal: Approval of reserved matters (access appearance, landscaping, layout and scale) pursuant to 22/04842/OUT for the demolition of existing bungalow and erection of 2No. dwellings	
Site Address: West Bungalow Chirbury Montgomery Shropshire SY15 6BH	
Applicant: Mr David Winch	
Case Officer: Dunya Fourie	email: dunya.fourie@shropshire.gov.uk

Grid Ref: 326222 - 298444



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Recommendation:- Grant permission subject to conditions listed at appendix 1

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks approval for matters that were reserved for later consideration, this report should be read in conjunction with the report for the outline consent (22/04842/OUT). Consent has been granted to demolish the existing single storey dwelling. The roof design of the dwelling on plot 2 was amended while the application was pending and additional information was also provided in a planning statement.
- 1.2 The reserved matters for consideration under this application are access, appearance, landscaping, layout and scale.
- Access; A new access would be created off the highway, the access is double width and would require a dropped kerb. The existing verge and footway would remain.
 - Appearance; the dwellings would comprise two detached units.
 - Landscaping; boundary hedging and shrubs are proposed to the front of the dwellings and it is proposed to turf the rear garden with closed boundary fencing and two fruit trees along the rear boundary.
 - Layout; two detached dwellings with access, parking and shared turning to the front of the dwellings and separate gardens to the rear.
 - Scale; 2 two storey detached dwellings are proposed, the dimensions of the dwellings are approximately 10m in depth, 7m in width and 8m in height.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises a residential plot of land which adjoins the B4386 towards Worthen.
- 2.2 The site is outside of the conservation area, the boundary of the conservation area adjoins the rear of the site. St Michael's Church and associated tombs are Grade II Listed and are to the north west of the site, although the two sites are separated by a field, with over 20m between the two. The character of the surrounding area is predominantly residential with the village hall and primary school interspersed. The development site also lies south of the site of Chirbury Priory (HER PRN 02570), established in the 12th century, and includes the Medieval Church of St Michael (National Ref. 1055048) and the remains of a Scheduled Monument Compound Pier (National Ref. 1055050) thought to be part of the now demolished chapter house.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The outline application was called into Committee by the Local Member, Members at committee requested the reserved matters application also be a Committee decision, as detailed within the committee minutes.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 Highway Authority

No objection, the issues raised under the outline application have been addressed to the satisfaction of the Highway Authority.

4.1.2 SC Conservation (Archaeology)

No objection subject to the inclusion of the recommended condition requiring a scheme of archaeological works.

4.1.3 SC Conservation (Historic Environment)

22nd April

Little additional information provided and plans and scheme little altered, previous comments still stand.

21st November

Objection, the application is deficient in appropriate assessment of the impact upon heritage assets and the character and appearance of the area.

4.1.4 Tree Team

No objection, however insufficient tree and landscape scheme included with the application to allow proper assessment

4.2 Public Comments

4.2.1 The development was publicised via a site notice at the front of site and in the local paper (the Shropshire Star). Nine public representations were received in objection to the proposed development, the grounds for objection are summarised as follows:

- Two storey dwellings are out of character with the village
- Obstruction of view of listed St Michael's Church
- Highway issues, multiple traffic movements onto the B4368, especially during school pick up and drop off times
- Overdevelopment of the site
- Two storey height of dwellings would appear overbearing
- Loss of light and overlooking of neighbouring bungalow; Tara

4.2.2 Cllr Kidd

Objection summarised as follows:

- Block view of listed Church
- Just outside the conservation area, but should be sympathetic to the

- character of the conservation area
- Overdevelopment of sensitive site
- Loss of light for neighbour dwelling; Tara
- Render finish out of character with village

Chirbury and Brompton Parish Council

- 4.2.3 Objection to the proposal on the following grounds;
- Overdevelopment of site
 - Height of dwellings don't fit with the existing street scene
 - Open fronted driveway for 6 cars is highway consideration
 - Overlooking to neighbouring dwellings
 - Loss of light and privacy

5.0 THE MAIN ISSUES

Impact on the character and appearance of the area
Impact on highway safety
Impact on the historic environment
Impact on neighbour amenity
Sustainable development

6.0 OFFICER APPRAISAL

- 6.1 Policies CS6 of the Core Strategy and MD2 of the SAMDev Plan are the main policies which set out how development should be designed and assessed when it comes to sustainability. Policy MD2 states development should respond to local design aspirations wherever possible, both in terms of visual appearance and function and references village design statements as a useful resource. Paragraph 2 of the policy is particularly relevant and points i-iv give a good indication of the benchmarks for sustainable development. The National Planning Policy Framework (NPPF) advises against preventing appropriate innovation or change and that development should be sympathetic to local character, including the surrounding built environment and landscape setting.

The findings from the survey carried out as part of the Chirbury and Brompton Parish Plan (2018-2021) was that Chirbury was desirable for housing and that 2/3bed properties were sought after.

6.2 Scale

- 6.2.1 The minutes of the committee decision on the outline application state that Members considered single storey properties would be more suitable on the site and wished this to be conveyed to the applicant. Officers provided the committee minutes to the applicant. The scheme remains for two storey properties and as

such officers need to appraise the scheme before them.

6.2.2 The scale of the proposed dwellings is one area of objection from members of the public; the objections to the scale are two fold; referring to over development of the site and two storey dwellings being out of character with the scale of other surrounding buildings on the street. The cumulative frontage of the two dwellings would be not wider than that of the existing bungalow. The depth of the dwellings is long and extends well into the site. While it is noted that this would result in a greater area of the site being built on, the depth can be achieved and still maintain a reasonable garden area to the rear and off site parking and access to the front of the dwelling. The site is located centrally within Chirbury where there is a more urban layout, indeed it is not uncommon for dwellings to have curtilage areas similar to that proposed, the proposed block plan shows the layout of the site would not be dissimilar to other surrounding dwellings. The current layout provides a large rear garden area which appears larger than most of the surrounding dwellings. The width of the frontage would be visible from the public realm, the frontage remains similar in scale to the existing dwelling, the main bulk of the dwelling would extend to the rear and would not be fully visible from surrounding viewpoints. Officers consider that the dwellings could be accommodated without appearing cramped in relation to the context of the area. To give further context, the frontage of the site is approximately 3m narrower than the adjacent site (when measured at its widest point), these plots support semi detached dwellings with similar curtilage to the front and rear and the plot is slightly larger than plots within Smithy Gardens which have semi detached bungalows. While the proposed dwellings are not semi-detached, the surrounding context shows that two dwellings can be accommodated on the site.

6.2.3 Regarding the two storey height of the dwellings, there is a mixture of building heights immediately surrounding the site along this section of road. The adjacent Camlad Cottages are two storey as is the redbrick dwelling at the entrance to Smithy Gardens and the properties close to the junction with the A490 are also two storey. The context of the immediate surrounding area does accommodate two storey dwellings and as such planning officers feel that the scale of the dwellings alone would not appear out of character.

6.2.4 *Overbearing, overshadowing and overlooking on the neighbouring dwelling; Tara*
The depth of the properties would have the greatest impact in terms of bulk and potential to appear overbearing, the proposed dwellings would be 3 metres higher than the ridge height of Tara and would be separated by curtilage and boundary treatment. The scaled streetscene plan provided by the agent shows the height difference, while different to that of the existing dwelling, the height of the dwellings alone would not appear overbearing. The siting of the dwellings further back into the site would bring the frontage of the dwellings more in line with that of Tara, the

main bulk of the dwellings would therefore extend into the rear garden. This siting together and away from the adjoining boundary, approximately 3m between the side elevations, is sufficient for officers to be satisfied that the two storey dwellings could be accommodated without the bulk of the dwellings appearing overbearing on the occupiers of Tara. Permitted development rights were restricted via condition on the outline planning consent and as such the scale of the dwelling could not be increased without the approval of the planning authority.

6.2.5 Concern is raised within a public response regarding loss of privacy for the occupiers of Tara through overlooking of habitable rooms. The side elevation of the dwelling on plot 2 which would face Tara has a single window at first floor height, the height of this window would overlook the roof space of Tara, and furthermore this window would serve the upstairs bathroom and therefore would be finished in obscured glazing. The level of amenity enjoyed by the occupiers of Tara would not be reduced through overlooking by the proposed dwellings.

6.2.6 Overshadowing of the side windows and rear garden of Tara was also raised as a concern within the public response. The siting of the dwellings in line with Tara and the location of the habitable rooms would mean that the proposed dwelling would not reduce occupier amenity through overshadowing.

6.3

6.3.1 Appearance

Appearance, in particular the render finish on the upper elevations was raised as an area of concern by the Parish Council, planning officers agree and a condition of any forthcoming consent would require the building elevations to be brick, the exact type to be agreed in writing.

6.4

6.4.1 Layout

The layout of the site includes the features necessary to support new dwellings of the scale proposed and as such officers raise no objection to the layout of the site. The siting of the dwellings further off the street frontage, while different to that of the existing dwelling and other dwellings further along the street to the west, would bring the dwellings in line with neighbouring Tara and mitigate the bulk of the dwelling appearing overbearing.

6.5

6.5.1 Highway impact of open fronted access

The sustainability policies, as referenced above, refer to design being functional to achieve sustainability. Another main area of concern from the public was access; particularly whether additional vehicle movements from the proposed dwellings would exacerbate the existing congestion on this section of road during school pick up and drop off times. This is noted and officers understand from the representations that during these times there is a large number of vehicles parking on the street and footfall along the pavement. The existing dwelling has a car port which it appears would allow off road parking for one vehicle, if the existing dwelling had three bedrooms, based on current car ownership predictions, this could mean the dwelling

could have up to 3 cars and utilise the unrestricted on street parking. In accordance with current parking standards, the proposed layout includes parking spaces for up to 3 cars to be parked within the site, this would arguably improve the current situation by potentially reducing the number of cars parked on the road. The cars would need to cross the pedestrian footway when entering and exiting the site, cars entering and exiting the highway are likely to be manoeuvring slowly, as such the planning officers and the Highway Authority consider that the proposed development is unlikely to have a significant adverse impact on the surrounding highway network.

6.5.2 A condition of any forthcoming consent would require a construction management plan to be submitted and approved prior to works on the site commencing. The Plan would be required to demonstrate how the impact of the construction phase would be minimised.

6.6 Impact on the historic environment

6.6.1 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS5 Countryside and Green Belt. CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2, MD7a and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF), Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.6.2 The boundary of the site adjoins St Michael's graveyard, because of the proximity to the graveyard and the potential for historic artifacts to be disturbed during ground works, a condition of the outline consent required a written scheme of investigation to be approved prior to any excavation work.

6.6.3 The key concern raised within public representations and by the Local Member regards the two storey dwelling blocking views through the site of the Grade I listed St Michaels Church. The Conservation team do not consider that the impact on the historic environment has been properly assessed and reviewed within a planning statement. There are snatched views through the site of the steeple of St Michaels Church and part of the roof plane. The Church and its setting is not visible from the site in its entirety, and any such existing views could be further restricted by a high rear boundary treatment and interrupted by the intervening roof profile of Smithy Gardens dwellings.

6.6.4 The planning statement submitted in April does discuss the impact of the development on archaeology and the conservation area, but fails to discuss the visual appearance of the dwellings on the listed church. Officers note this and the comments made by the Conservation Team, however given that there are very limited views of part of the Church from the public realm to the front of the site and these views are further disrupted by landscaping and existing development, it is considered that the two storey dwellings would not obstruct any significant views of the listed church.

6.7 Landscaping

- 6.7.1 The submitted scheme regarding landscaping is minimal, as raised by the Tree officer and whilst there is no objection to the proposal a robust soft landscaping scheme relevant to a small garden would be required and can be secured via condition.

7.0 **CONCLUSION**

- 7.1 The principle of two dwellings on the site is already established by the outline consent. Officers consider that the proposed layout, scale and appearance of the proposed two storey dwellings could be accommodated without appearing out of character with the existing residential development in the surrounding area or reducing the level of amenity currently enjoyed by occupiers of neighbouring dwellings.

The congestion associated with the nearby school, as raised by members of the public is noted, however the proposed layout with on site parking, is unlikely to exacerbate this issue. In accordance with the Developing Highways team, planning officers raise no objection to the proposed access and parking layout on highway safety grounds.

The landscaping as proposed and as required by the attached condition is sufficient.

