



Committee and date

South Planning Committee

12 March 2019

## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b><u>Application Number:</u></b> 18/05159/FUL	<b><u>Parish:</u></b>	Chelmarsh
<b><u>Proposal:</u></b> Redevelopment of Astbury Hall Estate - Erection of bar/restaurant building with all associated works		
<b><u>Site Address:</u></b> Astbury Hall Astbury Bridgnorth Shropshire WV16 6AT		
<b><u>Applicant:</u></b> Mr John Steven (FCFM Group Investments III Ltd)		
<b><u>Case Officer:</u></b> Richard Fortune	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	
<b><u>Grid Ref:</u></b> 372291 - 289217		



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**Recommendation:- Grant Permission subject to receipt of a satisfactory Unilateral Undertaking relating to not implementing the unbuilt elements of planning permission BR/98/0829 should planning permission be granted for this development; retention of the facilities and holiday lodges in a single ownership and delivery of the proposed apprenticeship schemes and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is one of four related applications relating to Astbury Hall and surrounding land. Reports on the other three applications (18/05052/FUL; 18/05078/FUL and 18/05079/FUL). The background to the applications is set out in paragraphs 1.1 and 1.2 of the report on application 18/05052/FUL also on this agenda.
- 1.2 The proposals contained in this particular application relate to a bar/restaurant building which would be sited some 23 metres to the south west of the Astbury Hall building, and immediately adjacent to the proposed tennis courts contained in application 18/05052/FUL. The building would be partly single storey and partly two storey. The proposed internal layout of the building has been amended in response to the comments received from the Council's Regulatory Services Team to incorporate an internal lobby to the main entrance for patrons, the number of window openings to the west elevation has been reduced and the size of the kitchen and toilet areas have been increased. On the ground floor the central bar area would be flanked by a single storey kitchen/store and wash room area on the north eastern side, with that section of the building being single storey with the flat roof concealed by a parapet wall. On the south western side a similarly proportioned single storey element would contain the entrance lobby and toilets, with the roof of this element forming a terrace from which there would be views over two of the tennis courts, greens and lido area. The terrace would be accessed by a flight of external stairs and also from the first floor restaurant area, which would be in the form of a mezzanine that that would be above approximately half of the bar area. The gross internal floorspace of the proposed building would be 263sqm.
- 1.3 The building would be predominantly of brick to complement Astbury Hall and the dual pitched small plain clay tiled roof would feature a full gable to the north western end and a hip, with a small gable to the top of the apex at the south eastern end. The hipped roof area would be above a large bay that would have three sets of full height glazed doors at ground floor level with arched head openings, above which there would be full height, multi pane glazing giving views out over the existing golf course. A package treatment plant would be used for the disposal of foul sewage, with surface water being disposed of to a sustainable drainage system that would utilise an existing pond/lake and soakaways.
- 1.4 The bar/restaurant building would be for use by the occupants of the holiday lodges only, but the applicants have indicated that there would be a restricted membership scheme for local people which would enable them to use the facilities. The proposed hours of opening are stated to be 09:00 to 23:00 each day.
- 1.5 A Screening Opinion has been issued to the effect that an Environmental Impact Assessment was not required for the proposed works spread across the four associated planning applications. The application is accompanied by a Design and Access Statement; a Desk Study Report into ground conditions/geology;

Ecological Assessments; Landscape and Visual Impact Assessment; Heritage Impact Assessment; Landscape Design Report; Transport Assessment; Arboricultural Report; Flood Risk Assessment and Drainage Strategy; and an Economic Impact Assessment.

- 1.6 The applicants have engaged in pre-application meetings with local communities, as encouraged by the National Planning Policy Framework.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is situated in open countryside and comprises of land immediately to the south west of Astbury Hall. The proposed site for the building is open to the south but partly concealed from view from the north and west by the high brick walls which form part of a partly enclosed walled garden. The land falls away in a south westerly direction at this point, relative to the Hall building and its associated terrace.

## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Councils' have expressed views contrary to the Officer recommendation and Shropshire Council Ward Member has requested that the application be determined by Committee. The Chair and Vice-Chair of the South Planning Committee, in consultation with the Principal Officer and Area Planning Manager, consider that the material planning considerations raised by this group of planning applications warrant their determination by the South Planning Committee.

## **4.0 Community Representations**

- Consultee Comments

The full comments received may be viewed on the Council's web site. Some of the comments below are a summary of those submitted.

- 4.1 Chelmarsh Parish Council – Comment: Unwilling to support proposals unless the points raised on highway conditions are addressed prior to construction commencing. The proposed main access should be reconsidered as the proposal is considered unsafe and insufficient for the users of this facility. The Parish Council suggest the access from the North should use the Quarry site entrance and from the South to use the main drive to The Astbury.

Comments/concerns raised are as follows:

### **1. Site Access during Construction**

- a. B4555 road condition is poor (potholes and breakdown of the road surface) and will be made much worse by construction traffic
  - i. Knowle Sands
  - ii. By bridge over SVR at Eardington
  - iii. Ingram Lane (Sutton Arms Corner)
  - iv. Ingram Lane (approach to Highley)
- b. Ingram Lane has tight narrow corners by Damson Cottage, unsuitable for low-

loaders with caravans on, also heavy road traffic is causing damage to property due to close proximity to the road

- c. Road crossing SVR near Eardington Halt very tight and turn over bridge for articulated vehicles
- d. Low Bridge under SVR hazard to high sided vehicles/Diggers/Earth movers
- e. Junction of B4555 with B4363 at Oldbury is difficult for long vehicles and would cause issues at peak traffic flows
- f. Large vehicle traffic over Bridgnorth low town bridge and Underhill Street

## 2. Site Access Operational

- a. Current condition of B4555 and further damage by construction traffic will require significant investment
- b. Visitors are presumed to all access site via cars currently, but future could be coaches and the site may employ coaches to take residents to offsite facilities/attractions. B4555 is not wide enough in many places for significant coach traffic, eg issues with school buses and 125 Bus service
- c. Queuing traffic on B4555 awaiting site access □ only 70 yards drive
- d. Site access in winter B4555 is susceptible to closure in periods of snow with vehicles stranded on the hill up to Chelmarsh
- e. Site access from south
  - i. Sat Nav will send traffic via Borle Mill, Highley single track road unsuitable for traffic proposed
  - ii. Traffic speed and overtaking by Bakehouse Lane is already a major issue for Chelmarsh residents, 22% traffic increase by this development will make things considerably worse if traffic speed is not addressed
  - iii. Proposed site access is from B4555 on a steep bank, with high average vehicle speed and minimum splay view angle only
- f. Site access from north
  - i. Blind access via bridge under SVR into potential queuing traffic waiting to make right turn into site
  - ii. Nature of bridge over SVR at Eardington means large vehicle including regular buses need to cross to opposing carriageway to make the turn (however also comment that this is a local historic feature which residents would not like to see demolished)
  - iii. Junction of B4555 with B4363 at Oldbury

## 3. Pollution

- a. Noise pollution concern for local residents at Astbury and properties around the site
  - i. outdoor activities bars/patio areas, leisure facilities and hot tubs at lodges.
  - ii. noise in evenings and at night is concern eg from events
- b. Light pollution from main buildings, lodges and access roads
- c. Can sewage systems cope with emptying of swimming pools and hot tubs?
- d. Rainwater drainage is proposed to soak a ways □ this will eventually drain to Hay Brook which is already susceptible to flooding in wet winters without this additional volume
- e. Spillage during construction phase
- f. Mud onto the road from construction traffic

## 4. Local Facilities

- a. Impact on medical and dental services in Bridgnorth and Highley
- b. Can emergency services cope with additional transient population?
- c. Chelmarsh pub is already very popular at weekends resulting in traffic parking

alongside B4555 considerations for overspill parking

d. Parking in Bridgnorth is already difficult especially Saturdays, increase in day trippers from the proposed development will make parking more difficult for residents

e. Chelmarsh/Astbury have a very poor broadband connection currently, can service for local community be improved when broadband is improved for proposed development

#### 5. General Issues

a. What happens to current planning permissions (hotel and permanent dwellings) for the site if this scheme is adopted, could these also be progressed?

b. Can lodges be converted to permanent dwellings in the future?

c. Could lodges be sold off as individual lots or small packages in future?

d. What guarantees can local residents have that the roads will be improved, traffic flows to the site will be managed and that noise and light pollution will be controlled by the site operators?

e. How can agreements made by current developers be enforced if the site is sold on?

f. How many lodges are proposed in the scheme? John Steven said it was 302 reduced from 315, however the planning applications are for 135 (Valley Lodge) and 140 (Plateau Lodge) = 275

g. Traffic report has only used data from accidents reported to police, there have been numerous accidents on the road coming down from Chelmarsh village with cars on roof and around the bridge under the SVR which have not been reported, but are known to local residents

#### 6. Suggestions made at the meeting

a. Park and ride be established at the development for visitors travelling to Bridgnorth

b. Operational site access should be via the quarry entrance for traffic coming from north, this alleviates issues at both SVR bridges and right turn into site

c. Traffic calming measures on B4555 coming downhill from village

d. Speed control measures in Chelmarsh village and right turn island for Bakehouse Lane entrance

e. Curfew for noise and light on site, especially outdoor activities

f. Right turn reservation on the B4555 for traffic turning right into entrance

g. Access to site

h. Damage to properties close to road  any compensation for owners of properties?

i. Provision to control traffic speed through Chelmarsh Village especially turning to Bakehouse Lane

j. Work on the road needs to be carried out before the construction work starts and then repaired prior to the opening of the site

