

NORTH PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 5th February 2019		
<p>NOTE: This schedule reports only additional letters received before 5pm on the day before committee.</p> <p>Any items received on the day of Committee will be reported verbally to the meeting</p>		
Item No.	Application No.	Originator:
5	18/05140/OUT	SC Conservation (Historic Environment)
<p>Background:</p> <p>No consultation on this site has been requested or made, to date.</p> <p>15 m north east of Lee Hall Farmhouse is an early C18 timber frame barn which is Grade II listed immediately adjacent the application site.</p> <p>On the road side is a K6 Telephone Kiosk which is also Grade II listed.</p> <p>All of these designated heritage assets are within less than 75 m of the application site and none of them have been mentioned in the application information (no design and access statement submitted) and no heritage assessment has been submitted.</p> <p>Lee Hall Farm is identified and classified in the Historic Farmstead Characterisation Project 2008-2010. It is described: "Loose Courtyard comprising an L- Plan range with detached buildings to the third side of the yard. Additional Plan Details: Additional detached elements to main plan. Date Evidence from Farmhouse: 18th Century. Date Evidence from Working Building(s): 17th Century. Position of Farmhouse: Detached, side on to yard. Farmstead Location: Hamlet. Survival: Extant - No apparent alteration. Confidence: Medium. Other Notes: Large modern sheds to the side of the historic farmstead suggest that the farmstead is still in use. Dated by listed barn (PRN 12215) and farmhouse (PRN 12214)"</p> <p>Immediately adjacent the proposed site, to the south and east a Historic Environment Record (HER) which indicates that there may be possibly remains of the formal garden at Lee Hall. The HER record is as follows: "Series of ditched and earthwork platforms, possibly representing a formal garden of probable post medieval date, connected with Lee Hall or Lee Old Hall". It is noted that SC Archaeology have not been consulted on this application with regard to any archaeological matters and it is suggested that this consultation should be undertaken.</p> <p>Background to Recommendation:</p> <p>In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6</p>		

Sustainable Design and Development and CS17 Environmental Networks, MS2 Sustainable Design, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published July 2018 and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Details:

Whilst it is acknowledged that there is a modern farm building on the application site, for which there appears to be no planning history, its materials and appearance are agricultural in nature, as to be expected in a rural farming setting. However, it does somewhat sit outside of the rest of the farm building complex. Prior to this building all other farm buildings are contained within the historic farmstead boundary.

There are no details with regard to the dwelling type proposed for this site, therefore no comment can be made with regard to this matter.

RECOMMENDATION:

There is insufficient information submitted to satisfy the requirements of paras 189 and 190 of the NPPF and MD13 with regard to describing significance and setting etc and how any development of this site may impact on the significance of the adjacent designated heritage assets.

In coming to any decision of this application decision takers must pay special regard to the desirability of preserving any designated heritage assets and their settings and any features of special architectural or historic interest which they possess, and to preserving special architectural or historic interest they may have, in line with the requirements in Section 66 (1) of the above Act.

Suggested Conditions:

None.

Officers Comments:

Following the consultee comments from the Historic Environment team, it is recommended that an additional reason for refusal be included on any decision notice;

“The application is within close proximity to a Grade II listed building, of which is neighboured by a Grade II listed Telephone Kiosk, with a number of both designated and non-designated heritage assets within both the immediate and wider surroundings. As such and in accordance with Shropshire Core Strategy CS17, the SAMDev Plan MD13 and Section 16 of the NPPF, the application should be accompanied with a Heritage Statement, or similar, to allow for an assessment of any impacts or/and potential harm to these heritage assets and their setting. The application as submitted, contains no such information, as such a determination in this regard cannot be made and the proposal has to be considered as unacceptable and failing to comply with those above-mentioned policies and Section 66 of the

Planning (Listed Buildings and Conservation Areas) Act 1990.”

Item No.	Application No.	Originator:
5	18/05140/OUT	Planning Agent: Amy Henson, Berrys.

Dear councillors thank you for taking the time to read this, we just wanted the opportunity to comment on several things that have been raised in the officer's report, prior to the committee meeting on Tuesday afternoon.

As you are aware the site is located on the eastern side of the settlement of Lee, bordered by agricultural buildings serving Lee Hall to the west and domestic properties to the north on the opposite side of the road. It is not isolated or dispersed from the settlement.

The first and probably most crucial point that I believe you should be aware of is the presence of an appeal decision that allowed the development of a new dwelling on a plot to the south of this site and the main nucleus of Lee – where the inspector deemed it to be an 'infill' plot and part of the settlement, and therefore compliant with planning policy. The appeal site is Barn adj The Cottage, Lee, Ellesmere appeal reference APP/L3245/W/17/3188617. We believe this has a significant bearing upon the consideration of our application site and should be given significant weight.

The planning inspector concluded in paragraph 22 that: 'While there are gaps between the nucleus and outlying pockets of development, this is not uncommon in rural areas. As such, Lee is a dispersed rural settlement of loose-knit properties. On the round, the site is within the settlement of Lee... The main parties agree that there is no definition of the term 'infill' provided in the development plan, any other Council document or in national policy and guidance. They both refer to a general approach to infilling which they consider to be a small gap within an otherwise built-up frontage or group of houses...this is a characteristic of the settlement of Lee. A location next to a side road will not always preclude the definition of a site as being an infill site.' This site on the eastern side of the settlement and part of the built-up frontage.