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:

AGENDA ITEM

Southern Planning Committee - 23rd July 2024

West Bungalow

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/10/00222 Replace Weather Boarding PDDEV 3rd February 2010
22/04842/OUT Outline application for the demolition of existing bungalow and erection of 2No. dwellings (all matters reserved) GRANT 7th June 2023
23/04608/REM Approval of reserved matters (access appearance, landscaping, layout and scale) pursuant to 22/04842/OUT for the demolition of existing bungalow and erection of 2No. dwellings PCO
SS/1984/9/P/ Alterations and additions to existing dwelling. PERCON 30th January 1984

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2ZU46TDKXW00>

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 Chris Schofield

Local Member

Cllr Mrs Heather Kidd

Appendices
APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

1. Prior to commencement of development, details of the construction of the car park shown on

the approved plans, including levels, drainage and details of the finished surface shall be submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details prior to first occupation of the dwellings and the car parking spaces shall remain available for their designated use in perpetuity.

Reason: In the interests of highway safety and to accord with Shropshire's Core Strategy policy CS6 (2011) and SAMDev plan policy MD2 (2015)

2. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and to accord with Shropshire's Core Strategy policy CS6 (2011) and SAMDev policy MD2 (2015).

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

1. Prior to construction of the dwellings hereby approved, details of the red brick on the front elevation shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details. Notwithstanding the submitted plans, the front elevation of the properties shall be constructed/finished in red brick only.

Reason: In the interests of visual amenity and to accord with Shropshire's Core Strategy policy CS6 (2011) and SAMDev plan policy MD2 (2015)

2. Prior to first occupation of the dwelling, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following:

- i) Indications of all trees within the site, including spread and species. Tree planting proposals in accordance with BS 8545;; 2014
- ii) Indications of all hedgerows within the site and identify which ones are to be retained and set out measures for their protection during construction
- iii) Planting plans, written specifications including cultivation
- iv) Implementation and maintenance plan

Reason: In the interests of biodiversity and the natural environment and to accord with Core Strategy policy CS6 (2011) and SAMDev policy MD2 (2015)

1. The approved landscaping works shall be carried out during the first planting season immediately following completion of the development hereby approved, the planting shall be

AGENDA ITEM

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West Bungalow

maintained in accordance with the approved scheme.

Reason: In the interests of biodiversity and the natural habitat and to accord with Shropshire's Core Strategy policy CS6 (2011) and Site Allocation and Management of Development Plan policy MD2 (2015).

APPENDIX 1

Conditions

Conditions

- Construction management plan; including parking vehicles
- Landscaping plan
- Materials of elevations to be approved
- Parking to remain in perpetuity

Informatives

- BNG

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AGENDA ITEM



Committee and date
Southern Planning Committee
23rd July 2024

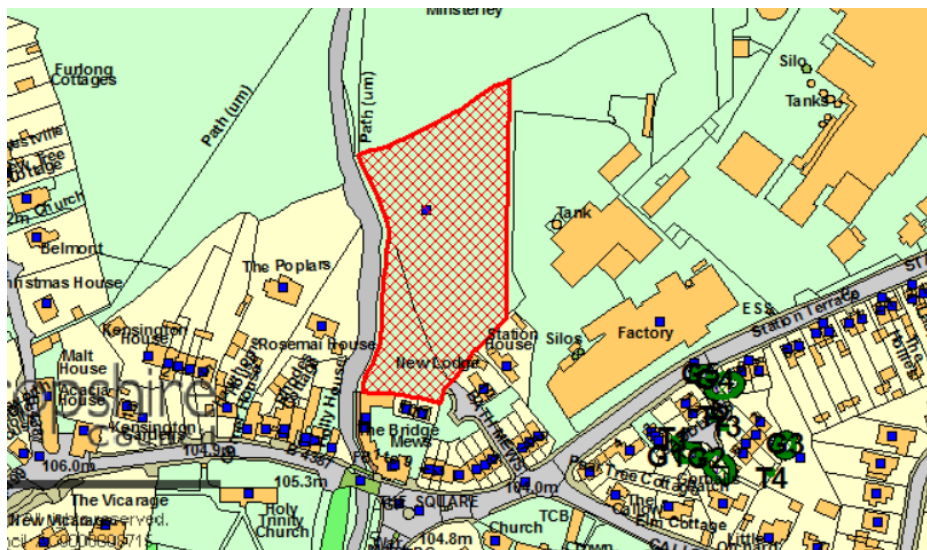
Development Management Report

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

Summary of Application

Application Number: 24/00889/FUL	Parish: Minsterley
Proposal: Erection of a raised platform and installation of a battery energy storage system (BESS) with boundary fencing, access track, landscaping, and associated infrastructure	
Site Address: Proposed Battery Storage Facility North Of Bath Mews Minsterley Shrewsbury Shropshire	
Applicant: Ms L. Garcia de Dios	
Case Officer: Lynn Parker	email: lynn.parker@shropshire.gov.uk

Grid Ref: 337479 - 305191



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

REPORT

1.0 THE PROPOSAL

1.1 This is a resubmission of Planning Application Ref: 23/01031/FUL that was refused for two reasons under delegated powers on 15th August 2023 on the basis of no sequential assessment being submitted with the application and that the proposal was unacceptable in terms of landscape and visual impact. This latest application has been submitted to address the reasons for that refusal.

1.2 The application proposes a 10MW battery energy storage system (BESS) on agricultural land to the north of Bath Mews, Minsterley. A grid connection to Malehurst 33/11kv primary substation has been secured with the Distribution Network Operator (DNO) for the project. The facility would be located on a raised platform and a flood storage basin positioned within the site to provide an enhancement in terms of flood water volume storage. The BESS compound would include:

- A platform sitting between 1.26 and 1.87m above ground level.
- 4 no. battery containers of 6.06m in length x 2.4m wide x 2.9m high.
- 3 no. Power Conservation System containers (PCS) and 3 no. Medium Voltage (MV) Skids enclosed within acoustic housing measuring 8.27m in length x 4.64m in width x 2.9m high.
- An on site substation of 6.56m in width x 5.17m wide x 3.79m to ridge height.
- 2m high green palisade fencing around the compound perimeter.

The ground underneath the compound will remain permeable and down to pasture.

1.3 Boundary fencing, an access track, landscaping scheme and associated infrastructure are indicated for the site. Access for maintenance and construction access is proposed through an existing field gate at the northern end of Bath Mews.

1.4 The proposed development has been amended during the course of the application to reduce the BESS platform in length and footprint, further distancing it from the residential receptors in Bath Mews to the south and the PROW to the west. The number of battery units has been consolidated from 4 to 2 and the PCS units and MV skids contained within a single acoustic enclosure. These have also been re-sited further from the residential properties and PROW. Bolstered native species tree planting of an additional 13 no. trees is indicated between the platform and

residential properties to the south.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site of approximately 0.71ha of agricultural land is located in countryside, outside, but adjacent to the Minsterley development boundary. It lies to the north side of Bath Mews, a small cluster of dwellings constructed after 2002, and Bridge Apartments formed from the former Bridge Hotel public house plus new build residential units. There are additionally detached dwellings to the south east and to the west beyond the Minsterley Brook which runs along the western boundary of the site with a PROW along its eastern bank. The site is within Flood Zone 3. To the east is industrial development (Rea Valley Foods and Muller), and to the north, agricultural land. Access into the site is via Bath Mews through a metal field gate adjacent to no. 10. There is existing mature landscaping comprising native hedging with some trees around the perimeter of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council and Local Member comments are at variance with the Officer view. The Chair of the South Planning Committee, in consultation with the Development Manager South, consider that material planning considerations are raised which warrant consideration by the South Planning Committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Minsterley Parish Council – Strongly objects.

- Risk of flooding or creation of flood risk – concerns regarding containment of water run off into Minsterley brook which would contaminate water supply.
- Very high fire risk to nearby factories and homes.
- Access to site is unsuitable for emergency vehicles and becomes blocked during flooding events.

This all makes the centre of Minsterley village unsuitable for a battery store.

4.1.2 SC Highways - No objections. The Construction Management Plan, and Transport Statement containing visibility and swept path analysis allay any highway concerns and are acceptable.

4.1.3 SC Landscape - The latest revisions to the development and landscape mitigation schemes are sufficient to reduce overall visual effects to an acceptable level, even though three dwellings will experience moderate adverse effects in the short term. Pre-commencement condition recommended to ensure the effectiveness of the proposed mitigation measures.

4.1.4 SC Regulatory Services - Condition recommended that the noise mitigation

measures as detailed in the Noise Assessment are implemented in full.

4.1.5 SC Ecology - The submitted Preliminary Ecological Appraisal is acceptable.

4.1.6 SC Trees - Consulted, awaiting comments.

4.1.7 Environment Agency - Consulted, awaiting comments.

4.1.5 Shropshire Fire And Rescue - Even though there are relatively few recorded fire incidents involving battery energy storage systems (BESSs), when affected by fire, they pose a significant environmental and safety hazard. Further measures may be required to mitigate the risk of fire.

4.2 Public Comments

4.2.1 Confirmation of site notice display received on 22nd March 2024. Proposal advertised in the Shropshire Star on 21st March 2024 as affecting a public right of way.

4.2.2 Seventeen public representations have been received in relation to the proposed development from thirteen different people. These comprise two comments of support and fifteen of objection including from Minsterley Flood Action Group and the Local Member. The representations are available to view in full on file, however are summarised below.

4.2.3 Objections:

Flooding

The thought of a battery storage facility being built in an area that is heavily affected by flooding, that is also in such close proximity to residential properties is highly concerning.

The brook bank is being washed away at an alarming rate on the site boundary affecting the course of the brook towards the proposed BESS location.

Any change on the opposite site to my garden could potentially push the water my way.

The proposed site flash floods with water thundering down the brook and breaking over the bank into this area. This is happening more frequently.

Tree planting and hedging will adversely affect the flow of the flood.

This area is repeatedly prone to flooding which can cut access to the proposed location.

Safety

There is a bill still being put forward in parliament for these units to be correctly categorised as hazardous.

Water and electricity do not mix.

If there is an incident, this water will be highly toxic and cannot be allowed to enter the adjacent brook.

Access

Object to the use of Bath Mews as the sole access to the facility during the whole construction period.

Noise

I am not willing to have to sit in my garden or not be able to sleep at night due to a possibility of noise from the PCS and transformer units.

Residential Amenity

There will be an unacceptable, potentially severe intolerable impact on safety and well being.

The safety of my family and neighbouring properties should be considered.

As the nearest property my view would be unsightly in the winter months. It will impact on the value of my property and cost of my home insurance.

Best practice is that BESS sites are situated on industrial, brownfield or maybe greenfield sites away from residential areas and not in a flood zone.

Whilst this small plot may be classed as agricultural, it has not been used as such for many years and now has residential housing in close proximity on two sides.

All the measures proposed, using stilts, acoustic cladding and screening, are to counteract its unsuitable siting.

Has the quoted maximum distance of 1.5km from Malehurst substation with agreed connectivity been evidenced and tested?

5.0 THE MAIN ISSUES

- Principle of development
- Sequential Test
- Landscape And Visual Impact
- Other Considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 General support is expressed in Part 14 of the NPPF for renewable and low carbon energy and its associated infrastructure in relation to the transition to a low carbon future in a changing climate. New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and in vulnerable areas, ensure that risks can be managed through suitable adaptation measures including through the planning of green infrastructure (para. 159a). Paragraph 163a states that LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy: and recognise

that even small-scale projects provide a valuable contribution to significantly cutting greenhouse gas emissions. Paragraph 163b advises LPAs to approve the application if its impact are (or can be made) acceptable provided the proposal complies with any relevant development plan policies and takes account of landform, layout, building orientation, massing and landscaping to minimise energy consumption (para. 162).

- 6.1.2 This support for renewable and low carbon energy is reflected in Core Strategy Policy CS8 and Policy MD8 of the SAMDev Plan, which seek to encourage infrastructure which adapts to climate change, including renewable energy generation, where this has no significant adverse impacts on visual and residential amenities, natural and heritage assets, landscape character and any other cumulative impacts. Core Strategy Policy CS5 allows for the provision of infrastructure in countryside which cannot be accommodated within settlements on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits.
- 6.1.3 The proposed BESS would enable energy from renewables such as solar and wind to be stored and released for consumers during peak times and in responding to electricity demands. This ability is a key part in ensuring homes and businesses can be powered by renewable energy and is an essential technology in speeding up the replacement of fossil fuels. The Council's Climate Change Taskforce consider that the increase in energy storage alongside renewable electricity generation is essential for achieving the UK Government's commitment to a fully decarbonised electricity system by 2035.
- 6.1.4 The applicant, Fig Power, are a developer of distributed energy storage and generation assets who have already secured three other BESS sites in Shropshire. Using a multi-technology approach to generation and storage, their stated aim is to help meet decarbonisation targets, drive economic value, support communities, and create social value. In addition to the proposed development providing the capacity to store enough electricity to power 2,500 typical homes for a day, the wider sustainability benefits to the community are summarised within the submitted Planning, Design and Access Statement as:
- A flood storage basin within the site which coupled with the raised platform design would provide a significant enhancement in terms of flood water volume storage within the site. These measures will ensure flood risk is not increased elsewhere, with a betterment provided.
 - A significant Biodiversity Net Gain will result from the proposal – a 196.51% net gain in linear habitats as a result of the proposed hedgerow planting, and a 28.90% in primary habitat as a result of improved grass and wildflower seeding, and new tree and shrub planting.