#### 4.2 Eardington Parish Council – Object:

The Council is unable to support either the scheme as a whole or any of the individual planning applications for the following reasons:

a) The proposed development is out of character and scale for the local area;

b) It is contrary to the SAMDEV designation of 'Countryside';

c) The proposal is contrary to Local Plan policies CS5, C16 and C17,

MD2, MD11, MD12 & MD13 and national guidance contained within the NPPF which aims to improve the character and quality of an area and the way it functions and conserve and enhance the natural and historic environment by protecting and enhancing valued landscapes and the historic environment;

- d) It does not bring any significant economic and social benefits to the area or local residents to justify its development;
- e) It will create significant long and short-term disruption in the form of traffic generation during the construction phase and when operational;
- f) The increase in traffic will cause further deterioration to the already poor local road infrastructure;
- g) The potential increase in traffic accidents along the B4555 and adjacent roads;
- h) The generation of significant environmental, noise and light pollution which will affect the residents of Astbury Falls, Lower Forge, Eardington and Knowle Sands, which is incompatible with Article 8 of Human Rights Act 1998 which gives the right to respect for private and family life and Article 1 allowing for the peaceful enjoyment of possessions;
- i) The generation of significant environmental, noise and light pollution which will have an adverse effect on local wildlife, particularly Eardington Nature Reserve which lies close to the edge of the development site;
- j) The adverse environmental impact on the Severn Valley's diverse, fragile and attractive eco system which lies on the edge of the South Shropshire Hills AONB;
- k) The suitability of the land for a development of this size without significant earthworks including piling, the formation of bunds and retaining structures;
- l) The lack of economic viability assessment to demonstrate there is sufficient demand for a development of this size and scope to support the proposed level of capital investment; and
- m) The additional pressure on already hard-pressed public services e.g. Bridgnorth Hospital, Northgate Medical Centre, West Mercia Police, Fire and Ambulance services and petrol filling station.

n) Landowner - human rights

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

o) SAMDev Policy MD11, 6 Proposals for new and extended touring caravan and camping sites should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site.

MD11, 7: Static caravans, chalets and log cabins are recognised as having a greater impact on the countryside and in addition (to 6), schemes should

be landscaped and designed to a high quality.

MD11, 10: New sites for visitor accommodation and extensions to existing chalet and park home sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites.

- 4.3 SC Highways – No Objection: Conditions recommended relating to details of improvements to the access; highway mitigation works; underpass construction; work in accordance with an approved Construction Environmental Management Plan.
- 4.3.1 It should be noted that the following comments have also taken into account the three other planning applications submitted reference 18/05052/FUL, 18/05078/FUL, and 18/05079/FUL. This approach has been taken to reflect the applicants approach to submitting one Transport assessment (Project code 3659-31<sup>ST</sup> October 2018 Rev D) that incorporates all four planning applications. Any additional or supporting information has also been submitted on the basis it should be considered for all planning applications. The submission of one Transport Assessment is generally supported, as it allows the cumulative impact of the whole of the Development to be assessed. However it is acknowledged that each application has to be assessed on its own merits, and not dependent upon requirements placed upon other applications. It is acknowledged that the Astbury Hall Estate currently has a number of existing extant Planning permissions and these have been partially implemented in terms of the golf course. Any further application has to be assessed on the basis that the site has extant planning permission that could be implemented if required.
- 4.3.2 It is proposed that the existing access to Astbury Hall is utilised. Additional information has been submitted by the applicant to demonstrate that the junction can operate well within theoretical capacity when fully occupied. The transport assessment is considered to be relatively robust, and presumes 100% occupancy throughout the year. It is considered that this scenario is extremely unlikely, and therefore the figures contained within the Transport Assessment are considered to be a worst case scenario.

Following the original submission of the Transport Assessment, Shropshire Council as Highway Authority raised queries with regard to vehicle approach speeds at the existing access. Subsequently, an additional Automatic Traffic Count was commissioned by the applicant to give an indication of approach vehicle speeds approaching the access from the east. It is considered in view of the average vehicle speeds recorded and that it is an existing access, it is considered that the proposed access and visibility splays are satisfactory for the proposed use and likely number of average vehicle movements that the proposed development could potentially generate. The existing access provide direct access of the B4555 and benefits from good forward visibility. This is considered to be a benefit because drivers can adapt their behaviour if they see a vehicle waiting or emerging from the access, but it is acknowledged is an opportunity for vehicles to overtake.

In terms of the existing access, whilst the applicant has not proposed any improvements, it is noted that the existing access has a flush kerb tie in across

the site access with the B4555, it currently has an upstand in excess of 25mm, and therefore as vehicles pull off the Highway, they will do so with caution. In addition, with an intensification of use of the access is likely to become damaged. Consideration should therefore be given to removing the existing kerb line and providing a junction directional sign opposite the access to increase awareness of the access point, so vehicles are able to adjust their speeds on the approach when turning into the site. It is noted that the applicant has subsequently submitted revised details of access that are contained within Version 3 of the Technical note. It is recommended that a condition is attached to any permission granted that requires construction details as contained within Drawing no. 3659 - 03-A to be submitted for approval and implemented within 3 months of the Development being brought into use, this will allow the majority of the demolition and construction to take place before any surfacing is carried out at the junction.

- 4.3.3 In response to initial Highway comments submitted regarding the contents of the Transport Assessment, the Applicants Transport Consultants undertook further analysis of the likely impact on the surrounding Highway network. They undertook a more robust assumptions based on external visitors and distribute the traffic more towards Bridgnorth. As stated above it is considered that the figures contained within the Transport Assessment are a worst case scenario.

The submitted automatic traffic data indicates that the existing two way flow on the B4555 within the vicinity of the site is within the region of 4000 vehicles per day. Table 3 below, contained within the technical note, version 3 provides an indication of the potential increase in vehicle flows (assuming 90% arrive from Bridgnorth). There are two figures given the likely flow if no Development takes place, and with Development. It indicates that the worst case scenario in the morning and afternoon peak there may be an additional 213 vehicles in each of the peak hours, which is an increase in the likely flows if the Development does not take place. However, as above it is considered that the transport assessment is relatively robust, and presumes 100% occupancy throughout the year, which is extremely unlikely, therefore the figures do not apply if the Development is fully operational. It also assumes that each lodge will make 6 excursions to the local area per week. Whilst the development will be a substantial development for the surrounding area, analysis shows that it will not generate a significant amount of trips compared to the existing number of vehicles already travelling along the B4555.

Whilst both application 18/05052/FUL and 18/05159/FUL seek to provide a number of facilities which could potentially generate a significant number of vehicle movements if delivered in isolation, the applications seek to compliment applications 18/05078/FUL and 18/05079/FUL for the Holiday lodges and potentially significantly reduce the number of visitor trips during the duration of visitors stay. Therefore whilst the cumulative impact of the whole development on the highway may lead to an increase in trips, from a Highways perspective we would be supportive of any application that create a self-contained development where visitors to the lodges leave the site infrequently.

- 4.3.4 Part 6 of the submitted Design and Access statement indicates that the Leisure facilities are intended to be for the exclusive use of holiday makers, and not open

to the general public. In terms of Highway impact, then we would recommend that further reassurance of this was provided to control the overall impact of the Development on the surrounding highway network. However it is acknowledged that in order to secure the future viability of the site, these facilities may need to be opened up to the public.

Section 5.3 of the submitted transport assessment provides an indication of the likely impact if the facilities were to be open to the public and assumes 50% of the trips generated would be external which is considered an acceptable level to form any assumptions upon. Analysis indicates that whilst the facilities would generate additional trips if opened to the public, there is unlikely to be any trips generated in the morning peak, only trips in the afternoon peak and weekends.

- 4.3.5 We are satisfied from a Highways perspective that if the facilities were open to the public the impact on the Highway network would not be significant, therefore we would not require any controls over the use of these facilities (i.e. private residents only) based on the information provided. Despite the above, we would seek clarification with regard to the likely scale of the 'substantially reduced fee and usage by immediate locals' it is assumed that this is a minimal number of properties in the local area that are impacted directly by the construction.

Concerns have been raised with regard to capacity on the surrounding network of the cumulative impact of the whole Development in particular the impact on the junctions in Bridgnorth, most notably B4555/B4363 and Oldbury Road/Hollybush Road. Whilst no specific analysis has been undertaken with regard to capacity at these junction, it is considered that the increase in trips generated by the proposed development compared to the number of existing vehicle movements will not be significant enough to reduce capacity at the junctions within Bridgnorth.

Automatic Traffic data indicates that the existing two-way average daily flow on the B4555 is within the region of 4000 vehicles, and approximately 2000 vehicles per day on the B4363. Underhill Street/Hollybush Road has a two way daily flow of approximately 12,000-14,000 vehicles a day. Based on the information submitted, it is acknowledged that the Development will increase the number of vehicles movements along the B4555, and the surrounding Highway network, however, the figures contained within the Transport Assessment and Technical note are worse-case scenarios when the Development is operating at full capacity. It is not considered that there is material grounds to consider a highways refusal for any of the applications submitted. Shropshire Council as Highway Authority would need to demonstrate that the B4555 and surrounding Highway network do not have the capacity to support a Development of this nature. It is not considered a Highway objection could be sustained on this basis.