Below is a map showing the location of this application site and its close relationship to Lee, compared to the more dispersed location of the appeal site, which was deemed to be an infill plot by the planning inspector.

This application has the strong support of the parish council. They consider the site falls within the recognised named settlement of Lee, it is sympathetic to the character of the settlement and limited impact upon the setting of the listed building.

[Inserted Images have been removed for the purpose of this document. Full images, captions and text can be viewed in the planning file.]

A similar view has been provided by local ward member Cllr Brian Williams. He believes the site is part of the settlement and that the housing guideline figure provides headroom for this development.

This proposal will reuse the site and would be confined to within the existing physical boundaries of the site following the removal of the agricultural building. There would be no encroachment into open countryside contrary to the officer's comments in paragraph 6.1.3.

A safe means of access into the site can be achieved that meets all highways safety standards.

Thank you again for taking the time to read this and we look forward to meeting you all on Tuesday.

Officers Comments:

NPPF para 12: Where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

It is the Officers judgement that this application site lies to the edge of the settlement, by the very nature that it is surrounded by agricultural land on all its immediate boundaries, other than to the west to which is too bounded by agricultural land, but land that is occupied by various agricultural buildings. These agricultural buildings are associated with Lea Hall Farm, further to the west, for this reason not only does Lea Hall Farm constitute the edge of the settlement in this direction and on this side of the highway, but also that the presence of agricultural buildings, with large rolling field beyond result in the sites immediate context being one of agricultural instead of residential.

Within the above-mentioned Inspectors Appeal Decision, at para 26 he provides: "... *I have made a site-specific judgement based on the evidence presented. It would be for the Council in the first instance to decide any future development proposals having regard to the evidence before them*" The very inclusion of this sentence is in full recognition that all planning applications must be determined on their site-specific constraints and surroundings, whereby judgements made elsewhere cannot be so readily appropriated as the applicant/agent would suggest.

Furthermore, whilst parties are in agreement that there is no definition of 'infill' within currently adopted policies or guidance, there is however a definition provided within the councils Local Plan Partial Review, Consultation of Preferred Scale and Distribution of Development Document at para 6.22 which provides: "*ii. An infill site consists of land with built development on at least two sides, which is also clearly within the built form of a settlement. It should not however result in a cramped form of development*".

Whilst this definition, or the Local Plan Partial Review are afforded only limited weight due to their primacy. The above definition gives a clear indication of the councils approach and direction at dealing with this form of development. Taking this definition, the Planning Agents letter explicitly evidences a non-conformity with infill development, as the highway section to the north provides a buffer between development, resulting in the application site being bounded by development on only one side, its western boundary, with this too being in current lawful agricultural use.

The mentioned appeal site is wholly different in its set-up and surroundings, whereby its interpretation of infill, whether rightly or wrongly, cannot be appropriated to this application site, due to significant changed circumstances, constraints and surroundings. The Officer attaches no weight to this appeal decision.

Although mentioned in the Committee report, the Officer finds it important to reiterate that in accordance with the NPPF, agricultural land cannot be considered as 'previously used land'/brownfield, as such the agents mention of reusing the site is immaterial and carries no weight.

Item No.	Application No.	Originator:
5	18/05140/OUT	Clerk to Ellesmere Rural Parish Council.

I write to advise that, unfortunately, no member of Ellesmere Rural Parish Council will be available to attend the Committee Meeting on Tuesday. However, the Chairman of ERPC, Sandy Palmer, will be able to attend the site visit.

The Parish Council wishes to reiterate its support for this application, approving the scale and design which is appropriate in the context and setting of the local environment, meeting the criteria of the Local Plan and Core Strategy 6. The proposed dwelling falls within the recognised named settlement of Lee.

We hope to have your support for this application.

Officers Comments:

Whilst the Committee Report covers the majority of matters raised by the Parish Council. The Officer wishes to make the distinction that Core Strategy CS6 is more concerned with the design principles of development, rather than considering whether a development site is to be regarded as sustainable. Instead, Core Strategy CS1, CS4 and CS5 and the SAMDev Plan MD1, MD3 and MD7a are the appropriate local policies concerned with establishing the applications conformity with the strategic approach for new housing both across Shropshire and within Lee, a small scale, undefined settlement.

To this end, the Committee Report outlines in full as to why this application site is considered unsustainable, when determining against those above-mentioned policies, whereby the erection of a single detached dwelling in this location would amount to measurable harm both to the existing pattern of development and to the wider countryside setting to which extends beyond this application site.

As this application is in Outline, with only access matters concurrently sought. No details have been submitted in regards to the scale, layout or external appearance of the dwelling.

Item	Application No.	Originator:
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No.		
7	18/03419/FUL	SC Planning Ecologist

I have read the submitted Ecological Appraisal (Greenscape Environmental, December 2018). I am satisfied with the level of survey effort and recommend that the following conditions and informatives are included on the decision notice:

Bat and Bird Boxes Condition

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

- A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

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

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

Lighting Plan Condition

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

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

Nesting Birds Informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No

clearance works can take place with 5m of an active nest. If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

General Site Informative for Wildlife Protection

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. Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

Landscaping Informative

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