- A one-off £10k Community Benefit Fund will be provided to Minsterley Parish Council, on the first operation of the site. The fund can be utilised by the Parish Council to deliver identified community benefits if the development is to go ahead.

- 6.1.4 In line with the relevant development plan policies, the proposed development would provide energy storage to support the essential transition to a low carbon future with suitable adaptations to mitigate the particular impacts identified at this site. Measures have been included in the proposal to maintain and enhance countryside vitality and character, and to improve the sustainability of the local community. The principle of the development is therefore acceptable.
- 6.2 Sequential Test
- 6.2.1 Section 14 of the NPPF confirms that a sequential test is required for development proposed within Flood Zone 3 as is the case for this site. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied (para. 169). The NPPF classifies electricity storage infrastructure as "essential infrastructure" for the purposes of flood risk vulnerability. These developments may be allowed in areas at risk of flooding providing they pass the exception test. The test requires that the development's sustainability benefits to the community outweigh the flood risk, and that the development will be safe and will not increase flood risk elsewhere.
- 6.2.2 The first Refusal reason applied to the previous application related to the lack of evidence submitted to the LPA to demonstrate that there are no suitable alternative sites available within or adjacent to Minsterley or the surrounding area that could accommodate the proposed development. The LPA requires a sequential assessment to assess all available sites before applying the exception test. Interim correspondence with officers confirms that the Sequential and Exception Test Assessment was previously submitted but missed. An updated Minsterley BESS Sequential and Exception Test has been submitted with this application.
- 6.2.3 The Test document confirms that the sequential test has been passed, and that subsequently the exception test has been passed, and notes that a very similar battery storage proposal has been approved at Leighton Buzzard within Flood Zone 3 which is built and operational.
- 6.2.4 The sequential test confirms that there are no new employment allocations in either the current SAMDev Plan or Draft Local Plan within the 1.5 km radius identified as the viable connection area for the Malehurst substation. The existing protected employment site in Minsterley is already occupied by Rea Valley Foods and the Muller factory, and is not available. Allocated housing and mixed use sites in Minsterley and Pontesbury are similarly being built out, already built out or

unsuitable for the development. The Malehurst Industrial Estate to the south side of the substation, has been fully developed and is not available for the development. Only one small unit is available for let on the Estate, however it only provides 1,380 square foot in floorspace which is not sufficient for the proposed development. Before securing a grid connection at the proposed site, the applicant undertook a search for suitable 'windfall sites' for purchase or to let within the identified viable connection area. No suitable sites were identified and a current search provides the same results. Therefore, there are no potential alternative locations at a lower flood risk than the site proposed for the BESS development.

6.2.5 The exception test set out in paragraph 170 of the NPPF requires it to be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

and that this information be informed by a site specific flood risk assessment.

6.2.6 The wider sustainability benefits to the community of additional electricity power, a flood storage basin constituting a betterment, significant biodiversity net gain and a one-off Community Benefit Fund for the Parish Council have been outlined in paragraph 6.1.4 above. SC Climate Change confirmed in comments submitted for the previous application that the proposed development would contribute to bridging the gap between increasing energy demand and self-sufficiency for Shropshire as detailed within the Marches Energy Strategy and Zero Carbon Plan. The submitted Flood Risk Assessment (FRA) and Flood Modelling Report confirm the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and will reduce flood risk overall in accordance with paragraph 173 of the NPPF. The FRA outlines the mitigation and safety measures which would make the site appropriately flood resilient and, in the case of an event, demonstrates that it could be quickly brought back into use and safe access and escape routes would be achievable.

6.2.7 The plans and documents submitted with this application provide sufficient information to overcome the first Refusal reason applied to Planning Application Ref: 23/01031/FUL.

6.3 Landscape And Visual Impact

6.3.1 SamDev Plan Policy MD8 sets out criteria for consideration of the potential for adverse impacts when new strategic infrastructure is proposed, including for

residential and other sensitive land uses, visual amenity and landscape character and sensitivity

6.3.2 In terms of landscape and visual impact the development has been amended as follows since the previous Refusal:

- The raised platform has been reduced in area from 1,072m² to 710m² (a reduction of around 34%) and located at a further distance from the residential receptors in Bath Mews.
- The number of battery units has been reduced from 7 to 2.
- The number of PCS containers and MV skids have been reduced from 4 to 3 and placed within a single acoustic chamber.
- The compound security fencing has been reduced in height from 3m to 2m.
- Bolstered native tree planting is indicated on Revision C of the Landscape Mitigation Plan.

6.3.3 A Landscape and Visual Appraisal (Rev A) has been submitted in support of the proposal. It concludes that in terms of Landscape Effects a 'slight adverse' effect identified on vegetation of the site and its boundaries after 1 year would become 'slight beneficial' after 5 years. Otherwise, Landscape Effects are retained as 'slight beneficial' and 'negligible'. With regards to Visual Effects, these are on the whole retained as 'negligible' other than for users of the PROW which again has a 'slight adverse' effect after 1 year, improving to 'slight beneficial' after 5 years, and for residents of 10 and 11 Bridge Mews and Station House a 'moderate adverse' effect after 1 year becomes 'slight adverse' after 5 years.

6.3.4 SC Landscape have commented that the submitted LVA is appropriately scoped and executed and the methodology is appropriate for development of this scale and its likely effects. The GLVIA3 gives greater sensitivity to publicly accessible viewpoints and greater weight to ground level residential receptors where numerous dwellings are affected. Only one of seven groups of visual receptors from public rights of way will experience 'slight adverse' effect in the short term and effects on road users are negligible. Of the nine identified groups of residential visual receptors, 'moderate adverse' effects are recorded for the short term from the closest upper storey windows in Bridge Mews and Station House. SC Landscape have confirmed that the latest revisions to the development and Landscape Mitigation Plan are sufficient reduce overall visual effects to an acceptable level, even though three dwellings will experience moderate adverse effects in the short term.

6.3.5 The amendments made to the raised platform and BESS design, coupled with the comprehensive landscaping scheme, would address the second Refusal reason applied to Planning Application Ref: 23/01031/FUL.

6.4 Other Considerations

6.4.1 The following considerations are matters which were found to be acceptable as part of previous Planning Application Ref: 23/01031/FUL and therefore did not constitute Refusal reasons. They have again been raised as concerns by public representation and are summarily addressed below. Given that they were not included as reasons for Refusal on the previous application it could be considered unreasonable behaviour were they to be included as reasons for Refusal on this occasion.

6.5 Flooding

6.5.1 A Flood Modelling Report Issue 1.1 dated 19th June 2024 has been updated along with the Flood Mitigation Technical Note Issue 1.1 to account for the amendments proposed which include further enhancements in terms of flood risk. In particular the reduced area of the raised platform and the betterment of flood water storage within a flood storage basin. The documents confirm the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and reducing flood risk overall.

6.5.2 The EA previously commented that the floor level of the platform is appropriate and that they have no reason to dispute the applicant's modelling or calculations in relation to storage loss, but would expect details of scrapes to achieve a gain in flood storage. A flood storage basin is included in the proposal for this reason and further EA consultation response awaited.

6.6 Best and Most Versatile Land (BMV)

6.6.1 The site is Grade 3 BMV agricultural land which submitted public representations confirm has not been used as such for many years. Whilst the proposal would take away the option of agricultural production for the lifetime of the development, at 0.71ha, its size is not considered significant, nor is it reasonable for an Agricultural Land Classification (ALC) Report to be submitted in this instance.

6.7 Safety

6.7.1 The Shropshire Fire and Rescue Service guidance has been reviewed and the development designed accordingly. The supporting information confirms that a suitable access and water supply will be provided for fire tenders. There are multiple protection and safety devices with the BESS including fire detection in each container, over-temperature protection, ventilations systems and an aerosol fire extinguishing system.

6.8 Access

6.8.1 The most intense use of the site would be during the construction period of around 6 months. Following which there would be minimal traffic movement for maintenance amounting to two visits per month. SC Highways have confirmed that the proposed parking, and the visibility and swept path analysis within the

submitted Transport Statement are acceptable. The Transport Statement along with the Construction Traffic Management Plan allay any concerns and there would be no impacts in terms of highway safety or the operational capacity of the surrounding transport network.

6.9 Noise

6.9.1 The submitted Noise Planning Assessment concludes that a full acoustic enclosure is required around the PCS and Transformer units, and this is proposed for the BESS. With this suggested mitigation, noise emissions from the proposed development are predicted to be below the existing Background Sound Level at receptors. Night-time noise levels will be below the level recommended for good sleeping conditions in bedrooms at night, even when windows are open, and are not expected to be noticeable in the context of the ambient noise climate. SC Environmental Protection concur in that they have recommended a condition requiring the noise mitigation measures to be implemented as detailed in the Noise Planning Assessment.

6.10 Residential Amenity

6.10.1 The BESS compound would be located a minimum of 60m from the nearest residential property now that its size has been reduced and its position re-sited further north. The number of battery units, PCS units and MV skids have been reduced and acceptable noise mitigation and safety measures proposed. These measures together with the proposed planting and landscaping would minimise any impact on residential amenity and could improve the appearance of the existing site from both the existing built environment and PROW.

6.11 One-Off Community Benefit Fund

6.11.1 One of the sustainability benefits to the community is offered by the Applicant as a one-off Community Benefit Fund of £10k to Minsterley Parish Council on the first operation of the site. Members are advised that this is not a material consideration that should be taken into account in determining this planning application and no weight should be attributed to it in the decision-making process. This would be a matter to be arranged between the applicant and Parish Council separately.

7.0 CONCLUSION

7.1 The proposed battery energy storage system (BESS) compound would make a significant contribution to achieving a sustainable low carbon future, and to improving energy resilience and security in line with national and local planning policy and objectives. The proposed landscaping, additional planting, biodiversity enhancements and access arrangements at the site are acceptable. Appropriate flood mitigation and betterment, noise mitigation and safety measures have been designed into the scheme. The information contained within the submitted Minsterley BESS Sequential and Exception Test, the Landscape and Visual Appraisal (Rev A) and the Landscape Mitigation Plan REV C is sufficient to

overcome the two Refusal reasons applied to Planning Application Ref: 23/01031/FUL. As such my recommendation is for Approval.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework
National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS8 Facilities, Services And Infrastructure Provision
CS13 Economic Development, Enterprise And Employment
CS17 Environmental Networks
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1 Scale and Distribution of development
MD2 Sustainable Design
MD7b General Management Of Development In The Countryside
MD8 Infrastructure Provision
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

23/01031/FUL - Erection of a raised platform and installation of a 10MW battery storage facility with boundary fencing, access track, landscaping, and associated infrastructure. REFUSED 15th August 2023.

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9ONVTDG5000>

List of Background Papers:

- Planning, Design and Access Statement - SA50079_PDAS (Berrys, March 2024).
- Minsterley BESS, Sequential and Exception Test - 17394-HYD-XX-XX-RP-Y-0001_P01_02 Revision 02 (Hydrock, 29th February 2024).
- Landscape and Visual Appraisal (LVA) - T1084-LVA Rev A (Terrain Landscape Consultants, 24th April 2024).
- LVA Appendix 2 - Figures - T1084-LVA (Terrain Landscape Consultants, February 2024).
- LVA Appendix 3 - Photographic Record - T1084-LVA Rev A (Terrain Landscape Consultants, 24th April 2024).
- Construction Traffic Management Plan - 17394-HYD-XX-XX-RP-TP-0001 Issue P06 (Hydrock, 28th February 2024).
- Transport Statement - 17394-HYD-XX-XX-RP-TP-4001 Issue P04 (Hydrock, 27th February 2024).
- Noise Planning Assessment - 173-HYD-ZZ-XX-RP-Y-1001 Issue P04 (Hydrock, February 14th 2024).
- Flood Risk Assessment, Flood Modelling Report and Environment Agency Correspondence - SA50079-TN1 Issue 1.1 (Berrys, 19th June 2024)
Appendix A: Flood Risk Assessment - 17394-HYD-XX-XX-RP-FR-0002 Issue P01 (Hydrock, 4th November 2022).
Appendix B: Flood Modelling Report - Addendum - 680731-R1(01) (LDE, March 2023).
Appendix C: Environment Agency Responses and the responses of the applicant to the EA comments.
- Proposed Flood Mitigation Technical Note- SA50152_PEA (Berrys, 19th June 2024).
- Arboricultural Appraisal - SC:860v3_AA (Salopian Consultancy, 6th July 2023).