- 4.3.6 Despite the above, it is acknowledged that the Development will attract an increase in the number of existing vehicle movements on the surrounding highway network and attract drivers that are not familiar with the highway network conditions. Therefore the proposed mitigation works are welcomed. The concern with regard to the delivery of the works if that they are intended to deal with the cumulative impact of all developments therefore consideration needs to be given

to the appropriate timing of these works, which will not significantly impact on the construction of the development, and deteriorate prior to occupation, and also unsure they are delivered in a timely manner, and are not dependant on the commencement of one of the four application. It will therefore be our recommendation that a condition is placed upon each application that requires the works to be completed prior to the occupation or opening of any of the facilities which forms part of the current applications.

It is the applicants intention to deliver these works themselves, through a Section 278 agreement (Highways Act 1980) the details of the works can be agreed through the Section 278 technical approval process. However, the applicant following a request has submitted draft details of the proposed improvements. It is considered that these proposals are acceptable in principle, with the exception of Section 2 proposals however the exact details of the works could be agreed and secured through the Section 278 agreement. The conditions of the Highway is constantly changing therefore whilst we can agree the scope of the works in order to determine the application maintenance works may be undertaken between the granting of permission and the delivery of the Section 278 works.

- 4.3.7 The proposed mitigation works are discussed in more detail at paragraph 6.5.15 of this report below.
- 4.3.8 Railway link: Section 4.6 of the submitted Transport Assessment and Section 3 of the Masterplan Concept indicates that the Developer is seeking to try and secure a direct link to the Severn Valley Railway line. It is considered that this will promote sustainable travel from the site and should be encouraged. However no details have been submitted as part of this application or other applications, therefore has not been taken into account when assessing the impact of this Development on the surrounding Highway network. It is assumed that if this addition to the Development were to come forward then details would form part of a separate planning application and assessed on its own merits. As above, Shropshire Council as Highway Authority would not have any objection in principle however we would want to seek reassurance that any impact was contained within the site.
- 4.3.9 Construction traffic: It is acknowledged that the current state of repair of some of the existing Highway network within the vicinity of the site has deteriorated, however Shropshire Council have planned Highways works programmed to address some of these issues, therefore the condition of the Highway is a evolving matter. As per Section 2.3 of the submitted technical note, Shropshire Council as Highway Authority have the powers under Section 59 of the Highways Act 1980 to recover additional costs of road maintenance. It is therefore recommended that a planning condition is placed upon any permission granted that requires the applicant to undertake a joint road condition survey of all proposed construction routes prior to commencement to identify the existing condition of the Highway network and any works required to facilitate the level of construction vehicles using the routes. The Construction Environmental Management Plan should include, in addition to the measures identified in the submitted technical note, a contact responsible for community liaison, point of contact for residents experiencing any disturbance during construction and a

banksman stationed at the construction access to assist heavy vehicles in entering and leaving the site.

4.4 SC Drainage – No Objection:

The proposed drainage strategy in the Flood Risk Assessment is acceptable in principle. The final drainage details, plan and calculations shall be submitted for approval. Full details, plan and sizing of the proposed package sewage treatment plant including percolation tests for the drainage field should be submitted for approval.

Recommend pre-commencement planning condition requiring a scheme of the surface and foul water drainage to be submitted and approved.

4.5 SC Regulatory Services – Comment:

Having considered the proposal it is noted that lobby doors have not been incorporated to all access points into the buildings for patrons. This is a necessity to stop noise break out and should be given additional thought. This would include lobby door onto Terrace on the first floor.

Glazing and doors will need to be able to be closed when there is significant noise inside e.g. music. As a result alternative means of ventilation may be necessary to avoid patrons being uncomfortably hot. Keeping people cool indoors is a good way of removing noise concerns and would make management of this aspect easier for the applicant going forwards. In addition details of the noise attenuation qualities of the glazing is required. The better the glazing the more confidence that noise will not break out and impact on those in the locality.

(Case Officer comment: Amended drawings have been received following discussions with Regulatory Services to address noise break out).

4.6 SC Rights of Way – Comment:

There are various Public Footpaths that run over the grounds at Astbury Hall. It appears that they have been taken into consideration within the Design and Access Strategy and incorporated within the design, however the southern section of the rights of way will need to be checked as it appears that the lines of the footpaths that are shown on the masterplan do not correlate with the actual Definitive line of the footpaths and lodges could affect one of the footpaths.

The network of Rights of Way must be taken into consideration at all times both during and after development and the applicant also has to adhere to the following criteria:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

4.7 SC Trees – No Objection:

I have reviewed the information submitted in association with this application and I do not consider there to be any significant trees that may be affected with this particular part of the proposed scheme at Astbury Hall. Therefore I have no arboricultural concerns regarding this particular application and no comment to make, other than recommending opportunity be taken to enhance tree cover at the site through appropriate new planting in association with this development. I would therefore recommend attaching landscape conditions to any permission granted.

(Case Officer Comment: The extent of the application site in this case is restricted to that immediately around the proposed building. The landscaping scheme submitted with the three other related planning applications mean that it is not considered necessary to attach landscaping conditions to any approval of this particular proposal).

4.8 SC Ecology – No Objection: Recommend conditions relating to the appointment of an ecological clerk of works; reporting on compliance with method statements, mitigation and enhancement strategies, approval of any external lighting.

4.9 SC Conservation – No Objection:

Astbury Hall itself is a fine residence, although not listed it would be considered to be a non-designated heritage asset worthy of protection under NPPF policies, particularly paragraph 197 which states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

The proposed bar/restaurant building subject of this application is to be sited to the south west of the main hall building. The building is set away from the main elevation of the hall and is set down slightly in the landscape and so would not generally compete with the hall but would remain subservient to it in most views. Materials and design are proposed to reflect a traditional outbuilding style that would be appropriate to the estate. Generally this approach is considered acceptable and the proposed new bar building is not considered to create any significant undue harm to the setting of Astbury Hall as a non-designated heritage asset.

4.10 SC Business Growth and Investment – Support:

In response to the economic impact assessment related to planning applications for the redevelopment of Astbury Hall, the Economic Growth Service are fully supportive of the redevelopment of the existing site to support a new fully developed leisure, hotel and community facility. The proposal signifies the ability

to offer a provision that will not only rejuvenate a currently disused golf course operation, but create a facility that supports to drive new visitors to a rural part of the county and support businesses within both the wider visitor economy sector and those benefiting the broader local community.

The visitor economy sector is one of the most significant within Shropshire and with the broad range of attractions available, high visitor numbers and the value that this brings to the Shropshire economy, this application provides a significant opportunity to support in continued economic growth within this sector. This opportunity also has the potential to create a truly national and even international facility, supporting to develop Shropshire's position firmly on the map as a destination to visit and stay and delivering increased spend in this locality. Key to this is also the sites ability to support the delivery of jobs from across a range of skill sets, reducing the need for residents to commute outside of the Shropshire area for employment.

As outlined, consider that this opportunity should be fully supported on the basis of its ability to deliver economic growth through the attraction of new inward investment, continued development of a key industry sector and the delivery of new jobs both for the site and the wider opportunities this will attract within the locality.

4.11 National Trust (19.12.18) – Object:

Astbury Hall is seen from the western side of the historic park at Dudmaston, which is owned and managed by the National Trust. Elements of the existing golf course can also be seen as can land on which the lodges and leisure facilities are proposed. The National Trust objects to the proposed development for the reasons set out below and in greater detail in a letter sent to the council. We would welcome the opportunity to meet with the council's planning officer and with the applicants and their consultants to discuss our concerns.

The proposed development potentially harms the setting of designated and undesignated heritage in National Trust ownership. These impacts have not been assessed even though the assets are within the study area identified by the applicant's heritage consultant. We therefore object to the proposals on the basis of a failure to comply with the requirements of NPPF paragraph 189.

The proposed development potentially affects sensitive visual receptors at Dudmaston. These impacts have not been assessed in the application. We object to this lack of assessment of visual impacts.

The proposed development potentially has landscape effects at Dudmaston. These impacts have not been assessed in the application. We object to this lack of assessment of landscape impacts.

The National Trust is also concerned about the effects of the proposed development on the landscape character of the wider area, particularly considered cumulatively with the numerous caravan parks along the Severn Valley.

We are concerned at the potential night time light-polluting effects of lighting at the development. We consider that as a general issue this has not been addressed sufficiently in the submitted information. Like every other impact, it is not assessed at all in relation to Dudmaston.

4.12 Shropshire Wildlife Trust (20.12.18) – Comment:

The development could be considered a Schedule 2 project under the EIA regulations (Schedule 2, part 12 (c); (e) and (f) of the EIA Regulations 2017).

The numerous ecological reports appear acceptable and would concur with, and welcome, the recommendations including:

- ☐ A minimum 20m development buffer around the Mor Brook
- ☐ Creation of hibernacula for great crested newts
- ☐ Inclusion of barn owl nest boxes
- ☐ Management of grassland to enhance barn owl foraging resource
- ☐ Dedicated (and permanent) barn owl nesting space in the rebuilt stables
- ☐ Buffers between development and woodland habitat
- ☐ Introduction of woodland management
- ☐ Habitat creation to benefit dormice
- ☐ Dormice nest box scheme

However it would appear that the proposed development needs to be re-positioned to enable even the minimum buffer distances to be met. The access road, a number of lodges, some proposed infrastructure and cut and fill operations all fall well within the minimum 20m buffer from the Mor Brook. A number of lodges also seem to be in close proximity to existing habitat suitable for dormice.

We would also suggest that, rather than the underground attenuation proposed, more natural SUDS solutions are considered. These could potentially be located within the recommended buffer zones and would certainly contribute more to biodiversity than the underground options. The new ponds shown in the landscape plan should be designed and managed to maximise biodiversity benefit and provide newt habitat.

