

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 18/02910/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Creation of larger car parking area and the provision of lock up storage unit		
<u>Site Address:</u> Conduit Head Nobold Lane Shrewsbury SY5 8NP		
<u>Applicant:</u> Shropshire Beekeepers Association		
<u>Case Officer:</u> Alison Tichford		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 347216 - 311111



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

REPORT

1.0	THE PROPOSAL
1.1	<p>This application seeks planning permission for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the extension of an existing small car parking area by a linear area appx. 30m x 7m on existing grassland within the application site, in order to enable safe parking and movement of vehicles <input type="checkbox"/> the provision of a lock up storage unit. appx 10.6 metres long, 3 metres deep, and 2.4m high to provide safe and secure storage of materials and equipment. ,
1.2	The site is owned by Shropshire Council, and leased by the Shropshire Beekeepers Association (a registered charitable organisation and one of the oldest beekeeping organisations in the country) as an apiary, for members' meetings, and for training events and other special events open to members of the public.
2.0	SITE LOCATION/DESCRIPTION
2.1	The 0.6 hectare site is accessed from Nobold Lane to the south across land owned by Severn Water. There is a field with radio mast and station to the north east, and a wood further to the north, a small light industrial area to the east, while to the north east the Radbrook-Mousecroft Lane Wildlife Site extends over 16 acres. The nearest residential dwellings are appx. 160m from the site.
2.1	The existing site has been in use as an apiary since 2016. Prior to that the site had been vacant for several years, although previously used by SABC as a storage area for wheelie bins, and previously to that as a countryside depot. The site would appear to have been used as a visitor centre in the 1980s.
2.2	The rear of the site is occupied by the early wells and collecting tank which provided a source of water for Shrewsbury from 1556, and includes a small building of timber frame and sandstone construction dating from 1578 which contains the collecting tank, and which is Grade II listed. A number of the attractive and decorative urban conduit heads associated with this system still survive at key points within the town and are themselves each Grade II listed.
2.3	There is a further small building on site, which has been refurbished and is being used for members' meetings and events, as well as wooden walkway structures dating from the 1980s visitor centre days. Otherwise the site comprises grassland with hives, and areas of shrubs and plants.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The scheme is proposed on Council owned land but is not in line with statutory functions and is therefore to be determined by Planning Committee as set out in

	Part 8 of the Shropshire Council Constitution.
4.0	COMMUNITY REPRESENTATIONS
4.1	Consultee Response
4.1.1	SC Flood and Water Management have no objection to the proposed works, and have provided informative advice.
4.1.2	SC Ecology have no objection but have requested some conditions with regard to bat boxes and any future external lighting and have provided informative advice to be included on any grant of planning permission.
4.1.3	SC Conservation have provided comments indicating support of the application, but requesting that the car parking surface should be soft gravel or similar, that there should be no tarmac or lining of parking spaces, and that the container should be decorated as stated and kept in good repair.
4.1.4	SC Trees have no objection to the proposal.
4.2	Public Response
4.2.1	A site notice has been posted for the required period and no comments have been received as a result of this publicity.
4.2.2	Shrewsbury Town Council has made comments neither objecting to nor supporting the application.
5.0	THE MAIN ISSUES
5.1	Principle of development Design and Scale Residential Amenity
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
6.1.2	Shropshire Council Site Allocations and Management of Development (SAMDev) Plan was adopted on 17 December 2015. The SAMDev Plan document sets out

	Development Management policies which provide specific guidance to meet national policy requirements principally in the NPPF or to provide more detailed guidance to supplement those policies already adopted in the Core Strategy.
6.1.3	<p>The site falls outside any defined development boundary or Community Cluster and is therefore identified as being in open countryside under SAMDev Policy MD1 and 2. Policy CS5 in the Shropshire Core Strategy, supported by SAMDev Policy 7b, indicates that new development in open countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. However, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted, subject also the considerations of Policy CS6, where they improve the sustainability of rural communities by bringing local economic and community benefits. Particular reference is made to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> agricultural related development <input type="checkbox"/> sustainable rural leisure and recreation proposals which require a countryside location in accordance with policies CS16 (Tourism, Culture and Leisure) and 17 (Environmental Networks). <input type="checkbox"/> required community uses and infrastructure which cannot be accommodated within settlements
6.1.4	Policy CS16 supports new leisure facilities that are appropriate to their location and which will enhance and protect the existing offer within Shropshire.
6.1.5	Policy CS17 requires development to identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a network of natural and historic resources.
6.1.6	The proposed works will support a rural community proposal requiring a countryside location, and contributing to leisure choices within Shropshire. The works will also support agriculture to some extent, as well as enabling the participation of Association members in the enhancement of Shropshire's environmental assets. The proposed works are deemed acceptable in principle.
6.2	Design, Scale and Character
6.2.1	The proposed works affect a listed building or its setting and have the potential to impact on these heritage assets. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17, SAMDev Policies MD2 and 13, and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6.2.2	Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard local amenity and ensure sustainable design and construction principles are incorporated within the new development. In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how

	sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
6.2.3	The storage unit has been donated to the Association, and is appx 10.6 metres long, 3 metres deep, and 2.4m high. It is constructed from tin sheet with acrylic windows and wire mesh protection, and was in previous use on a construction site. It will be jet washed and painted green, and will be used to store equipment for beekeeping, shows, and presentations. It will be located towards the boundary of the site easily accessible from the car park, but screened by hedging and trees from other areas of the site, including the listed building. The storage unit will have minimal visual impact within the wide landscape nor will it impact upon the setting of the listed building. .
6.2.4	The car parking area will be excavated from the grassland to enable direct access from the access road, and will be constructed with a compacted hardcore base, topped with a layer of 25-dust fine material, with no marked bays, to provide a permeable and sustainable drainage surface, sympathetic to the existing rural character of the site. There are 5 existing car parking spaces, and the extension to the car park area will enable a further 13 spaces, providing increased capacity for member events and training days.
6.2.5	The site has suffered from vandalism for some time and occupation by the beekeepers is a positive step towards helping keep this historic site more secure, and to ensure the long term maintenance of the listed building.
6.2.6	SC Ecology, Conservation, Flood and Water Management, and Trees consultees have no objection to the proposal.
6.2.7	The proposed scale, design and appearance of the works will respect the existing character of the site and will not result in any detrimental visual impact in the locality or on the setting of the listed building.
6.3	Impact on Residential Amenity
6.3.1	<p>Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.</p> <p>The site is located at least 160m from any residential property, and will have no impact on the amenity they currently enjoy. The proposed extension to the car parking will alleviate current parking problems on the site, and reduce traffic movements, and possibly avoid a build up of traffic outside the site, thus improving traffic safety within and perhaps outside the site.</p>
7.0	CONCLUSION
7.1	The proposed works will support a rural community proposal requiring a countryside location, and contributing to leisure choices within Shropshire. The works will also support agriculture to some extent, as well as enabling the participation of Association members in the enhancement of Shropshire’s environmental assets.

	<p>The proposed scale, design and appearance of the works will respect the existing character of the site and will not result in any detriment to the setting of the Listed Building on site, any significant visual impact within the landscape, or cause any detrimental impact on neighbouring properties.</p> <p>The proposed development is therefore considered to accord with the requirements of the adopted Core Strategy Policy CS5, 6 and 17 and SAMDev Policies MD02 and 13.</p> <p>Recommend permission is granted, with conditions as to planting, bat boxes, external lighting, the finish to the storage container and the parking area</p>
8.0	RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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. <input type="checkbox"/> The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination of application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development</p>

	<p>of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD13 - Historic Environment
 MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

18/02910/FUL Creation of larger car parking area and the provision of lock up storage unit PDE
SA/85/0632 Alterations to convert the site and existing buildings into a 'Visitors Centre'.

PERCON 30th August 1985

SA/85/0601 Alterations to convert the site and existing buildings into a 'Visitors Centre'.

PERCON 30th August 1985

SA/80/0709 General improvements of disused water tank building and wells. PERCON 28th
August 1980

SA/06/0726/F Change of use of land to civil engineering contractor's yard and erection of
workshop and storage buildings and construction of associated hardstandings WDN 30th
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11. Additional Information

[View details online:](#)

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

Cllr R. Macey

Local Member

Cllr Keith Roberts

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. Within 6 months of the development commencing, planting plans for the car park and container area will be provided to the local planning authority for their approval. These planting plans will be implemented within 8 months of their approval, and will be maintained as approved.

Reason: To soften the impact of the new car parking area and storage container and improve the visual amenity within the site as well as enhance the setting of the heritage asset.

4. Within 6 months of the development commencing, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 external woodcrete bat box or integrated bat roost feature, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

5. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be

designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

6. The container here permitted to be used for storing equipment on site shall be painted green and maintained in good repair.

Reason: In the interests of certainty and to maintain visual amenity within this rural landscape and in the setting of the heritage asset.

7. The parking area shall be constructed of compacted hardcore, and shall be surface finished with a layer of 25 dust fine material.

Reason: In the interests of certainty and to maintain visual amenity within this rural landscape and in the setting of the heritage asset.

Informatives

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

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

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes

and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soak away naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface

water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it

can be demonstrated that infiltration techniques are not achievable.

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

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

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

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

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

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

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