AGENDA ITEM

Southern Planning Committee - 23rd July 2024

Proposed Battery Storage
Facility North Of

- Biodiversity Net Gain Assessment - SC:860v2_PEA (Salopian Consultancy, 6th March 2024).
- Preliminary Ecological Appraisal - SC:860v3_PEA (Salopian Consultancy, 6th March 2024).

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member - Cllr Nick Hignett

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

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

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

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

3. Prior to their erection on site details of the proposed materials and finish including colour of the batteries, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development hereby permitted.

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

4. All works to the site shall occur strictly in accordance with the Construction Traffic Management Plan by Hydrock (Doc Ref: 17394-HYD-XX-XX-RR-TP-0001 Issue P06 dated 28th February 2024).

Reason: In the interests of the safe operation of the adopted highway during its construction phase.

5. The noise mitigation measures as detailed in the submitted Noise Planning Assessment by Hydrock (Doc Ref: 17394-HYD-ZZ-XX-RP-Y-1001 Issue PO4 dated 14th February 2024) shall be implemented in full.

Reason: To ensure that noise mitigation measures are in place to safeguard the amenities of

nearby occupiers and the character of the surrounding environment.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. No development shall take place until a Schedule of Landscape Maintenance covering a minimum of 5 years for the proposed planting and seeding to be implemented on the site has been submitted to, and approved in writing by, the Local Planning Authority. The Schedule submitted shall be in accordance with the details illustrated on approved Landscape Mitigation Plan (Drawing No. T1084-001 REV C). The Schedule shall include details of the arrangements for its implementation, the replacement of any plant (including trees and hedgerows plants) that is removed, uprooted or destroyed, or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted and shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: This information is required prior to the commencement of the development to ensure the sustainable provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and the provision of enhancements for biodiversity.

7. An Emergency Response Plan for the site and access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The Plan should make provision for at least, but not exclusively: flooding, fire or pollution events at the site, and demonstrate a full understanding of their hazards, risks, and consequences. Safe access for emergency responders in and around the facility should be provided for. Rapid clean up measures as well as related monitoring, investigatory and other remedial actions should be considered. The approved Emergency Response Plan will be implemented in the event of any hazardous event, accident or incident.

Reason: To ensure measures for the safety of the public and environment, and good conditions for emergency responders are in place prior to the commencement of the works to reduce the risks as far as reasonably practicable whilst recognising that ultimate responsibility for safe design and running of the facilities rests with the operator

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. The stilts supporting the raised BESS platform and the voided area below it shall be kept free of any obstruction at all times

Reason: To ensure flows are not unduly obstructed in a flooding event.

Informatives

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS5 Countryside And Green Belt

CS6 Sustainable Design And Development Principles

CS8 Facilities, Services And Infrastructure Provision

CS13 Economic Development, Enterprise And Employment

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1 Scale and Distribution of development

MD2 Sustainable Design

MD7b General Management Of Development In The Countryside

MD8 Infrastructure Provision

MD12 Natural Environment

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

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £145 per request, and £43 for existing residential properties.

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

4. The Applicant should take account of The National Fire Chiefs Council (NFCC) guidance for BESS which can be viewed at: <https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf>

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

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

All vegetation clearance, tree removal and scrub removal 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. No clearance works can take place within 5m of an active nest.

6. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable

precautions should be taken during works to ensure that these species are not harmed.

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

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

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

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

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

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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

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

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

7. Should any lighting be required, this should be sensitive to bats and follow the Bat Conservation Trusts guidance. The latest Bat Conservation Trust guidance on bats and lighting is currently available at <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting-2>.

8. This planning permission does not authorise the applicant to:

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

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details: <https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-formsand-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.

9. 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.

10. 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.

AGENDA ITEM

Southern Planning Committee - 23rd July 2024

Proposed Battery Storage
Facility North Of

AGENDA ITEM



Committee and date
Southern Planning Committee
25th June 2024

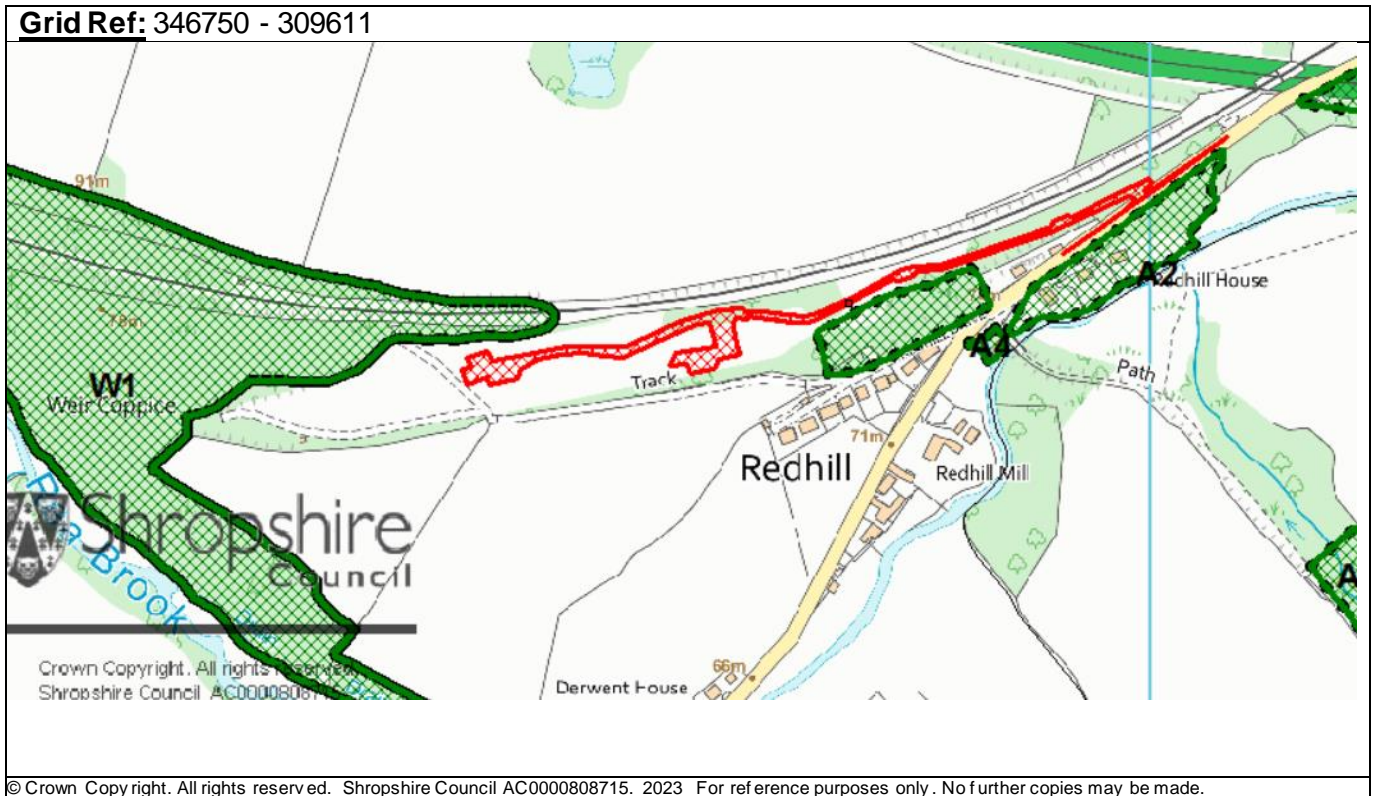
Development Management Report

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

Summary of Application

Application Number: 24/01248/FUL	Parish:	Longden
Proposal: Proposed construction of two dwellings		
Site Address: Proposed Development Land At Redhill Shrewsbury Shropshire		
Applicant: Mr Jack And John Gwilliam		
Case Officer: Alison Tichford	email: alison.tichford@shropshire.gov.uk	

Grid Ref: 346750 - 309611



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Recommendation:- Refuse

Recommended reason for refusal

1. The proposed site for 2 new dwellings lies outside any development boundary, is not an infill site and is not within the community cluster settlement of Hook-a-Gate. The proposed site is therefore not a suitable location for the proposed open market development, having regard to the development strategy for the area. Moreover, the proposed development would not comply with the type of development specified in Policy S16.2 (xi) of the Longden Parish Plan, and although the guideline figure for the Cluster is not a ceiling, the exception allowed by Policy MD3 for additional sites outside development boundaries in the event of the guideline figures not being met, is not applicable. Consequently, the proposed development would conflict with the aspirations of the Longden Parish Plan as well as with the housing strategy contained in Policies CS1, CS4, CS5 and CS11 and SAMDev Policies MD1, MD3, MD7A and S16.2(xi).

2. The proposal does not benefit from the exception set out at NPPF paragraph 84e as the site is not considered to be "isolated" within the terms of the NPPF and as interpreted in appeal decisions.

3. The proposed dwellings do not meet the high bar of being outstanding or innovative within s134(b) of the NPPF and would in any case reduce the open undeveloped and attractive quality of the land in open countryside contrary to the aims of the NPPF, and local policies CS5, CS6, CS17, MD2 and MD7A. Neither is the land considered to be previously developed as any remains of previous use are now blended into the landscape. There are no other material considerations (as detailed at 6.2 above) of sufficient weight as to outweigh the general strategy of constraining new residential development within the countryside as detailed in Policies CS1, CS4, CS5 and CS11 and SAMDev Policies MD1, MD3, MD7A and S16.2(xi)

REPORT

1.0 THE PROPOSAL

1.1 The application proposes the construction of two 3 storey flat-roofed custom build dwellings under NPPF para 84e, together with a new vehicular and pedestrian access from the public highway and 7 new vehicle parking spaces.

- 1.2 An outline application (15/01152/OUT) for 16 houses at the site was refused and upheld at appeal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed red lined area of appx 3982 sqm, lies within an area of land owned by the applicant extending to an area of 79, 231sq.m. The site was used previously as a welding site for railway purposes but almost all visible evidence of previous use was removed 40 years ago, and the land has since lain vacant and now has a rather special “undiscovered” quality where nature has reclaimed the land and which yet serves local amenity users who are currently able to walk through, although the land is private.
- 2.2 The site itself is a long flat area located between a railway line at a similar elevation to the immediate north and an embankment of 3-5m higher land to the south. Boundaries to the wider land within the applicant’s ownership are generally well vegetated by mostly deciduous tree and scrub belts approximately 6-12m in height. The Shrewsbury to Welshpool railway line to the north is separated from the site in places by a galvanised steel palisade fence. The embankment to the south is covered in tree and scrub cover and is approximately 5m high to the south of the proposed dwelling to the east, although descending gradually to meet the site’s western boundary at broadly the same level as the rest of the site. There is a gateway to this southwest corner which connects with a separate access track running eastwards to the south of the embankment and which connects to Redhill Drive which lies to the south.
- 2.3 There is woodland to the west and agricultural fields to the north and south as well as east of the Longden Road, with existing residential dwellings to the immediate south below on Redhill Drive. The A5, a main transport link with moderate to high traffic flow runs approximately. 100m north of the site.
- 2.4 The proposed new access is north of the existing access to Redhill Drive and will require cutting through the existing hedged embankment.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have provided comments in support of the application and the Chair of Committee, and the Development Manager have considered that committee determination is appropriate in this case.

4.0 Community Representations

4.1 Consultee Comment

- 4.1.1 SC Flood and Water Management seek a pre commencement condition with regards to the provision of drainage details for surface and foul water drainage.