To ensure the desired biodiversity protection and gains are delivered a biodiversity management plan should be agreed, delivered and monitored. A qualified ecologist should provide compliance reports to confirm the actions (and conditions) have been suitably discharged.

-Public Comments

4.13 3 Objections:

- Change our rural village completely
- Infrastructure of area will not support such a large development
- Create a major problem with volume of traffic and road surfaces with difficult narrow road conditions.
- Access on dangerous section of road and is hazardous to cyclists and road is part of the National Cycle Route 45 ; no street lights and no pavements

- Negatively impact on Knowlesands area even if traffic advised to use Bridgnorth by-pass
- Impact negatively on fragile River Severn Bridge and create major traffic problems in Low Town
- Will affect visual beauty of area as well as the eco system
- Not sustainable tourism – too large and out of character
- Visitors to the complex will use their own vehicles to visit local places of interest, impacting on traffic volumes
- Light pollution and noise pollution spoiling the quiet country life style
- Increased noise and air pollution from additional traffic
- Little or no benefit to the surrounding area
- Would be the size of a small town
- Public right of way which runs from the lane close to Astbury Hall to the B4555 would be ruined by the proposed development; view from the north end is typical Shropshire landscape, a valley of woods and fields would be changed forever.
- B4555 road not fit for purpose for the transportation of hundreds of lodges.
- Land stability issues in area and the proposed drainage system feeding to the Mor Brook likely to exacerbate this instability.
- Suggest quarry entrance as an alternative to the current main entrance.

4.14 1 Letter of support:

- Some members of the older community have a totally different attitude to development and change compared to the younger generations.
  - Believe that well over 80% of customers to the Bulls Head are greatly in favour of this dynamic, inspired and enterprising development that offers them, their families and their children opportunities for their future.
  - Offers the promise of a great number of vary varied jobs within and outside of the estate with suppliers and sub-contractors.
  - Anything which is to assist in reducing daily commutes to Wolverhampton, the Black Country and beyond should be encouraged.
  - New jobs in the area must be greatly encouraged given present uncertainties.
  - Continued success of own business depends very much on continuing to attract more visitors to Shropshire.
  - Believes that existing visitor attractions in the wider area would benefit from this development.
  - In line with the economic objective of the National Planning Policy Framework and proposal would meet all the Government stated criteria.
  - Also meets Local Development Plan aim to deliver high quality, sustainable tourism, cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities.
  - It could be a major turning point for the County in attracting further and totally new investment.
  - Would make contributions in local business rates and taxes, enabling the local authorities to also make much more well needed investment in this area.
- This is an extraordinary once in a lifetime opportunity that should be welcomed by everyone.

4.15 Bridgnorth Chamber of Commerce – Support:

The development will have a positive effect on tourism generally in the area, and

the Chamber believes this will be beneficial to its members and other businesses in Bridgnorth, providing a much needed boost to the local economy. The developers advise they believe £3.5 million per annum will be added to the economy in the area, the Chamber considers this will have a substantial impact.

The development will create up to 120 jobs which again will be beneficial to the local economy. The Chamber hopes many of these positions will be filled by local people in a rural area where job opportunities currently are limited.

The Chamber has taken note of the desire of the developers to use Eardington Halt as a means of access to the site for visitors travelling by train, so reducing the impact on the local road network, and sees this as a positive way to mitigate any negative impact from increased traffic, as well as being beneficial to our member, Severn Valley Railway Company Ltd.

4.16 Severn Valley Railway – Support:

The SVR are working with the development company and can see many ways in which the development will benefit the SVR and the local area.

We will be looking to open the Halt to the guests at Astbury Estate and even offer the option that they can arrive by train.

**5.0 THE MAIN ISSUES**

Principle of development

Siting, scale and design of structures

Impact on visual amenity and rural character of area

Impact of Heritage Assets

Highway Safety

Ecology

Drainage

Residential Amenity

Rights of Way

**6.0 OFFICER APPRAISAL**

**6.1 Principle of development**

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

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

appropriate scale and character for their surroundings and, if not close to or within settlements, be associated with an established and viable tourism enterprise where accommodation is required. Astbury Hall falls within the latter category. (CS17 is discussed in 6.2 below). Core Strategy policy CS13 relating to economic development, enterprise and employment is also supportive of rural enterprise and diversification of the economy, in a number of specified areas which include green tourism and leisure.

- 6.1.3 Site Allocations and Management of Development (SAMDev) Plan policy MD11 states that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meet the requirements in policies CS5, CS16, MD7b, MD12, MD13 and relevant local and national guidance.
- 6.1.4 The above Development Plan policies are wholly in accordance with the National Planning Policy Framework (2018) which advises at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. It is supportive of a prosperous rural economy and at paragraph 83 states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.1.5 The facilities proposed in this application would be for the use of persons occupying the holiday let lodges contained in applications 18/05078/FUL and 18/05079/FUL, rather than being open for general public use. Consequently, for example, there would be no conflict with Development Plan retail policies with the inclusion of new build restaurants and farm shop within the development proposals. (The applicant's proposal to offer a restricted membership scheme to local people would not compromise the principle of the development, provided that the scale of such use would be very low).
- 6.1.6 It is considered therefore that there is no in-principle planning policy objection to the proposals contained in this application. The acceptability or otherwise of the proposals rest on the detail matters considered in turn below.

## **6.2 Siting, scale and design of structure**

- 6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 127 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate an appropriate amount and mix of development.

6.2.2 The bar/restaurant building proposed in this application consists of a building with some contemporary design, particularly in the extensive glazing to the south east elevation and the shallow projection of curtain walling contained under the main roof on the north west elevation, but married to the use facing brick to the bulk of the elevations and a dual pitched, plain clay tiled roof and the arched heads to the ground floor openings on the south east elevation. The proposed building would be subservient in scale to the Hall building, with this effect being reinforced by the proposed building being at a lower level due to the topography. It would complement the built form of Astbury Hall as a non-designated heritage asset. SAMDev Plan policy MD2 (Sustainable Design) expands on policy CS6 in seeking to ensure development contributes to locally distinctive or valued character and existing amenity value and advises at MD2.3 That development proposals should:

“Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”

It is considered that the proposed built form of the bar/restaurant building would achieve these design objectives. No objections have been raised to the design by the Council’s Conservation Officer for the area, who considers that the materials and design proposed reflects a traditional outbuilding style that would be appropriate to the estate.

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

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

6.3.2 SAMDev Plan policy MD11.2 states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) and a Heritage Impact Assessment (HIA) to address these matters. The latter is considered in section 6.4 of this report below. Both these documents have been amended in response to comments from The National Trust that the original documents did not take account of the Dudmaston Estate situated to the east of the River Severn.

6.3.3 The bar/restaurant building would be grouped closely with existing buildings which include Astbury Hall itself. From Astbury Lane to the north it would be partly hidden by the existing garden wall from some vantage points. In views from the southeast, south and southwest it would not appear as an isolated structure in the countryside due to its grouping with existing structures.

6.3.4 The amended LVIA submitted has considered the impact of all four applications

together as it is the intention, in the event of planning permission being given, for the works contained in them to be delivered as a single build programme and the cumulative impact of all elements has to be taken into account. It contains a contextual description of the features that form the landscape; identifies landscape character areas making up the applications sites and the wider site context as being the Mor Brook Valley; Former Quarry Plateau, Astbury Hall and Golf Course; Western Farmland Escarpment; Chelmarsh; River Severn Valley; Eardington; Quatford Escarpment and the Dudmaston Estate. The main landscape receptors identified in the document comprise of the Mor Brook valley; the plateau; the mature woodland; the golf course/Astbury Hall/Astbury Hall Farm/residential buildings; Chelmarsh/western farmland; Severn Valley; and Dudmaston Estate.

It is considered that this basis for the analysis is sound.

- 6.3.5 The measures that would be incorporated in the proposed development as a whole, to minimise or mitigate landscape/visual impact would include not just a reliance on screen planting (Which would take time to establish) but also through the creation of a gently rolling landscape by balanced cut and fill contouring. The chalet clusters on the plateau area would be set within sinuous mounding and the eastern boundary would be gently built up to provide further screening. The associated car park areas would also be cut into the ground and/or screened with “Devon Banks” and planting. In addition to the grading works native tree, shrub and wildflower meadow planting would create further screening and assimilation of the lodges into the landscape. The lodges would be cut into the ground where possible; would not go into the woodland along the Mor Brook and, with specific reference to this particular application, the bar/restaurant building would be immediately adjacent to the built up area of the existing Hall.
- 6.3.6 From this context the LVIA carries out an assessment of the construction effects on landscape character, and an assessment of operational effects on landscape character. The receptors of potential visual impact assessment includes footpath and road users in addition to those listed in 6.3.4 above, with distant views (>1km); middle-distant views (0.25 – 1km); close views (0.25km) and important buildings. The viewpoints selected for the assessment are detailed and, with the amended LVIA taking account of the Dudmaston Estate, are considered to be appropriate with no significant omissions.
- 6.3.7 The LVIA concludes that some two thirds of the existing site can be considered “semi artificial” (golf course, former quarry, Astbury Hall/car park) with only Mor Brook Valley being regarded as landscaper and visually sensitive. The existing leisure amenity golf course and flat reinstated quarry field means that the significance of effect on landscape character during the construction period would be temporarily ‘minor adverse’, mainly as a consequence of topsoil stripping and the movement of earthworks equipment. The significance of effect on landscape character during the operational stage of the project is predicted to be ‘minor adverse to negligible’. The character of the landscape would not change from that of a semi artificial golf course and protection of the key landscape elements (The Mor Brook Valley and the woodlands) would ensure no detrimental impact on the overall character. Sensitive receptors of the Dudmaston Estate would not be affected. It comments that the mitigation measures would, in time, see a slight

beneficial impact on landscape character in the form of greater biodiversity and ecological protection/management. The location and design of the bar/restaurant building would not be intrusive from the landscape impact perspective. Visual impact during construction would be essentially confined to sections of public right of way and the residents near Astbury Hall, and as a consequence the significance of visual impact during construction is considered 'minor adverse'. Visual impact following completion of the project would be limited to the same receptors, and would in time be further diminished with the establishment of mitigation planting. The significance of effect on views is predicted to be 'minor adverse'.

6.3.8 The term 'minor adverse' used in the landscape impact analysis means that *"the proposals would be slightly at variance with the existing landscape character; can be largely mitigated with only small residual adverse effect."* The residents of Astbury Lane would experience a moderate deterioration in existing view which, with mitigation over time would shift to a 'moderate adverse' effect. From the Dudmaston Estate the verifiable montages supplied show that the lodges would be almost entirely unseen from this receptor. Due to the distances involved, existing and proposed topography and the lodges/landscape design the LVIA concludes that the proposals would be invisible from Dudmaston Hall and parkland, and barely visible (glimpsed views) from Lodge Farm. The impact on Lodge Farm is judged to be 'minor adverse' changing to 'negligible' with the establishment of planting. From all other locations whether off site footpaths, longer residential views or from Quatford the impact on views is defined as broadly negligible.

6.3.9 Observations made by the Case Officer during site visits and the Council's Conservation Officer concur with these conclusions of the revised landscape and visual impact assessment. It is considered that a refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings contained in that landscape, could not be sustained.

## **6.4 Impact on Heritage Assets**

6.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities in considering whether to grant planning permission which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Astbury Hall is not listed and constitutes a non-designated heritage asset. Consideration must be given to whether the setting of any listed buildings would be affected by the proposed development.

6.4.2 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors. SAMDev Plan policy MD13 advises that Shropshire's heritage assets will be

protected, conserved, sympathetically enhanced and restored by ensuring that, wherever possible, proposals avoid harm or loss of significance to designated and non-designated heritage assets, including their settings. Where a proposal is likely to affect the significance of designated or non-designated heritage assets, including their setting, policy MD13.2 requires applications to be accompanied by a heritage assessment. This policy accords with paragraph 189 of the NPPF which advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting. It explains “The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

- 6.4.3 The amended Heritage Impact Assessment (HIA) for land surrounding Astbury Hall submitted considers the impact of the development proposals as a whole, which have been split across the four planning applications. (The other planning applications being 18/05052/FUL; 18/05078/FUL and 18/05079/FUL which are also on this Committee agenda). It is to be read in conjunction with the Landscape and Visual Impact Assessment (LVIA) discussed in section 6.3 above in respect of the impact of the proposals on listed buildings and, in particular, those associated with the Dudmaston Estate.
- 6.4.4 The HIA has been conducted in accordance with the Historic England document ‘The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning 3’. It has established from the Historic Environment Record for Shropshire (HER) that very few monuments, events/activities and listed buildings within the 1000m buffer zone of the Astbury Hall study area. There are no listed buildings or scheduled ancient monuments within the study area, although several listed buildings are recorded just beyond the range of the 1000m buffer zone. All listed buildings and monuments, local find spots and archaeological reports listed in the HER in the wider study area beyond 1000m are recorded in the document.
- 6.4.5 The HIA concludes that the proposed development sits within an area of limited archaeological potential. The level of significance of the heritage value of the site is considered as low as categorised in the NPPF. There may be an effect on hitherto unknown archaeological remains or artefacts, of a similar nature those recovered in the local region. The location of the proposed elements of the development on recorded monuments in the area would be low, but the impact on Astbury Hall and its associated estate, which has historic origins would be considered a medium impact. The impact on views across the historic landscape would be mitigated by the cluster layout of lodges in banded surrounds and the landscaping. From the heritage impact perspective the ‘plateau’ area is the least significant area of the site due to the previous quarrying and subsequent restoration. With regard to the proposed built form, the HIA concludes that the development would cause slight harm to the historic significance of the estate. This low level of harm has to be weighed against the benefits of creating leisure facilities that would have public benefits to the rural economy, creation of employment and the Development Plan aspirations to enhance the role of Shropshire as a tourist destination to stay.

6.4.6 In response to the specific concerns raised by the National Trust the HIA comments that Dudmaston Hall is over 1.6km from the closest point of the application site, and that one of the heritage assets within the Dudmaston Estate, known as Lodge Farm, is around 940m from the closest point of the application site. It observes that there is no common border between the Astbury Hall Estate and the Dudmaston Estate, and that the latter is slightly raised in comparison with the former. It asserts that the impact on views from the listed buildings and parkland associated with the Dudmaston Estate by the proposed development can be considered to be of negative to low impact, due to the considerable impact and mitigation measures, as has been explored in detail in the Landscape and Visual Impact Assessment (LVIA.) discussed in section 6.3 of this report above.

6.4.7 The Council's Conservation Officer for the area concurs with the conclusions of the HIA. An archaeological watching brief would ensure the opportunity to record any matters of archaeological interest which may be uncovered by the leisure facilities proposals and associated works contained in this particular application. It is considered that there are wider public benefits from the proposed development which outweigh the limited harm identified to the historic significance of the Astbury Estate, in applying the balance required by paragraph 197 of the NPPF.

## 6.5 Highway Safety

6.5.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It also seeks to secure safe developments. The NPPF, at paragraph 108, advises in assessing applications for development should be ensured that:

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

Paragraph 109 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.5.2 A Transport Assessment has been submitted with the planning application, which has been expanded upon in response to comments from the Council's Highways Team. The Transport Assessment considers the impact of the development proposals as a whole, which have been split across the four planning applications. (The other planning applications being 18/05052/FUL; 18/05078/FUL and 18/05079/FUL which are also on this Committee agenda).

6.5.3 The initial Transport Assessment references the 'fall back' position under which the hotel development, holiday lodges and holiday let barn conversions, together

with an additional golf course, could be constructed without the need to obtain a further planning permission.

- 6.5.4 The bar/restaurant building proposed in this application is proposed to serve the holiday lodges and would not be available for non-residents, although the applicants have advised that local residents would be able to use the facilities through a restricted membership scheme. The Transport Assessment is based upon the number of chalets proposed, with a 5% uplift in traffic generation compared to the actual number of lodges proposed. (315). It also includes personal injury collision data, which shows there have been two collisions in the vicinity of the site in the last five years, approximately 200m and 500m east and west of the existing site access respectively, which were classified as slight in severity. With regard to access by sustainable modes the Transport Assessment acknowledges that there are no footways provided on the B4555 although there are a number of public footpaths in the vicinity of the site which could serve shorter leisure journeys. The 125 bus route passes the site which provides a service between Stourbridge and Bridgnorth via Kidderminster and Bewdley, which provides an hourly daytime service Monday to Saturday. (The applicants are also in negotiation with the Severn Valley Railway on improvements to Eardington Halt to provide access to services along the route and a mainline connection via Kidderminster railway station). The conclusion on the existing transport conditions is that the site is rurally located with limited opportunities for access by sustainable modes; with the hourly bus service passing the site there is the potential to provide new stops to serve new demand; and there are not considered to be any inherent highway safety issues on the local highway network.
- 6.5.5 Vehicular access to/from the site would be from the main access on the B4555 Road, with no use of the single track Astbury Lane for that purpose, and an underpass beneath that lane to access the land and golf course on the northern side forms part of this application. ATC traffic surveys were commissioned on the eastbound and westbound approaches to the main site access onto the B4555, which is subject to the national 60mph speed limit, and the data used to determine stopping distances for visibility splay purposes against national standards. This has established that the absolute minimum visibility splays (2.4 x 160m) sought by those standards are achieved within the extent of the adopted highway boundary, with the desirable splay to the west of the site (2.4 x 215m) also within the adopted highway, but crossing an embankment on the southern side of the highway.
- 6.5.6 The likely travel demand from the proposed development has split these into four categories comprising visitor arrivals and departures at the start and end of a stay; visitor excursions during the stay; staff arrivals and departures; and servicing and deliveries. The assumptions made include 100% occupancy; while it is likely that most arrivals would be in a single car, to provide a robust assessment it has been assumed that each lodge occupants will arrive and depart in an average of 1.5 vehicles. The assumption is also made that each lodge would have two sets of guests per week (i.e. Friday to Monday 3 night stay and a Monday to Friday 4 night stay). 315 lodges x 100% occupancy x 1.5 vehicles x 2 stays per week = 945 arrivals and departures per week. It is

assumed that guests would undertake two excursions to the local area per visit, with each visit involving a single vehicle. 315 lodges x 1 vehicle x 2 excursions x 2 stays per week = 1260 arrivals and departures per week. Staff arrivals and departures are calculated on the basis of 120 staff, split equally across seven days, with each employee working five days per week, which equates to 86 employees per day working on-site. No allowance is made for absences or holidays and it is assumed, for the purposes of trip generation, that all staff commute by a single occupancy car journey. 86 staff per day x 7 days = 602 arrivals and departures per week. With regard to serving and deliveries an assumption of 10 arrivals and departures per day has been made, totalling 70 such movements per week. It is considered that the above assumptions are a sound basis for determining likely travel demand.