- 4.1.2 SC Archaeology – indicated that they have no comments to make with regard to this application.
- 4.1.3 SC Affordable Housing provided comments querying the lack of amenity space included within the red lined area – if the site area measures 0.5ha or greater then it will trigger an affordable housing contribution in accordance with CS11 and guidance within the Type and Affordability of Housing SPD.
- 4.1.4 SC Conservation have indicated they have no comments to make but do reference the need for a formal design review panel for applications under 84 (e).
- 4.1.5 SC Environmental Protection seek a condition ensuring the noise mitigation measures detailed in the submitted noise assessment are implemented in full. They also seek conditions requiring further investigation of the contamination on site as well as a mine gas risk assessment.
- 4.1.6 Landscape consultees recommend an impartial design panel review be undertaken as previously proposed to consider whether the design passes the high bar required by 84(e). It otherwise concludes that predicted adverse effects are localised and that the development adequately complies with SC policies on landscape subject to a condition with regard to hard and soft landscaping.
- 4.1.7 SC Ecology consultees require the biodiversity net gain of 11.72% on-site and offsite within the blue line to be secured via a s106 agreement for 30-year monitoring. They also proposed conditions
- 4.1.8 SC Highways have no objection to the proposed works subject to conditions to ensure visibility, access prior to other operations, gradient and restriction to single access
- 4.1.9 SC Rights of Way have no objection and welcome the addition of a permissive footpath although note it could be withdrawn from public use at any time and propose a Creation agreement instead so that the route can be recorded as a public footpath and added to the definitive map of public rights of way.
- 4.1.10 SC Trees have no objection subject to conditions requiring a full tree protection plan and arboricultural method statement to ensure all trees are protected and that access can be gained through the RPAs of trees 48-51 as well as a tree planting and maintenance scheme.
- 4.2 Public Comments**
- 4.2.1 Longden Parish Council have made comments in support of the application following assurances from the applicant that a maximum of 2 houses will be developed on this site and that the access track will be positioned as close as possible to the railway embankment and away from the southern embankment to reduce risk of rock fall onto the existing dwelling. It requires written confirmation to be made to the LPA on these points and recommends they be conditioned as part of any planning consent. The applicant has provided a response to the PC requests

- 4.2.2 5 comments of support have been received from members of the public with comments as follows:
- Scheme will turn site into a local asset rather than an eyesore
 - Will enhance the locality with the addition of a right of way for pedestrians
 - The low housing density will ensure the site will remain largely open as now
 - The access will be safe and keep extra traffic off Redhill Drive
 - Applicant has connections to Hook-a-gate.
 - Applicant has no obligation to make payments to Parish Council or Affordable Housing but is prepared to do so
 - Application does not crowd the site
 - Application allows access where required
 - Application has architectural and ecological merit

- 4.2.3 1 comment of objection has been received from a member of the public.
- The 2015 application was refused on grounds of road safety nothing has changed. The legal limit is 60mph and many drivers do drive at this speed regardless of the applicants' survey.
 - Water pressure is already below standard and will reduce further with additional properties
 - Many non-locals drive in to walk their dogs using Redhill Drive as access – would need boundary fence to be re-erected to prevent this in future.
 - Seems to be unlikely that 2 huge prestigious houses should be built next to a railway line with no real outlook – seems likely to be a precursor to further attempts to build even more properties.
 - The £20k inducement for use in the parish is disturbing and requires investigation if this has any influence on the outcome.

5.0 THE MAIN ISSUES

5.1 Principle of development

- NPPF para 84(e)
- Fit with Housing Strategy

Any material considerations outweighing the statutory priority afforded to the local development plan?

- Outstanding or Innovative Design
- Previously Developed Land
- Permissive Path
- Voluntary affordable housing contribution
- Voluntary contribution to Longden Parish Council
- Biodiversity Net Gain
- Environmental Health/Amenity

- Environmental Sustainability
 - Educational visits to wider site
 - Other
 - Balance of Additional Material Considerations
- Other Matters
- Drainage
 - Trees
 - Residential Amenity
 - Highways
 - Parish Council comments

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1a NPPF para 84(e)

6.1a(i) The application form and design and access statement propose the construction of 2 dwellings and specifies that the application is made under NPPF paragraph 84e.

6.1a(ii) NPPF para 84e is clear that planning decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply, one of which is that the design is of exceptional quality, truly outstanding, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas while also significantly enhancing its immediate setting, and being sensitive to the defining characteristics of the local area.

6.1a(iii) However, officers are of the view that para 84e is not relevant to this application. The meaning of the word 'isolated' was the subject of the 'Braintree' judgments (Braintree District Council v Secretary of State for Communities and Local Government & Others [2017] EWHC 2743 (Admin) of 15 November 2017, and subsequently in the Court of Appeal judgment of 28 March 2018) where it was held that the word should be given its ordinary objective meaning of 'far away from other places, buildings or people; remote'. The later case of Bramshill v SSHCLG (2021) confirms that Braintree should be followed with regard to para 79 (now amended to 84 in the revisions to the NPPF of December 2023) and requires the decision maker to consider whether the development would be physically isolated in the sense of being isolated from a settlement and confirms that the question of what is a settlement and whether the development would be isolated from a settlement are both matters of planning judgment for the decision-maker on the facts of the particular case.

6.1a(iv) Pre-application advice was provided with regard to the site to the effect that the site was not considered to be either functionally or physically "isolated" or separate or remote from a settlement. Redhill is a small hamlet of approximately 15 dwellings as shown on current and historic mapping and as described within the applicant's LVA, situated to the north of the Rea Brook which divides it from Hook-a-Gate approximately 275m further south. Hook-a-Gate is currently part of

a community cluster, to the northwest of Bayston Hill, and to the south of Nobold and Shrewsbury. The A5 bypass runs to the northeast of the site and the Shrewsbury to Welshpool railway line runs to the northern boundary of the site. Dwellings are sited along Redhill Drive to the south of the site and then around the junction of Redhill Drive with the C classified road traversing between Shrewsbury and Pulverbatch.

- 6.1a(v) Hook-a-Gate has a public house and a children’s nursery, but also relies on additional facilities at Longden, 2 miles to the south and is not part of any cluster within the emerging local plan where it will instead be considered as open countryside.
- 6.1a(vi) The applicant’s planning statement indicates at 6.8 that the development cannot be said to be isolated or sporadic in the terms meant by the NPPF. (The sustainability argument made here is considered further below with regard to housing strategy).
- 6.1a(vii) There is also a question mark as to whether para. 84e, which was designed perhaps primarily to encourage outstanding examples of individual architecture, would be relevant. where the development proposed is instead of 2 rather similarly designed dwellings.
- 6.1a(viii) The proposal does not therefore benefit from the exception set out at paragraph 84e as the site is not considered to be “isolated” within the terms of the NPPF and as interpreted in appeal decisions.
- 6.1a(ix) Pre-app advice was also provided that even if the site had met the requirement to be isolated, the proposed development would also not fall within 80e in that the design was not considered to be of exceptional quality or to significantly enhance its immediate setting. Para 80e applications should generally be subject to review by Design Panel West Midlands and while the pre-application suggested that the design would be put to the Design Panel, there is no evidence of such consultation, and the LPA has not been invited to participate in any Design Panel Review.
- 6.1.a(x) While there is no external party confirmation of exceptional quality the design of the development will be considered further below as a relevant additional material consideration.

6.1.b **Fit with Housing Strategy**

- 6.1.b(i) Paragraph 12 of the revised NPPF clearly states 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, and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted, unless material considerations in a particular case indicate that the plan should not be followed. Para 11 of the revised Framework indicates that if the development plan is up to date, the presumption in favour of sustainable development is satisfied by the approval of development proposals that are in accord with it. Para 9 confirms that economic, social and environmental objectives should be delivered through the preparation and

implementation of plans and the application of the policies in this Framework; and that they are not criteria against which every decision can or should be judged.

- 6.1.b(ii) The Council maintains a five-year supply of deliverable housing land, the latest figures being published on 9th March 2023, and the delivery of housing has not been below the housing requirement over the previous 3 years. All other policies of importance for determining any application are up to date.
- 6.1.b(iii) SC Core Strategy Policies CS1, CS2 CS3, CS4, and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'). Shropshire Council's SAMDev Plan MD1 and Settlement Policies S1 through S18 indicate those locations considered sustainable and capable of supplying additional housing throughout the plan period.
- 6.1.b(iv) Hook-a-Gate is currently part of a Community Cluster Settlement (as described within policy CS4) with a housing guideline of approximately 5 additional dwellings over the period to 2026, to be delivered through infill development and conversions of buildings on suitable sites within the villages, with a preference for lower cost 2–3-bedroom properties. The Longden Parish Plan 2017-2022 Plan also advises that new housing should be limited to small scale local needs housing, that dwellings should have no more than 3 bedrooms, and should be within existing village boundaries and in keeping with their surroundings.
- 6.1.b(v) In this case, the proposed site lies instead in the small hamlet of Redhill, outside of Hook-a-Gate, with village signs and speed restriction signs for Hook-a-Gate to the south lying appx. 300m south of the proposed site. The Inspector to the 2016 appeal on this site held that the development of the site would "represent significant encroachment into the surrounding countryside in an elevated area above the natural settlement limits of Hook-a-Gate and would harm the character and appearance of the countryside on the edge of Shrewsbury." Redhill is a separate small community, without services, apparent on heritage mapping, and falling within countryside in policy terms. There is no inconsistency in finding that a site is not isolated yet is nonetheless not suitable for development for reasons of accessibility to services and rural character. (APP/U1105/W/19/3242773 Land to the East of Goldsmiths Lane, All Saints, Devon, EX13 7LU).
- 6.1.b(vi) The supporting text to Policy CS4 makes it clear at paragraph 4.69 that development within Community Clusters will be within the villages, or on land that has been specifically allocated for development and that windfall development adjoining the village is not acceptable.
- 6.1.b(vii) Targets for housing in the cluster under Policy S16.2.(xi) have been exceeded and there is no pressing reason to invoke policy MD3 to bring forward sites outside of the designated settlements for residential development.
- 6.1.b(viii) Officers also note the Council's emerging Local Plan (2016-38) which is currently under review with the Planning Inspectorate and where, (with Parish Council support highlighted within the Longden Development Statement), Hook-a-Gate will no longer form part of a community cluster settlement and where no

opportunity to develop the site for housing has been considered appropriate and included within the emerging Plan.

6.1.b(ix) CS5 indicates that new development in the countryside (i.e., on sites anywhere outside the settlements named in policy as suitable for housing development) will be strictly controlled in accordance with the NPPF but may exceptionally be permitted on appropriate sites which maintain and enhance countryside vitality and character if they improve the sustainability of rural communities by bringing local economic and community benefits. CS5 provides a non-exhaustive list of potential appropriate development which includes affordable housing to meet a local need and dwellings to house essential countryside workers but does not include open market housing.

6.1.b(x) Policy CS11 is closely linked with the Strategic Approach (Policy CS1) and with CS5, and together these aim to ensure that the development that does take place in the rural areas is of community benefit with local needs affordable housing a priority

6.1.b(xi) Furthermore, MD7a states that new open market housing will be strictly controlled outside of the designated areas highlighted through the Core Strategy's 'Strategic Approach' with only exception site dwellings, rural worker dwellings and residential conversions to meet evidenced local housing needs indicated as potential permissible development.

6.1.b(xii) Therefore, the proposed site lies outside any development boundary, is not an infill site and is not within the settlement of Hook-a-Gate. The proposed site is therefore not a suitable location for the proposed open market development, having regard to the development strategy for the area. Moreover, the proposed development would not comply with the type of development specified in Policy S16.2 (xi) of the Longden Parish Plan, and although the guideline figure for the Cluster is not a ceiling, the exception allowed by Policy MD3 for additional sites outside development boundaries in the event of the guideline figures not being met, is not applicable. Consequently, the proposed development would conflict with the aspirations of the Longden Parish Plan as well as with the housing strategy contained in Policies CS1, CS4, CS5 and CS11 and SAMDev Policies MD1, MD3, MD7A and S16.2(xi).

6.2 Any material considerations outweighing the statutory priority afforded to the local development plan?

6.2.1 Although the proposal does not benefit from the exception set out at paragraphs 84(e) of the Framework, and the location places the proposal as being contrary to the Development Plan and national policies of restraint on new dwellings in the countryside, section 38(6) of the Planning and Compulsory Purchase Act 2004, provides that material considerations may have the potential to indicate a decision otherwise than in accordance with the Development Plan.