- 6.5.7 The result of the above would be a total of 2877 arrivals and departures per week (5754 two-way trips), with an average of 411 arrivals and departures per day (822 two-way trips) in periods of maximum occupancy. The periods when these movements would take place would be visitors arriving after a certain check in time; visitors departing after a certain check out time (Those times to be determined); staff arrivals and departures depending on shift patterns; and servicing which would be concentrated during the morning, but could be throughout the day.
- 6.5.8 The Transport Consultants have used TRICS Trip Generation data for residential holiday accommodation; surveys since 2001; have excluded sites in Greater London and Ireland; have excluded town centre or edge of town centre locations; only included sites with substantial leisure facilities (Typically at least swimming pool and bar/restaurant); and trip rates per unit of holiday accommodation. Both weekday and Saturday trip rates were extracted from that data. The resulting figures for the period between 07:00 – 19:00 of 614 two-way trips on a weekday and 661 two-way trips on a Saturday are lower than their first principles estimate of 822 two-way trips. The differences can be explained by a number of factors, including the TRICS data using a lower number of cars for unit of holiday accommodation; a lower staff ratio; staff arriving by means other than single occupancy journey; a lower number of off-site trips per unit of holiday accommodation and trips outside the 07:00 – 19:00 TRICS survey period. However, the Transport Consultants are of the view that the TRICS outputs are useful in determining trip generation during the network peak hours of 08:00 to 09:00 weekday am peak; 17:00 to 18:00 weekday pm peak and development peak (Saturday) of 13:00 to 14:00. While it is not intended that the proposed food and drink facilities would be used by the general public, in order to be robust the Transport Assessment has included an allowance for these areas of the proposed development. The existing golf course, used to its full potential, has also been taken into account. The total development trip generation figures when the holiday accommodation; potential external trade to the pub/restaurants and potential additional use of the golf course for the entire site would be 39 two-way trips in the AM peak hour, 105 trips in the PM peak hour and 134 trips during the Saturday development peak hour.
- 6.5.9 The Transport Assessment also includes the fall back trip generation should the hotel and other facilities in the extant planning permission 98/0829 be built out. It

comments that the trip generation of the hotel would be slightly lower than that of the proposed use, but comments that it would generate a volume of traffic which is broadly similar in magnitude compared to the proposed development. This is therefore a factor for consideration in the assessment of the development proposals.

6.5.10 The capacity of the site access junction has been tested using the Junctions 9 software package with data gathered from traffic counts on 5<sup>th</sup> September 2018 and traffic surveys between the 5<sup>th</sup> and 11<sup>th</sup> September 2018. TEMPRO software has been used to provide a growth factor to account for background traffic growth for a five year period post application (2018-2023). Traffic arriving and departing from the site is split into three categories comprising holiday visitors from across the country; staff from the local area; and golfers from the local area. The three traffic assignments tested are 50%north/50%south; 75%north/25%south; and 25%north/75%south. The capacity assessment results demonstrate that the site access would operate well within capacity in all the scenarios considered.

6.5.11 With regard to the Highway Network Capacity, the Transport Assessment comments that the existing B4555 is a lightly trafficked road, with a two-way average daily flow of 3700 vehicles per hour and a maximum two-way hourly flow of 300 vehicles. It is estimated that the proposed development would result in an average of 822 additional vehicle trips per day on the local highway network. It states:

*“DMRB TD 46/97 provides advice on traffic flow ranges for use in the assessment of new rural roads. The document notes that a standard ‘S2’ single carriageway road is suitable for an Annual Average Daily Traffic (AADT) flow of up to 13,000 vehicles.*

*The proposed development would increase the AADT on the B4555 to approximately 4,500 vehicles, well below the suggested threshold for a single carriageway road. On this basis it can be concluded that the existing B4555 is a suitable standard or road to accommodate existing and future development traffic.”*

The Transport Assessment conclusions are that it demonstrates the proposed development would have a negligible impact on the operation of the local highway network, both at the site access junction and on the link capacity of the B4555.

6.5.12 The Council’s Developing Highways Area Manager raised a number of queries concerning the Transport Assessment. With regard to highway safety the area of search needs to be shown in the report; local concerns over the safety of the B4555 in the past, and given that most traffic generated by the development is likely to gravitate to/from the north, the search area should be extended to the edge of Bridgnorth town, and a brief description of the nature of all identified collisions included, before conclusions can be drawn. Other matters raised included the location of the monitoring point for determining traffic speeds from the east and visibility due to the road geometry at Hay Bridge; the need for visibility at the proposed construction access (Into the eastern part of the site for development on the eastern side of the Rea Brook) to be considered; the Travel

Demand assumptions would be impacted on by the arrival/departure times and until they are set the first principles approach should be applied to a worst-case time period; similarly a worst-case approach to staff trips also needs to be considered until the nature and shift patterns of the jobs on site is known. The close proximity of some major visitor attractions could also affect the assumptions out the level of visitor excursions. The traffic growth 5 years after the application should be adjusted to the period after full opening. She advises that the approach taken in the report is appropriate to determining the likely increase in traffic over a 24 hours period, but this is only relevant for the link capacity assessment. She does acknowledge however that the altered assessments requested would be unlikely to make any significant difference to the conclusion on the capacity assessment of the site access operating well within capacity with the more robust approach sought. The approach taken to consider traffic distribution is considered acceptable, but experience suggests that the proportion of traffic accessing the site from the north is likely to be higher than 75%.

6.5.13 With regard to Highway network capacity the Highways Area Manager comments that the TD46/97 document referenced is only applicable to a new road scheme built to the appropriate standards. The B4555 road does not comply with these standards and the Transport Assessment must consider this fact. It is requested that the report submitted considers potential improvements to the surrounding road network. The proposed underpass to Astbury Lane (In application 18/05052/FUL) is welcomed by the Council's Highways Team.

6.5.14 In response to the queries raised the applicant's highways consultants have submitted a Technical Note, which responds also to highway matters raised by the Parish Councils. A summary of the proposals under the topic headings are set out below:

6.5.14.1 Construction Traffic: Section 59 of the Highways Act allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic during the construction period. It would typically be expected that representatives of the highway authority and the applicant will carry out a joint road survey/inspection on the roads leading to the site, noting defects, with a further joint survey following completion and any remedial works completed within an agreed timescale.

A Construction Environmental Management Plan has been prepared. Two entrances would be provided for construction vehicles comprising:

a )The existing in access for Astbury Hall from the B4555 for development on the western side of the Mor Brook.

b )The existing former quarry access at the north eastern corner of the combined sites for these applications for development on the eastern side of the Mor Brook

Construction traffic routes would take account of the bridge carrying the Seven Valley Railway line, with a height restriction of 3.8m and the bridge carrying the B4555 over the railway which, although it does not have a weight restriction, is narrow. Articulated heavy goods vehicles, vehicles over 3.8m in height (Including transporting machinery or lodges) would arrive from north (via Bridgnorth) to the quarry access and from the south (via Highley) to the golf club access. Wheel

washing facilities will be provided within both the eastern and western sides of the site; and the highway will be cleaned or swept at regular intervals to remove any mud or deposits on the carriageway. Any damage to the highway from turning goods vehicles will be repaired to the satisfaction of the highway authority following completion of the construction phase.

Any gate controls to access the site will be a minimum of 20 metres back from the edge of the highway to allow vehicles to wait off carriageway, and circulation space provided to allow vehicles to enter and leave in a forward gear.

Deliveries by articulated vehicles or abnormal loads will be restricted to the periods 09:30 – 15:00 during school term time and 09:30 - 16:30 outside term time.

A Construction Access Speed Survey has been carried out and the required minimum visibility standards can be achieved in both directions. In addition, to improve the safety of the construction access vegetation would be cut back as far as possible on either side and it will be manned to allow site personnel to assist large vehicles entering/exiting as necessary.

- 6.5.14.2 Site Access Visibility: In response to the query raised by SC Highways, the Transport Consultant has carried out an additional automated traffic survey (ATC) some 140m to the east of the main site access. The data recorded an 85<sup>th</sup> percentile westbound traffic speed of 38mph and with allowance for the downhill gradient, the desirable minimum stopping distance would be 108m and the distance from where the access comes into view is 140m, which shows that adequate visibility is available.
- 6.5.14.3 Trip Generation and Site Access Capacity: In response to the SC Highways request for a more robust assessment of the development' peak trip generation based on the 'first principles' assessment previously undertaken, a re-assessment has been carried out on the basis that each lodge would make six excursions to the local area per week. (An uplift of 50% on the previous assumption). This would increase the total visitor excursions from 1260 to 1890 per week. A peak period 'worst case' trip generation assessment has been undertaken which combines the period when development trip generation would be at its maximum and the period during which traffic volumes on the B4555 are highest. The traffic growth allowance period has also now been extended to the period 2018 – 2026. An additional traffic assignment at the site access has also now been added which is 90% north/10% south. The results of the site access capacity, worst case assessment 2026 is that the site access would operate within capacity in all scenarios considered.
- 6.5.14.4 Link Capacity: The existing and proposed traffic flows between the site and Bridgnorth (based on the option of 90% of trips arriving from Bridgnorth) would, in the worst case scenario, increase the PM a southbound traffic flow 275 to 488 vehicles. This equates to an increase from one vehicle every 13 seconds to one vehicle every 7 seconds. The Transport Consultants comment that this shows the traffic flows can be accommodated without having a severe impact on the capacity of the road.