6.2.2 Outstanding or Innovative Design, NPPF para 134(b)

6.2.2(i) While the application site is not considered as qualifying as an isolated location (with reference to Braintree and subsequent appeal cases) for the purposes of

paragraph 80(e), the works may be considered instead against NPPF para 134(b) which requires significant weight to be given to outstanding or innovative designs, so long as they fit in with the overall form and layout of their surroundings (somewhat similar to the requirement that paragraph 80e development is sensitive to the surrounding characteristics of the local area) - still a high bar to reach in design and in terms of respecting context. (Mendip 17/05/2019 DCS No 200-008-465)

- 6.2.2(ii) Building 1 will have a gross internal area of 794sq.m including a ground floor, 4 bay garage and workshop area as well as multi-level garden areas incorporated into the design of the building itself totalling 548sqm. It will have a height of 10m, with an additional 0.7 roof mounted solar array. The building will be clad in buff sandstone rainscreen accented with contrasting areas of extruded aluminium. Plans show a principal bedroom suite to the second floor with dressing room and bathroom and three further bedrooms with bathrooms to the ground floor. Interior accommodation includes a cinema and various plant/tech rooms. Roof areas include rooflights and raised planting beds for trees as well as terrace areas with frameless glass balustrading to the perimeter and biodiverse areas. Amenity seating is planned to the outdoor terrace areas to the first and second floor, with the solar array occupying most of the top roof area to the second floor.
- 6.2.2(iii) Building 2 will have a gross internal area of 733sq.m including an integral ground floor 3 bay garage and workshop area, and roof gardens of 447sq.m. It will have a height of 10.97m plus the roof mounted solar array at an additional 0.7m. It will be clad in red sandstone rainscreen, again with the aluminium contrasting areas. Interior accommodation and roof design is functionally similar to building 1.
- 6.2.2(iv) The amenity areas included within the site area are roof gardens, and then the driveways leading from the access to the dwellings. The DAS suggests that a minimal footprint approach has been adopted to minimise impact on the large areas of open mosaic habitat identified within the larger site, although the scale of the dwellings does necessarily still involve a significant footprint, and it is also true that the closely drawn red line and lack of standard garden areas also limits the site area such that no affordable housing contribution is due. The agent has confirmed that surface and foul water drainage will be feasible within the red lined site area, and it would be important to confirm this with a pre commencement condition requiring further detail of the drainage strategy for the site.
- 6.2.2(v) The DAS details that the buildings are designed to a “folded linear” plan over 3 storeys with “canted” floor plates. While the flat roofs do reduce massing and visual impact the top roofs still stand at 10m plus with solar panels quite prominently placed atop, and even if planting to lower roofs offer some potential to blend with the surrounding landscape to mitigate the bulk of the sandstone structures and the supporting columns to the top floor accommodation, the scale of the buildings is such that they do not respond well to the pattern and

- grain of the adjacent development along Redhill Drive nor do they assimilate well into their immediate setting.
- 6.2.2(vi) The DAS suggests that the sandstone cladding is a nod to Grinshill sandstone, but the material is not generally found in use in the immediate area of the site and there is no clear explanation how this choice or the aluminium cladding responds to the qualities of the site or how the colour palette chosen would blend into the landscape. Both dwellings include extensive areas of floor to ceiling glazing to enable views out over the countryside, but while set back under the roofs, these will also still tend to increase the visibility and prominence of the buildings when looking into the site, both from reflection in the daytime and from lighting at night. The height of the buildings may also allow sight from some viewpoints of residential paraphernalia to the second-floor terrace and garden areas, as well as to the solar panels on the roof, again, increasing the disruption offered by the new buildings to the rural landscape.
- 6.2.2(vii) Submitted additional perspective drawings show trailing plants to the sides of the buildings from the raised garden areas which may help to create vertical areas of biodiversity and to further the visual connectivity of the dwellings to the woodland to the rear, but it will be difficult to guarantee the success and maintenance of this planting. While the design introduces interest to the buildings by the off balancing of the different floor levels, the buildings remain large and bulky, and it's not clear that the proposed roof gardens and trailing plants will offer sufficient dependable softening or to ensure the buildings respond well to the special qualities of the site.
- 6.2.2(viii) A new access to the site will be cut through the hedged verge and a 2.5m wide compacted gravel road (with passing places) of 350m appx in length shall lead to building 1 and then a further 150m to building 2.
- 6.2.2(ix) The submitted landscape and visual assessment was based on plans indicating some earth sheltering to the dwellings but the current plans do not show any intention to enclose the external envelope with a thermally significant amount of soil. While the agent suggests that the LVA is based upon the proposed drawings as submitted, the LVA also indicates at 4.1.2 that the zone of theoretical visibility for the dwellings is based upon two 8m tall structures on the existing topography. The currently proposed buildings are significantly – 2-3m taller as indicated above, and with the addition of 0.7m high solar panels to the roof. Landscape consultees conclude this may increase the spatial extent of theoretical visibility, although the consultants to the applicant consider that any slight variation in the height of the buildings will not make much of a difference to the ZTV and are unlikely to affect the LVA conclusions.
- 6.2.2(x) The LVIA indicates a zone of theoretical visibility which includes areas on the upper parts of slopes to the south, and also to the north of the site, although there is screening vegetation around the site's boundary and within the wider landscape which mitigates some views for some parts of the year.
- 6.2.2(xi) The LVA concludes that the proposed development would likely result in a slight adverse effect on landscape within the site, specifically vegetation within and

along the boundaries of the site as well as a slight adverse visual effect for users of public rights of way to the south and southwest of the site.

- 6.2.2(xii) The site for the dwellings is at 82m AOD, and there is an embankment to the south of 85-87m AOD which will offer some screening in views although officer visit suggests that the tops of the buildings at their proposed heights, (which are intended to allow impressive views over open countryside as stated in the submitted DAS), may be more visible from some directions than suggested by the LVA, particularly from Hook-a-Gate and the Longden/Shrewsbury Road which runs through it and onto Redhill, where the height of the new built structures may be quite apparent as the trees to the boundary are less tightly packed - although the dwellings will appear set back from the existing dwellings already on elevated ground at Redhill Drive. The dwellings also seem likely to be prominent in views from the dwellings to the eastern end of Redhill Drive, where the embankment is lower and separation gap of the order of 60m between boundaries. While the dwellings are unlikely to be experienced as overbearing, they will alter quite significantly the nature of the outlook of these dwellings where the current openness above the embankment creates a more spacious feel.
- 6.2.2(xiii) The submitted planning statement suggests that with no sense of domestic containment around the buildings they will effectively emerge from the natural environment, rather than imposing upon it. However, it is not clear how achievable this open space will be once homeowners are resident – it seems likely that at least temporary domestic paraphernalia will appear in the areas around the buildings and that it would be difficult not to perceive the surrounding areas as garden – previous iterations of the development proposal appear to have included garden areas here. In any case the bulk and height of the proposed buildings ensures they do not nestle within this special elevated area but assert themselves upon it.
- 6.2.2(xiv) The submitted energy report suggests that 100% of predicted energy usage may be achievable with insulation and space and water heating via ground/air source heat pumps as well as the use of solar PV roof cells. However, the measures cannot be relied upon as being secured and in any case the technology proposed is not innovative or new and previous appeal decisions (for example Appeal Ref: APP/V2255/W/20/3261525 Land at the corner of Seasalter Road and Monkshill Road, Graveney, Kent) suggest that this would not be indicative of outstanding design, as the NPPF is seeking sustainable energy in all development.
- 6.2.2(xv) The planning statement does make a case that the overall design responds positively to, and integrates seamlessly with, the valued features of the site. However, while the assessment is noted and appreciated, the design has not had the benefit of external input from Design Panel West Midlands (despite initially being proposed by the agent and also recommended by conservation and landscape consultees) and it remains true that the site is not within an area considered suitable for housing and that the special quality of the site as part of the wider rural landscape for 40 years will be impacted to the detriment by the

introduction of two very large dwellings in this elevated position, with extensive glazing and residential activity and paraphernalia. Outstanding design within s134 has a very high bar just as s80e, (per, for example, Appeal Ref: APP/N2535/W/20/3259808 Land at Woodlands, North Kelsey Road, Caistor LN7 6HF) and officers are of the view that there is no evidence to support a finding that that bar has been reached in this application.

6.2.2(xvi) Therefore, on review of the submitted documents, and in the absence of any external design review panel evidence, while some consideration has been given to the design of the proposed dwellings, and the concern to provide sustainable energy is recognised, the proposed pair of dwellings do not meet the high bar of being outstanding or innovative and would reduce the open undeveloped and attractive quality of the land in open countryside. There is therefore no basis to conclude that the design merits of the proposal have sufficient weight so as to outweigh the general strategy of constraining new residential development within the countryside as detailed in Policies CS1, CS4, CS5 and CS11 and SAMDev Policies MD1, MD3, MD7A and S16.2(xi).

6.2.3 **Previously Developed Land.**

6.2.3(i) The applicant's planning statement also suggests at 7.2 that the site has brownfield characteristics, despite the 2016 Inspector's finding that the site has undergone natural re-colonisation and could not therefore be regarded as previously developed land.

6.2.3(ii) NPPF para 124c indicates that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. However, brownfield/previously developed land is defined in the NPPF glossary and excludes land that was previously developed but where the remains of the permanent structure or fixed surface structures have blended into the landscape.

6.2.3(iii) Officers hold to the previous appeal inspector's view that the land would not qualify as previously developed land as any remains of the previous use are now blended into the landscape. The Inspector had available to him the preliminary contamination risk assessment provided at that time but highlighted that the appearance of the site is now one of a clearance between woodlands. The NPPF definition does not indicate that contamination is relevant to the decision. The applicants describe the land as formerly railway land, where it was a flash butt welding and rail storage depot but have confirmed the site is currently vacant. Railway storage and welding use appears to have finished by 1986 at the latest.

6.2.3(iv) While a desk survey has suggested contamination may be present, the land currently supports a rich wildlife and is enjoyed by local amenity users and there is no existing harm arising from the land. Neither is the land considered to be suitable for development within housing policy and while adjacent a settlement on one boundary, it cannot be considered as falling within the settlement so as to satisfy the NPPF definition. While potential contamination would need to be further investigated should intrusive development be proposed, it is not pertinent

to the current undeveloped status of the land, and the land is not considered to constitute previously development land within the definition provided by the NPPF and in accordance with the view of the inspector to the previous appeal on the site.

6.2.4 **Permissive Path**

6.2.4(i) NPPF para 104 indicates that planning decisions should protect and enhance public rights of way including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

6.2.4(ii) The application proposes a new permissive path to be provided within or adjacent to the site and which is shown on drawing 22.019 04E. The right of way is proposed to the south of the site to connect Redhill drive with an established PROW to the west, leading to Hanwood Bank.

6.2.4(iii) Rights of Way consultees have pointed out that the permissive path would be subject to withdrawal by the owner of the land at any time. They have suggested that the applicant considers instead entering into a Creation agreement so that the route can be added to the Definitive map of Public Rights of Way and recorded as a public footpath.

6.2.4(iv) This would require action by the applicant directly with the Mapping Team. A new permanent right of way may offer some benefit to residents of Redhill Drive and might be afforded moderate weight if secured, and if reasonable to secure by condition or obligation (considered further below).

6.2.5 **Voluntary affordable housing contribution**

6.2.5(i) There is no requirement to provide an affordable housing contribution for the proposed site area where the site area proposed within red line is drawn closely around the dwellings and access route but where the agent indicates that drainage is feasible within this red line and where amenity areas are indicated to be to the roof terraces and gardens rather than within the surrounding land. Affordable housing consultees have expressed some surprise at the restricted site area within this large plot.

6.2.5(ii) Instead, the applicant has offered a voluntary contribution of £20,000 towards affordable housing. Consultees do not consider the sum substantial but in any case, do not consider it appropriate as a material consideration to support the application – the proposed works are considered contrary to policy and there is no requirement for an affordable housing contribution based on site area and therefore the proposed contribution is not fairly and reasonably related to the proposed development.

6.2.6 **Voluntary contribution to Longden Parish Council**

6.2.6(i) The application form indicates that the proposed dwellings are to be self-build/custom build.

6.2.6(ii) The applicants are Mr Jack & John Gwilliam, and the owner of the land is Redstart Construction Ltd, a company led by Mr John Gwilliam.

6.2.6(iii) A CIL payment of appx £208000 would be payable on the development were the dwellings not exempt as self-build, with appx. £31,166 payable to the Parish Council.

- 6.2.6(iv) The £20000 offered to Longden Parish Council has been indicated to be for the provision of dog waste bins, a bus shelter in Longden, and to improve local footpaths. These are all highlighted within the Longden 2017-2022 action plan. The decision as to which to prioritise would be at the discretion of the Parish Council, and with the funding secured by unilateral undertaking with the Parish Council.
- 6.2.6(v) One local objector to the works has noted that the offer raises concerns and officers are of the view that in this case and in the absence of any further information, the proposed contribution to the Parish Council for the purposes outlined cannot be considered as a material consideration to support the application as it would not meet the legal tests set out in *Newbury DC v Sec of State for the Environment (1981)* - where the contribution must be for a planning purpose and not for any ulterior one, must be fairly and reasonably related to the proposed development and must not be so unreasonable that no reasonable planning authority could have imposed it.
- 6.2.7 **Biodiversity Net Gain**
- 6.2.7(i) The application form confirms that there are protected and priority species as well as important habitat on the development site but stated that the general Biodiversity Gain Condition would not apply as the small sites' exemption applied at the date of application.
- 6.2.7(ii) The applicants have nevertheless indicated that they wish the BNG to be taken into account in the planning balance.
- 6.2.7(iii) Ecology consultees are satisfied with the BNG proposed to offset the proposed development although requiring it to be secured by a S106 agreement. This would be necessary to make the development acceptable and would therefore be reasonable to require prior to any approval.
- 6.2.7(iv) However, officers are of the view that it does not add significant weight to support the proposed works, where the site already has biodiversity merit which might alter but not necessarily reduce with maturity of the site and where there is as yet unknown potential impact which might arise from contaminated land investigations. (See below)
- 6.2.8 **Environmental Health/Amenity**
- 6.2.8(i) The submitted preliminary environmental site assessment indicates that the site can be classified as moderate to high risk in terms of contamination and the risks to the identified receptors (e.g., human health and buildings) following any redevelopment is considered to be moderate to high. There is no stated risk to the site as currently used.
- 6.2.8(ii) This classification is due to the historic on-site land uses with the potential to contaminate the soils at the site. These include a railway and a rail welding depot. Additionally, a number of historic off-site land uses have been identified in the surrounding area with the potential to contaminate the soils at the site. These include historic landfill sites, old quarries, a railway (disused) and a tank. Associated contaminants include hydrocarbons, polychlorinated biphenyls (PCBs), polyaromatic hydrocarbons (PAHs), volatile organic compounds

- (VOCs), herbicides, heavy metals, ash, sulphates and ground gases (carbon dioxide and methane)
- 6.2.8(iii) Consultees require further investigation as to potential contamination and with regards to mine risk prior to any development and the initial assessment also recommends investigation of ground conditions/stability. Both investigative and any required remedial works are likely to disrupt the existing biodiversity where existing conditions without development support a thriving biodiversity of county value.
- 6.2.8(iv) The requirement for further investigation of contamination etc should any development be approved therefore also reduces the weight to be given to any potential BNG.
- 6.2.9 **Environmental sustainability**
- 6.2.9(i) NPPF para 108c requires that development proposal should consider opportunities to promote walking, cycling and public transport use, although para 109 does recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. There are no pedestrian ways adjacent the main routes away from the site, no lighting and a 60mph speed limit. While there are some public rights of way nearby to Bayston Hill and Hanwood Bank, they would be unlikely to be used at night or in inclement weather. The routes available are not conducive to safe journeys on foot or by cycle and the dwellings will be located at sufficient distance from local facilities, services and employment opportunities such that most travel is likely to involve the use of private motor vehicle. The applicants have offered no specific reason or need for locating the dwelling in the countryside that would justify a lack of viable transport alternatives to the private car. The site is therefore not in a sustainable location as required by local housing strategy and the provisions of the NPPF and this is a significant obstacle to the proposed works.
- 6.2.10 **Educational visits to the site**
- 6.2.10(i) The applicant's agent has suggested that there may be scope for local schools to make educational visits to the site once developed. It seems unlikely that such a visit would be easily achievable or of high priority for local schools nor that such a visit would provide any significant educational benefits in light of previous considerations of the merits of the proposed scheme. No further information has been provided as to how these trips would be organised or guaranteed into the future. Little weight can be attached to this possibility without further confirmation as to the curriculum proposed and mechanism for provision.
- 6.2.11 **Other**
- 6.2.11(i) The applicants have indicated that they would accept a personal occupancy condition and argue that they have local connections to the parish. While local connection is important to the question of exception site dwellings, there is no apparent shortage of substantial homes, or land holdings in appropriate locations, within the parish and the connection does not carry weight to counter the conflict with the approved housing strategy. Neither would it be acceptable

to condition the personal occupancy as the local connection would not contribute to making the proposed development acceptable.

- 6.2.11(ii) The development of any dwelling will offer minor economic benefits which have the potential to contribute locally both during construction and afterwards. While large, these dwellings remain as homes for 2 families, and it is not considered that any economic benefits arising from such development would be so significant as to carry anything other than minimum weight in support of the proposed works.

6.2.12 **Balance of additional Material Considerations**

- 6.2.12(i) While some consideration has been given to the design of the proposed dwellings, and the concern to provide sustainable energy is recognised, the proposed pair of dwellings do not meet the high bar of being outstanding or innovative and would reduce the open undeveloped and attractive quality of the land in open countryside.
- 6.2.12(ii) The proposed site would not qualify as previously developed land within the NPPF definition as any remains of the previous use are now blended into the landscape and the land is adjacent rather than within the settlement of Redhill. Use of the land does not therefore add any weight in support of the proposed works on the basis of NPPF para. 124c or local policy.
- 6.2.12(iii) The proposed BNG might carry moderate weight in the planning balance but is countered by the potential for considerable impact on the biodiversity of the site from intrusive investigation and potential remedial action in response to possible contamination and in the absence of definitive evidence that the biodiversity of the site will be detrimentally impacted if development does not go ahead.
- 6.2.12(iv) Economic benefits will be minor and unexceptional beyond any other residential development. While the social benefit of a permissive path does not carry weight, a secured definitive right of way would contribute moderate weight in support of the application but has not been offered by the applicant in response to consultees comments. While the applicant indicates a local connection to the area, the provision of large open market dwellings at this location contrary to the housing strategy would provide a personal rather than social benefit. There is a lack of information as to the utility of and mechanism to ensure educational visits and these cannot add weight in support of the application. There will be environmental costs as the proposed site for the dwellings is not considered a sustainable site for housing and most journeys to access services and employment would be required to be made by private motor vehicle.
- 6.2.12(v) Insufficient information is available with regard to the affordable housing and parish council financial contributions offered by the applicants and as to how they are relevant to the acceptability of the development proposed to be able to consider them as material considerations within the planning balance.
- 6.2.12(vi) On balance therefore, officers consider there is no basis to conclude that there are any material considerations of sufficient weight as to outweigh the general strategy of constraining new residential development within the countryside as

detailed in Policies CS1, CS4, CS5 and CS11 and SAMDev Policies MD1, MD3, MD7A and S16.2(xi)

6.3 Other Matters

6.3.1 Drainage

6.3.1(i) A sustainable drainage system is proposed. A Biodisk package treatment plant with soakaways is proposed for foul sewage but neither foul nor surface water plans are currently shown within the red lined site area. Further detail would be required by pre commencement condition to satisfy consultees and to ensure that provision can be within the approved site area

6.3.2 Trees

6.3.2(i) The application form indicates that there are existing trees and hedges on the proposed development site which might influence the development and are important as part of the local landscape character.

6.3.2(ii) SC Trees have no objection subject to conditions requiring a full tree protection plan and arboricultural method statement to ensure all trees are protected and that access can be gained through the RPAs of trees 48-51. as well as a tree planting and maintenance scheme.

6.3.3 Residential Amenity

6.3.3(i) NPPF para 174 requires that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution or land instability.

6.3.3(ii) NPPF para 185 requires that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects on pollution on health, living conditions and the natural environment.

6.3.3(iii) A noise impact assessment has been submitted with the application and considers the impact of traffic and railway noise on the proposed development.

6.3.3(iv) The site lies appx 35m south of the railway line to the north. The noise assessment advises that the railway has frequent use with 59 trains over a typical day and 14 over a typical night.

6.3.3(v) The noise assessment indicates that A5 traffic noise was just audible at the monitoring position.

6.3.3(vi) SC Environmental Protection seek a condition ensuring the noise mitigation measures detailed in the submitted noise assessment are implemented in full. They also seek conditions requiring further investigation of the contamination on site as well as a mine gas risk assessment (as detailed further above at 6.2.8.

6.3.3(vii) The proposed barrier against noise from the railway and road is not indicated on the plans and would fall outside the red lined area if implemented. Further information would be required to confirm as to why the barrier would not be required to secure the amenity of the new dwellings.

6.3.3(viii) Building 1 will lie appx 60m northwest of the boundary of 1B Redhill Drive. The building is set at such a distance from the boundary that although elevated above 1B the new dwelling is unlikely to be experienced as overbearing or to have any impact on privacy.

6.3.4 Highways

6.3.4(i) NPPF para 114 requires that appropriate opportunities to promote sustainable transport modes can be taken up given the type of development and its location, and that safe and suitable access to the site can be achieved for all other users.

6.3.4(ii) Para 115 indicates that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

6.3.4(iii) While the previous appeal included a refusal of the development on highway grounds, this application will involve less traffic movements and has been supported by a highway report which has undertaken a more detailed assessment of the adjoining County Road including the measurement of the speed of passing vehicles along the frontage of the site. The analysis of these measurements is in line with current guidance and considered to be fair and reasonable with the results representative of earlier recorded speeds, with the splays provided within the highway and land ownership of the applicant.

6.3.4(iv) Highways consultees have no objections to the proposed works on highway safety grounds subject to conditions to secure a single access, visibility splays, access prior to other operations and gradient of access.

6.3.5 Parish Council comments

6.3.5(i) The Parish Council has supported the application subject to written confirmation from the applicant to support statements made to the Parish Council with regard to amount of development and the revision of the driveway.

6.3.5(ii) Such confirmation has not been received. However, any approval of the proposed development would be for 2 dwellings within the red lined site area and any alteration would require a new application. Likewise, any further development within the blue lined area within the applicant's ownership would require a further application which would be considered on its own merits.

6.3.5(iii) The applicant's agent has submitted additional information with regard to the location of the driveway. Any alteration would require reassessment by arboricultural and biodiversity consultants and consultees and may not be acceptable to Network Rail. However, further information has been provided in support of the likely stability of the route chosen and the limited potential for disruption to neighbouring properties.

7.0 CONCLUSION

7.1 The proposed site for 2 new dwellings lies outside any development boundary, is not an infill site and is not within the community cluster settlement of Hook-a-Gate. The proposed site is therefore not a suitable location for the proposed open market development, having regard to the development strategy for the

area. Moreover, the proposed development would not comply with the type of development specified in Policy S16.2 (xi) of the Longden Parish Plan, and although the guideline figure for the Cluster is not a ceiling, the exception allowed by Policy MD3 for additional sites outside development boundaries in the event of the guideline figures not being met, is not applicable.

Consequently, the proposed development would conflict with the aspirations of the Longden Parish Plan as well as with the housing strategy contained in Policies CS1, CS4, CS5 and CS11 and SAMDev Policies MD1, MD3, MD7A and S16.2(xi).

7.2 The proposal does not benefit from the exception set out at NPPF paragraph 84e as the site is not considered to be “isolated” within the terms of the NPPF and as interpreted in appeal decisions. Neither is the land considered to be previously developed as any remains of previous use are now blended into the landscape.

7.3 On balance, officers consider the proposed dwellings do not meet the high bar of being outstanding or innovative within s134(b) of the NPPF and would in any case reduce the open undeveloped and attractive quality of the land in open countryside contrary to the aims of the NPPF, and local policies CS5, CS6, CS17, MD2 and MD7A. Neither is the land considered to be previously developed as any remains of previous use are now blended into the landscape. There are no other material considerations (as detailed at 6.2 above) of sufficient weight as to outweigh the general strategy of constraining new residential development within the countryside as detailed in Policies CS1, CS4, CS5 and CS11 and SAMDev Policies MD1, MD3, MD7A and S16.2(xi)

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

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS18 - Sustainable Water Management

CS17 - Environmental Networks

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the Countryside

Settlement: S16 - Shrewsbury

RELEVANT PLANNING HISTORY:

15/01152/OUT Outline application (all matters reserved) for residential development, convenience store and public open space REFUSE 3rd May 2016

PREAPP/23/00303 Proposed x2 dwellings (Set out in Paragraph 80 of the NPPF) PREUDV 7th June 2023

Appeal

16/02483/REF Outline application (all matters reserved) for residential development, convenience store and public open space DISMIS 1st December 2016

11. Additional Information

AGENDA ITEM

Southern Planning Committee - 23rd July 2024

Proposed Development Land
At

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SAYYLTTDGP700>

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 Chris Schofield

Local Member

Cllr Roger Evans

Appendices
APPENDIX 1 - Conditions

AGENDA ITEM

Southern Planning Committee - 23rd July 2024

Proposed Development Land
At

-



Committee and date
Southern Planning
Committee

23rd July 2024

Item

Public

Development Management Report

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

Summary of Application

Application Number: 24/01654/FUL	Parish:	Kinlet
Proposal: Erection of an affordable dwelling (in response to an identified local need) and detached garage and associated works		
Site Address: Land At Tip House Farm, Billingsley		
Applicant: Mr Benjamin Lewis		
Case Officer: Jacob Collett	email	: jacob.collett@shropshire.gov.uk

Grid Ref: 371170-281313



Recommendation:- Refuse

Recommended Reasons for refusal

1-The site is not part of or adjacent to a recognisable named settlement and it is isolated development within the countryside and harmful to the rural landscape and character. The principle of the proposed development is therefore contrary to the adopted Type and Affordability of Housing SPD and Samdev Policies MD2, MD7a and M7b and Core strategy policies CS5 and CS6.