6.5.14.5 Collision Analysis: The study area has been extended in response to comments by Highways for a distance of some 8km between the B4363 in the north and Chelmarsh/Sutton in the south and an analysis given of the route character. In the most recent five year period there have been 10 collisions on this stretch of the B4555, of which nine are classified as slight and one as serious. Between the B4363 and Eardington (Section1) there have been two slight collisions when vehicles lost control travelling through bends, with the recorded causation factors being travelling too fast for conditions. None have occurred in Eardington (Section 2). Between Eardington and Chelmarsh (Section 3) there have been five slight collisions comprising of one where a car collided with a reversing tractor; two on the bridge over the SVR when a vehicle travelling south over the bridge lost control through the bend and collided with an oncoming vehicle; one at the bridge under the SVR when a vehicle lost control on mud/rain; and one on the southern section of this road length where one driver veered onto the wrong side of the road, where one driver was recorded as being impaired by alcohol. On the section between Chelmarsh and Sutton (Section 4) the serious collision occurred at the junction of Bakehouse Lane with the B4555 with a vehicle turning right into Bakehouse Lane crossing into the path of another vehicle. The two slight collisions comprised of a vehicle travelling north to the south of the 40mph zone losing control, and a vehicle waiting to turn right into a minor track being struck from behind. The care and the speed at which motorist travel is a contributory factor of most collisions.

6.5.14.6 Mitigation Works: A review of the existing highway has been undertaken in comparison with DMRB TA 85/01 'Guidance on Minor Improvements to Existing Roads'. The Transport Consultants comment that repairs to the carriageway would be a matter for Shropshire Council but it is proposed that the developer provide a number of measures as part of the implementation should planning permission be granted. These comprise:

Section 1 – B4363 to Eardington:

Replace existing 40mph signage with gateway feature, including 'dragon's teeth' and red road markings.

Add red surfacing to existing 40mph road markings.

Add red surfacing to existing SLOW road markings.

White line edge of carriageway markings where not already provided.

Section 2 – Eardington:

It is proposed that the developer would enhance and refresh the existing traffic calming measures.

Section 3 – Eardington to Chelmarsh:

At the bridges beneath and over the SVR it is proposed that the developer:

Replace existing 'SLOW' markings with red friction surfacing.

Resurface the carriageway with high friction surfacing to a specification to be agreed with Shropshire Council.

At the bridge beneath the SVR replace existing gravel laybys with full carriageway construction, allowing potential over-run by large vehicles, preventing observed deterioration of the edge of the carriageway, and reducing mud spillage onto the highway.

Section 4 – Chelmarsh to Sutton:

This section of road is subject to 40mph through Chelmarsh and Sutton, thereafter increasing to the national speed limit. It is proposed to replicate the existing traffic calming features provided through Eardington, notably:

Highlight centreline marking and ghost island junction to Bakehouse Lane in red and anti-skid surfacing.

Replace 40mph road markings with red anti-skid surfacing.

Edge of carriageway markings along route.

Replace SLOW road markings with red anti-skid surfacing.

6.5.15 With regard to the Section 1 proposals (B4363 to Eardington) SC Highways have raised no objections, but comment that Shropshire Council has planned maintenance works along this section and some of the works may be included within the scope of those proposed works. Further details would be required on the location of the 40mph and SLOW road markings. This matter can be addressed through a condition on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This would provide an opportunity to full review the highway conditions at the time, and sufficient notice to get the works completed.

6.5.15.1 With respect to the Section 2 proposals the existing village traffic calming measures should be refreshed and enhanced as proposed. As with the Section 1 proposals, this matter can be addressed through a condition on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This would provide an opportunity to full review the highway conditions at the time, and sufficient notice to get the works completed. (The original proposal to provide 'chicane' traffic calming features at each end of the village was not supported by SC Highways due to the lack of street lighting).

6.5.15.2 For Section 3 (Eardington to Chelmarsh) SC Highways comment that all the above mentioned works are generally supported from a highways perspective, however further consideration will need to be given to the reconstruction of the gravel laybys to establish if the areas fall within the adopted highway. These details can be investigated and explored at technical approval stage, Shropshire Council as Highway authority have powers to adopt areas of highway, subject to any objections received from the land owner. As above, all works would be subject to a Section 278 agreement and It is recommended that further details are submitted to provide further information of the proposed works, A condition should be placed up on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This will provide an opportunity to full review the Highway conditions at the time, and sufficient notice to get the works completed.

6.5.15.3 For Section 4 (Chelmarsh to Sutton) All works are acceptable from a Highways perspective, however it should be noted that Shropshire Council have planned maintenance works along this section and therefore some of the works maybe

included within the scope of the works. It is recommended that further details are submitted to provide further information of the proposed works. A condition should be placed up on any permission that requires construction details to be submitted prior to occupation, and details to be implemented within 3 months of the first occupation or opening of any facilities subject to the planning permission. This will provide an opportunity to full review the Highway conditions at the time, and sufficient notice to get the works completed.

6.5.16 The application proposals have considered transport issues in terms of the potential impacts of the proposals on transport networks and the locality. By its very nature of being a form of tourism development that requires a rural location, the sustainable transport options to use of the private car are limited, but the site has direct access onto a B road, is relatively close to the market town of Bridgnorth and the services available in Highley, and has the potential to utilise public transport links and to establish a rail connection via the Severn Valley Railway. There would be onsite opportunities for the holiday lodge occupants to use local footpath networks. Taking account also of the established golf course and extant permissions for hotel and holiday chalet developments that these proposals would replace, it is considered that a refusal on transport grounds as being an unsustainable location would have no prospect of being upheld at appeal. The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation has been proposed to achieve net environmental gains, as may be sought under paragraph 102 of the National Planning Policy Framework (NPPF), even though the studies using nationally recognised standards and modelling have established that there would be no access junction or road network capacity problems resulting from the implementation in full of the package of applications currently under consideration. Safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 108 of the NPPF. The safe developments, from as transport and highways perspective, sought by Core Strategy policy CS6 can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission for the works proposed in this application.

## **6.6 Ecology**

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

6.6.2 The application is accompanied by an extensive set of ecological surveys relating to badgers, barn owls, dormice, great crested newts, otters, bats, reptiles and water voles, along with a habitat enhancement survey. Ecological Summary Reports have been provided which are specific to each application. The Report provided in connection with this application focuses on the small plot (~0.3 acres) containing one (1) building (B5), hardstanding, amenity grassland and ornamental shrubs/ trees. It concludes that there is an absence of high quality habitat within the application site boundary which is largely managed as amenity

grassland/hardstanding/ornamental planting; no adverse impacts are anticipated on habitats of ecological merit. The greenhouse within the application boundary has negligible bat roosting potential. There are other buildings nearby that contain bat roosts and so a sensitive working methodology should be adopted.

Reasonable avoidance measures (RAMs) detailed in a method statement for great crested newts, and a precautionary method statement for reptiles/herpetiles should be followed, along with a pre-commencement badger survey being carried out.

- 6.6.3 The Council's Planning Ecologist, whose comments are summarised at 4.8 above, is content that these proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. The applicants have subsequently submitted badger and otter pre-commencement report survey; a biosecurity protocol; brown hare method statement, details of the proposed brown owl provisions and a Construction Ecological Management Plan in response to the Planning Ecologists recommended conditions.

## **6.7 Drainage**

- 6.7.1 Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. A package treatment plant is proposed for the disposal of foul sewage. In the west where the building proposed in this application would be situated, surface water would be directed to the Mor Brook with flows restricted by attenuation such that they would be no greater than the undeveloped run off rate for the same event, based on calculations including the 1 in 100 + 40% storm event. The FRA considers the impact on the Mor Brook. It comments that under low flow conditions, surface water flows from the site would be close to the existing greenfield rates. Additional treated flows from the foul systems would represent an increase of 0.7% at low flows and is therefore not significant. During storm events the flows from the foul system would be the same as during low flows. Surface water flows would be restricted to greenfield rates by attenuation, and therefore the overall flow rate to the brook would be lower than normal for such events.

- 6.7.2 The Council's Drainage Consultants have confirmed that the FRA is acceptable in principle, and that the final foul and surface water drainage details, plan and calculations should be submitted for approval. This is a matter which can be addressed through a planning condition on any approval issued. The agents have advised that the full details of the drainage to the leisure facilities is currently being prepared for submission and approval, with the desire to achieve this prior to the Committee Meeting. They comment that the planning process requires that the principles of the drainage design is established and agreed, but the detailed design forms part of the Building Control and working drawings stage of works. Whilst this detailed design is close to completion, the applicant is happy to accept a pre-occupation condition should details not be forthcoming in this time frame. The extent of the land under the control of the applicant would not appear to limit the drainage options in this case. It is considered that, in this case, a condition requiring the drainage details to be approved prior to occupation, and for the works to be carried out in accordance with the approved details, would be an

acceptable way to ensure that the development would not adversely impact on water quality and quantity, or on flood risk.

## **6.8 Residential Amenity**

6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are those to north east on Astbury Lane. The proposed bar/restaurant building siting and scale would have to overbearing impact on neighbouring properties and would not impact on sunlight/daylight reaching those properties. The terrace on the south western side of the building would have no outlook towards residential properties. The north and east elevations of the building would have limited openings and an internal lobby has been provided at the main customer entrance on the amended drawings, following discussions with Regulatory Services, The planning application form gives details of the anticipated opening hours, which would be daily from 09:00 to 23:00. A premises licence would be needed and it is considered that the proposed opening hours would be unlikely to cause undue harm to the residential amenities of the locality. In the event of any noise complaints arising from the operation of the facility, this would be matter that Regulatory Services would be able to investigate and require any necessary remediation.