REPORT

1.0 THE PROPOSAL

- 1.1 The application proposes the erection of an affordable dwelling at land 1.3 miles from the southern edge of Highley, 1.2 miles from the centre of Netherpton and 1.8 miles from Billingsley. The application has been submitted as a single plot exception site, which if granted would be subject to a Section 106 agreement. The Section 106 ensures the affordability of the dwelling in perpetuity. The proposed dwelling is a single storey bungalow with a detached garage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Site is located within the open countryside (as defined within the development plan) and is located on the corner junction of a private road and the B4555. The Site is surrounded to the south and east by agricultural fields and is not within a defined settlement boundary.

The proposed dwelling's principal elevation will face east with the garage to the north. The driveway will join onto the private road, meaning there is no public highway involvement with the proposal.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 In accordance with the 'Scheme of Delegation' this application has been concluded by the committee chair to be determined by planning committee. This was due to a ward councillor call in and parish council support.

4.0 Community Representations A Site notice was displayed at the Site. - Consultee Comments

Kinlet Parish Council

It was a unanimous decision to recommend approval as the addition of affordable housing stock in the Parish is very much needed to allow younger members of the area to stay in the Parish.

SUDS

No Objection

SC Highways

No Objection

- Public Comments

No public representations were received

5.0 THE MAIN ISSUES

Principle of development
Scale and Design
Visual Impact and Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 Shropshire's housing development plan restricts new open market dwellings to community clusters and main towns. However, the development plan also allows for new affordable houses in the open countryside through the single plot exception scheme. These developments are subject to additional restrictions and controls. These are outlined within the Type and Affordability of Housing SPD.

6.1.1 The SPD requires that a single plot exception site must be part of, or adjacent to a recognisable named settlement to maintain control over housing growth in the countryside. The policy does not consider historic development patterns, with the siting assessment undertaken entirely on its spatial, visual, and functional relationship to the nearest settlement.

6.1.2 The Site is not part of, adjacent too or within a named settlement. The nearest named settlement is over nine hundred metres away and there is a clear spatial, functional, and visual separation between Netherton and the proposed siting. Whilst Netherton has an open knit settlement pattern, its western development edge is concluded to be the Borle Brook where development beyond this edge is sporadic and isolated in nature.

6.1.3 Consequently, the proposed siting is entirely isolated in its location with no tangible relationship to any other dwellings, spatially or visually. The nearest dwellings to the Site are located 300 metres to the northeast and 420 metres to the southeast. The dwelling to the northeast is isolated with no relationship to any other dwellings. The houses to the southeast are two semidetached cottages that whilst having a relationship to each other, are accessed down a private road and do not constitute a recognisable named settlement. Therefore, there is not any reasonable evidence to conclude that the proposed dwelling or even the nearest dwellings to it are part of a defined settlement.

6.1.4 Therefore, the siting does not meet adopted policy and is not acceptable in principle. An affordable dwelling at the proposed siting would represent misapplication of adopted planning policy, potentially setting a precedent for uncontrolled development in the countryside.

6.2 Scale and Design

6.2.1 Whilst the principle of development is not supported, the proposal is acceptable in its scale and design.

- 6.2.2 The proposed scale of the dwelling and plot size meets the limitations outlined within the SPD. Equally the building's design is modest and domestic in nature, with its single storey scale mitigating some of the developments impacts. The dwelling's scale is not disproportionate to the site it is proposed to be located at or other isolated dwellings in the area.
- 6.2.3 The proposed garage is a subservient building which will clearly be secondary to the main dwelling. It's straightforward design ensures practicality and doesn't challenge the dwelling's prominence. The Site's layout is contained with the two buildings maintaining a visual relationship.
- 6.3 Visual Impact and Neighbour Amenity
- 6.3.1 By consequence of being an isolated dwelling in the countryside, the development has the potential to alter the rural character of the area. Whilst the single storey scale does to a small extent mitigate the development's prominence, the addition of a dwelling in this location will be visually noticeable. This is particularly the case when approaching the dwelling from the east along the B455 which is elevated compared to the Site.
- 6.3.2 The present rural landscape is characterised by open fields and a lack of built form. The proposed development will permanently alter this character by its prominent inclusion to an untouched landscape.
- 6.3.3. Consequently, this will permanently harm the rural character, vitality, and value of the Shropshire countryside.
- 6.3.4 Given the isolated location there will be no harm to any existing residential amenity.

7.0 CONCLUSION

The proposed scheme in its current form is contrary to Shropshire's adopted policy and represents unacceptable development in the countryside. Approval would potentially create a precedent for uncontrolled isolated development in the countryside, significantly weakening the development plan and adopted policy. Single Plot Exception schemes must be located within or near to a settlement, a requirement that is clearly not met by this proposal.

It is also concluded that the proposed development will harm the rural landscape of Shropshire.

- 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:

NPPF

Core Strategy and Saved Policies:

CS5

CS6

SamDev MD2

SamDev MD7a

SamDev MD7b

Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Local Member
Cllr Simon R Harris Cllr Gwilym Butler
Appendices APPENDIX 1 - Conditions

Agenda Item 9

SCHEDULE OF APPEALS AS AT 23 July 2024

LPA reference	23/03654/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Smythe
Proposal	Erection of part two storey and part single storey extension following partial demolition, single storey flat roof side extension and partially replacing boundary fence with brick wall (revision to previously approved scheme 21/05218/FUL)
Location	Pryll Cottage 19 Burway Road Church Stretton
Date of appeal	27.03.2024
Appeal method	Fast Track
Date site visit	25.06.2024
Date of appeal decision	10.07.2024
Costs awarded	
Appeal decision	Allowed

LPA reference	23/03722/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Dr Kay Gibbons
Proposal	Change of use of a Public House to a single residential dwelling (re-submission)
Location	The Swan Inn Knowle Sands Bridgnorth Shropshire WV16 5JL
Date of appeal	08.07.2024
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/05127/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Roger Bate
Proposal	Extension to existing outbuilding to create single occupancy assisted dwelling unit
Location	The Old House Hopstone Claverley Wolverhampton Shropshire WV5 7BW
Date of appeal	17.06.2024
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	



Appeal Decision

Site visit made on 25 June 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/L3245/D/24/3336947

Pryll Cottage, 19 Burway Road, Church Stretton, Shropshire SY6 6DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T Smythe against the decision of Shropshire Council.
 - The application Ref is 23/03654/FUL.
 - The development proposed is the erection of part two storey and part single storey extension following partial demolition; single storey flat roof side extension and partially replacing boundary fence with brick wall.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of part two storey and part single storey extension following partial demolition; single storey flat roof side extension and partially replacing boundary fence with brick wall at Pryll Cottage, 19 Burway Road, Church Stretton, Shropshire SY6 6DP in accordance with the terms of the application, Ref 23/03654/FUL, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The description of development set out in the above heading and the formal decision omits some of the text from the description provided on the planning application form. The omitted text states that the proposal is a revision to a previously approved scheme, and as such it does not describe acts of development.
3. The elements of the appeal proposal involving the part two storey and part single storey extension, and partial replacement of a boundary fence with a brick wall are the subject of planning permission granted on appeal (the previous appeal). That permission remains extant. Based on my observations and acknowledging that the proposed brick wall is longer than previously permitted, I have no grounds to disagree with the Inspector's decision. I have therefore focused on the proposed single storey flat roof side extension (the appeal proposal) in my reasoning below.

Main Issue

4. The main issue is the effect of the proposal on the significance of a non-designated heritage asset and whether it would preserve or enhance the character or appearance of the Church Stretton Conservation Area.

Reasons

5. The appeal site is within the Church Stretton Conservation Area (CA). I have therefore had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area as set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. The CA is extensive in size, encompassing the historic core of the town and residential areas that extend up the valley sides. Its significance stems from its large number of well-preserved buildings and spaces that reflect the historic development of the area as a traditional market town and later as an inland resort.
7. The Council recognise the appeal property as a non-designated heritage asset (NDHA), and this was accepted by the Inspector in the previous appeal. Having carefully considered the evidence before me, I do not consider this to have been an unreasonable conclusion to reach.
8. At the time of my visit, a brick wall that would form the east elevation of the appeal proposal had been constructed. In its position, directly to the rear of a stone wall that is sited along part of the boundary of the site with Burway Road, it is closer to the road than the wall shown on the submitted 'Site Block Plan as Approved and Proposed'. Nevertheless, the stone wall remains the dominant feature within the street scene and the brick wall, as constructed, retains the appearance of a secondary boundary feature.
9. An existing boundary wall shown on the submitted plans extending from the south elevation of Pryll Cottage along Burway Road was not in situ when I visited. The submitted plans, however, suggest that it will be reinstated, and this can be secured by condition to ensure that a boundary feature is maintained along the majority of Burway Road.
10. The appeal proposal, when added to the permitted extensions, would result in a significant increase in the footprint of the original dwelling. Nonetheless, its low height and its lightweight, glazed design would ensure that it would not appear as a dominant feature within the site. The appeal proposal and the permitted extensions would be seen as subordinate additions to the dwelling and the simple original appearance of Pryll Cottage would remain legible. Therefore, the additional impact of the appeal proposal would not lead to any material loss of significance to this NDHA.
11. The appeal proposal would result in a further, although relatively minor, reduction in the spaciousness within the site above that arising from the approved scheme. However, the appeal proposal would not project forward of the west elevation of Pryll Cottage and, as such, the additional built form would not intrude into the landscaped area visible from Rectory Gardens. Subject to the undertaking of a scheme of landscaping to the west and south of the dwelling, the spacious and verdant nature of the site would not be harmfully eroded. Consequently, the appeal proposal would not be apparent from the public domain and would not, therefore, affect how Pryll Cottage is experienced from outside of the site even when the permitted extensions are taken into consideration.

12. Accordingly, I find that the impact of the proposed development on the character and appearance of the CA as a whole would not be materially or harmfully different to the approved scheme. Any views of the appeal proposal from the neighbouring properties in Rectory Gardens would be obscured by the boundary features and the mature vegetation around the site.
13. I therefore conclude that the appeal proposal would not harm the significance of Pryll Cottage as a NDHA and would preserve the character and appearance of the CA. It would therefore accord with Policies MD2 and MD13 of the Site Allocations and Management of Development Plan (SAMDev) and Policy CS6 of the Core Strategy (CS) which seek high quality design and to protect, conserve and enhance the historic context and character of heritage assets.
14. SAMDev Policy MD7b and CS Policy CS5, relating to development in the countryside, have been referenced in the reason for refusal. In the absence of any evidence that demonstrates that the appeal site lies within the countryside I find that these policies are not relevant to the main issue.

Other Matters

15. The appeal site is close to a Grade II listed building, the Old Rectory. However, the boundary treatment and the carriageway of Rectory Gardens provides visual separation from the listed building. Consequently, the proposed development would not materially affect the way that this listed building is experienced. Furthermore, due to the separation distance, the intervening treed embankment and its elevated position, the appeal proposal will have a neutral effect on the setting of the Grade II listed War Memorial.
16. Harm to the landscape and scenic beauty of the Shropshire Hills National Landscape, within which the appeal site lies, did not form part of the reason for refusal. As the site is contained within an established residential area within the town, I have no grounds to disagree with the Council in this regard.

Conditions

17. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying the approved plans. A condition relating to matching materials is also necessary to ensure that the appearance of the new development would be satisfactory and would not harm the character or appearance of the NDHA or the CA. For the same reason, it is also necessary to impose a condition requiring the reinstatement of the boundary wall and the approval and implementation of a scheme of landscaping.
18. In addition, I have imposed conditions to limit the potential for construction works to harm the living conditions of the occupiers of neighbouring properties and to ensure consistency with the previous appeal decision.

Conclusion

19. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 19147-PL1001, Drawing No. 19147-PL1002, Drawing No. 19147-PL1006, Drawing No. 19147-PL1007, and Drawing No. 19147-PL1008.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to occupation, the wall shown on drawing no. 19147-PL1002 that adjoins Burway Road and extends from the south elevation of Pryll Cottage shall be reconstructed in accordance with details that shall have been submitted to and approved in writing by the local planning authority beforehand.
- 5) Prior to occupation, a scheme of hard and soft landscaping works shall have been carried out in accordance with details that shall have been submitted to and approved in writing by the local planning authority beforehand. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) All works (including demolition), site works and construction shall only take place between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 14.00 Saturdays, and not at any time on Sundays, Bank or Public Holidays.
- 7) No deliveries to the site in connection with the development hereby approved shall occur except between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 14.00 Saturdays, and not at any time on Sundays, Bank or Public Holidays.