6.8.2 No information has been provided of the equipment that would be installed in the kitchen area. A condition should be attached to any approval issued to require Local Planning Authority approval of external equipment and/or flues that may be required in connection with the operation of the bar/restaurant, in order to safeguard the residential amenities of the locality.

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

## **6.9 Rights of Way**

6.9.1 The proposals contained in this application would not affect the routes of existing rights of way. The Council's Rights of Way Team had noted that one section of public footpath and the alignment of others on the submitted drawings for the whole proposed development was not in accordance with the paths shown on the definitive map. The drawings have been corrected to accord with the definitive rights of way map.

## **7.0 CONCLUSION**

7.1 There is no in-principle planning policy objection to the proposals contained in this application. The proposed built form of the bar/restaurant building would be visually acceptable adjacent to Astbury Hall and would not detract from the visual amenities of the area.

7.2 A refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings contained in that landscape, could not be sustained. With regard to the

heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified to the historic significance of the Astbury Estate, in applying the balance required by paragraph 197 of the NPPF.

7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation has been proposed to achieve net environmental gains, as may be sought under paragraph 102 of the National Planning Policy Framework (NPPF), even though the studies using nationally recognised standards and modelling have established that there would be no access junction or road network capacity problems resulting from the implementation in full of the package of applications currently under consideration. Safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 108 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.

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

7.5 This proposal, in combination with the three other related applications also on this agenda, would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 83 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

☐ As with any planning decision the applicant has a right of appeal if

they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS16 - Tourism, Culture and Leisure  
CS17 - Environmental Networks  
CS17 - Environmental Networks  
MD2 - Sustainable Design  
MD7B - General Management of Development in the Countryside  
MD11 - Tourism Facilities and Visitor Accommodation  
MD12 - Natural Environment  
MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

BR/74/0254 Conversion of existing dwelling to a hotel GRANT 6th May 1974  
11/01035/AMP Amendments to planning permission 98/0829 to incorporate the additional lavatory block and pay station within the building GRAMP 2nd June 2011  
11/01774/VAR Variation of condition numbers 21 and 34 attached to planning permission reference 93/0829 dated 7th March 2000 to allow for the provision of outdoor functions and erection of temporary marquees GRANT 10th August 2011  
11/04126/DIS Discharge of Condition No.3 (appearance of marquees) attached to planning permission 11/01774/VAR dated 10/08/11 - Variation of condition numbers 21 & 34 (93/0829) to allow for the provision of outdoor functions and erection of temporary marquees DISAPP 12th December 2011  
BR/74/402 The erection of two lodged dwellings for staff occupation REFUSE 5th November 1974  
BR/76/0305 The erection of two extensions to provide additional bedrooms at the front of two existing cottages GRANT 5th July 1976  
13/03715/DIS Discharge of condition 4 (Materials) on planning permission 06/0435 for the use of land for the stationing of holiday lodges at Astbury Hall, Chelmarsh WDN 7th March 2014  
13/04958/VAR Variation of condition 2 of planning permission 06/0435 for the stationing of holiday lodges GRANT 10th March 2014  
14/00794/FUL Erection of 11 holiday retreats GRANT 14th April 2014  
14/03609/FUL Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL GRANT 16th October 2014  
16/00786/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (drainage), 10 (protective fencing) and 14 (Ecology) on planning permission 14/00794/FUL for the erection of 11 holiday retreats DISPAR 11th April 2016

16/00798/DIS Discharge of conditions 6 (external materials), 7 (drainage), 8 (protective fencing) and 11 (ecology) on planning permission 14/03609/FUL for the siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISPAR 11th April 2016

16/00800/DIS Discharge of conditions 6 (external materials), 7 (landscaping), 9 (protective fencing), 10 (habitat management plan) and 20 (construction method statement) on planning permission 14/04010/FUL for the erection of 28 residential units with a restriction for holiday use DISPAR 11th April 2016

16/04437/DIS Discharge of Condition 9 (drainage) relating to planning permission 14/00794/FUL - Erection of 11 holiday retreats DISAPP 2nd November 2016

16/04438/DIS Discharge of Condition 7 (drainage) relating to planning permission 14/03609/FUL - Siting of 1no. additional holiday retreat within the context of the previously approved scheme 14/00794/FUL DISAPP 17th November 2016

17/05426/VAR Variation of conditions 21 & 34 attached to planning permission 98/0829 dated 07/03/2000 (and 11/01774/VAR) to allow for continued use of marquee for a further five years GRANT 14th February 2018

18/05052/FUL Re-development of Astbury Hall Estate to provide; leisure and spa building comprising fitness suite, health spa, two swimming pools, farm shop, function room, restaurant and bar; external facilities comprising lido pool, tennis courts, bowls/croquet/petanque greens; landscaping scheme (removal of trees); formation of parking areas; terraced areas; amendments to existing golf course; formation of 9-hole golf course and 18-hole putting green; demolition of two dis-used outbuildings and re-build to form service buildings; with all associated works PDE

18/05078/FUL Re-development of Astbury Hall Estate to include the installation of 135 holiday let lodges with raised decked areas; office reception lodge; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Valley Lodge Phase) PDE

18/05079/FUL Re-development of Astbury Hall Estate to include the installation of 140 holiday let lodges with raised decked areas; car parking areas; footpaths/cyclepaths and roadways; installation of foul water treatment plants and refuse points (Plateau Lodge Phase) PDE

BR/APP/FUL/03/0337 Variation of condition number 7 on planning permission reference 98/0829, approved 7 march 2000 GRANT 10th June 2003

BR/APP/FUL/06/0435 Use of land for the stationing of holiday lodges GRANT 31st July 2006

BR/APP/FUL/06/0434 Variation of condition 16 attached to permission ref 98/0829 to substitute drawing no 03/49/11A for 90/107/53 with regard to car park layout GRANT 27th July 2006

BR/APP/FUL/06/0054 Variation of condition 28 on planning permission ref 98/0829 to allow the barn conversion and extension and the timber lodges to be used 12 months a year for holiday purposes only GRANT 6th March 2006

BR/98/0829 Renewal of planning permission 91/0586 for use of land as 18 hole and 9 hole golf courses; use of and extensions to Hall to provide hotel and ancillary facilities and temporary golf club house; use of and extension of pool house to golf clubhouse; use of and extension to barn to provide holiday lets; erection of 12 holiday lodges; installation of sewage treatment plant GRANT 7th March 2000

## 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)

Design and Access Statement

Heritage Impact Assessment

Landscape and Visual Impact Assessment

Ground Investigation Report

Ecological Reports

Transport Assessment

Arboricultural Report

Flood Risk Assessment and Drainage Strategy

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Robert Tindall

Appendices

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

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

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

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

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

4. Prior to any element of the development hereby approved being first brought into use, construction details of the improvements to the main site access shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within 3 months of the first element of the development hereby approved being brought into use.

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

5. The highways improvements shown on drawing numbers 03659-0102 and 3659-SK001 (Section 1); 3659-SK002 (Section 2); 3659-SK003 (Section 3) and drawing nos. 03659-0105 and 03659-106; and 3659-SK004 (Section 4) shall be fully implemented in accordance with details which have first been approved in writing by the Local Planning Authority within 3 months of any element of the development hereby approved being first brought into use.

Reason: In the interests of highway safety.

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities

- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives.

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

7. Vehicular access to and from the facilities hereby approved shall (except in emergencies) shall be solely by means of the main driveway to Astbury Hall off the B4555 and not by means of Astbury Lane.

Reason: In the interests of highway safety and to safeguard the residential amenity of properties on Astbury Lane.

8. The use of the bar/restaurant building hereby approved shall be restricted to the occupiers of the holiday lodges only (As contained in planning applications 18/05078/FUL and 18/05079/FUL) and to local residents in accordance with a membership scheme which as first been approved in writing by the Local Planning Authority.

Reason: To define the planning permission for the avoidance of doubt and to safeguard the planning policies for the rural area.

9. The bar/restaurant building hereby approved shall not to open to customers outside the hours of 09:00 to 23:00 daily.

Reason: To safeguard the amenities of the area.

10. Prior to the installation of any external plant or equipment associated with the bar/restaurant building details of its siting, external appearance and sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and shall thereafter be maintained for the lifetime of the development.

Reason: To safeguard the amenity of the area.

11. On completion and prior to the first use of the bar/restaurant building, foul and surface water drainage systems shall have been installed in full, in accordance with details which have first been approved in writing by the Local Planning Authority.

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

12. The development shall be carried out in accordance with the approved ecological compliance and supervision procedures report (ref,140119) dated 14th January 2019; and the method statement (brown hare) (ref.14029.BH) dated 14th February 2019, and the Construction Ecological Management Plan (ref.190219/CEMP) dated February 2019.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

13. Prior to first occupation/use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the ecological Method Statements, Mitigation and Enhancement Strategies (Habitat Enhancement Summary report 221018JM and detailed in subsequent phase 2 ecological reports; 101018MM2 badger, 030918JM1 barn owl, 191018MMJM great crested newt, 190918MM2 bat, 030918JM2 reptile, 140918JM1 otter, 140918JM2 water vole, 101018MM dormouse). This shall include photographs of installed features such as bat and bird boxes, bat bricks/tiles, barn owl boxes and loft, dipper boxes, 10 hibernacula, otter holt, 50 dormouse boxes etc.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

15. Prior to the erection of any external lighting on the site associated with the development hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's 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.

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

Reason: To safeguard the residential amenities of the area.

### **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. Other informatives as set out in the report on application 18/05052/FUL.