



Committee and date

South Planning Committee

9 April 2019

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 16/03673/COU	Parish:	Claverley
Proposal: Change of use of redundant agricultural buildings Units 2 & 3 to B1 (light industrial) and Units 4, 5 & 6 to B8 (storage and warehousing)		
Site Address: Buildings to The North of Small Heath Farmhouse Ashford Bank Claverley Wolverhampton		
Applicant: Mr Robert Lee		
Case Officer: Elizabeth Attwood	email: planningdmse@shropshire.gov.uk	

Grid Ref: 380036 - 293297



Contact: Tim Rogers (01743) 258773

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

1.0 Note

- 1.1 The description of development has been amended from;
 - 1.1.1 Change of use of redundant agricultural buildings Units 1, 2 & 3 to B1 (light industrial) and Units 4, 5 & 6 to B8 (storage and warehousing) to
 - 1.1.2 Change of use of redundant agricultural buildings Units 2 & 3 to B1 (light industrial) and Units 4, 5 & 6 to B8 (storage and warehousing).
 - 1.1.3 The is because Unit 1 has recently been granted permission as a B2 (General Industry) use under 17/01357/COU as explained below. Therefore, it needs to be removed from this application although the red line boundary remains unchanged.
 - 1.1.4 The hours of use condition has been amended to match the hours imposed by the Inspector in respect of the recent appeal relating to Unit 1.

2.0 Background

- 2.1.1 Members may recall considering this application on 7th March 2017. The resolution was to approve as recommended by Officers, however Members sought a s106 Agreement in respect of a routing agreement for vehicles travelling to and from the site.
- 2.1.2 The site is owned by several members of the same family and despite a considerable passage of time the s106 Agreement has not been signed.
- 2.1.3 In the intervening time, Unit 1 continued to be occupied by a car repairer and a separate retrospective application 17/01357/COU (Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of redundant agricultural building to B2 (General Industry)) was submitted and refused under delegated powers on 3rd May 2017. The reason being;
 - 2.1.4 1. It is considered that the scale of the operations and volume of cars associated with the B2 use of the site is such that it has an adverse impact upon the openness of the Green Belt and the visual amenity and character and appearance of the open countryside. Furthermore, the nature of the operations and proximity of the site to the closest sensitive receptions is such that the activities on the site would result in a detrimental impact upon the residential amenity of the occupiers of the neighbouring dwellings. Accordingly, the use of the site for B2 (General Industry) is contrary to national guidance contained within paragraphs 79, 109 & 123 of the NPPF and local policies CS5, CS6, CS13 & CS17 of the adopted Core Strategy and policies MD2, MD6, MD7b & MD12 of the SAMDev Plan.

- 2.1.5 The applicant appealed the refusal and on 22nd January 2018 the Planning Inspector 'Allowed' the appeal thereby granting planning permission for Unit 1 as a B2 (General Industry) use. (Units 2 – 6 are not affected by this approval).
- 2.1.6 A full copy of the Inspector's decision is attached as Appendix 2 for information. However, in her consideration, particularly in relation to traffic and highway safety, the Inspector stated;
- 2.1.7 *'Other concerns raised relate to the type, amount, route and timing of vehicles accessing the appeal site, with routes to the site including residential roads. The appellant has provided a typical log of vehicles accessing the site and uses within the adjacent buildings. This suggests that vehicle numbers are low, particularly in relation to large, commercial vehicles and this evidence has not been disputed by the Council or by interested parties. I acknowledge that the route to the appeal site includes residential roads and rural lanes. However having regard to the submitted evidence about the likely number and type of vehicles accessing the site, the type of vehicles likely to have been used in connection with the previous use of the site and subject to the imposition of suitably worded conditions controlling the timing of the use and deliveries to and from the site, I do not consider that traffic associated with the proposed development would be materially harmful to the living conditions of the occupiers of neighbouring dwellings'.¹⁷*
- 2.1.8 *'Concerns have also been raised in relation to highway damage and highway and pedestrian safety associated with heavy traffic associated with the use, particularly given the presence of a primary school and nursery nearby. However, as stated, from the evidence it appears that traffic levels associated with the existing use and as proposed to be controlled by conditions is/would be relatively low and not significantly greater than that associated with the previous agricultural use. No objections were raised to the application by the Highway Authority. The high speed testing of cars does not form part of the use the subject of the application'.²²*
- 2.1.9 *'There is no substantive evidence to suggest that the use would be likely to result in any danger to nearby residents resulting from fires or explosions. Similarly, there is no evidence that the use has/would affect property values and in any event, this is not a material consideration in determining planning applications and proposals'.²³*
- 2.1.10 *'Though the appellant has sought planning permission retrospectively and has used the site in the absence of planning permission, this is not a reason to withhold planning permission now'.²⁴*
- 2.1.11 *'Whilst I have sympathy with local residents who appear from the evidence to have experienced a number of problems associated with the use that has been taking place on site, for the reasons stated, I consider that the use as proposed and subject to appropriate restrictions is acceptable in this location without detriment to either residents or the local area'.²⁵*
- 2.1.12 The decision is an important material planning consideration in respect of application 16/03673/COU and the need for a routing agreement. Officers had suggested a condition relating to routing for delivery vehicles however the Inspector did not impose the condition and advised that;

2.1.13 *'I have not imposed the suggested condition relating to the route to be taken by delivery vehicles as this condition seeks to control the use of land outside of the application site and would therefore be unlawful'.³⁰*

2.1.14 It would be difficult to sustain an argument that it is essential for there to be a traffic routing agreement for Class B1 uses, which by definition are business uses which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, and for a Class B8 use restricted to the small area proposed, with a condition also prohibiting distribution use, when the Appeal Inspector has determined that one was not necessary for a Class B2 General Industrial use contained in the same building. Therefore, Members are respectfully requested to reconsider their previous decision that the applicant should enter into a s106 Agreement (for traffic routing), and that the application be approved without the need for a routing agreement but subject to the following conditions:

3.0 Appendix 1. Conditions

STANDARD CONDITION(S)

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

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

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

2. Within one month of the date of this approval, 2 nesting boxes suitable for starlings or house sparrows shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.

Reason: To ensure the provision of nesting opportunities for birds in accordance with section 15 of the National Planning Policy Framework.

3. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Bats and Lighting in the U.K. guidance.

Reason: To minimise disturbance to bats, European Protected Species and to safeguard neighbour amenity.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 7 class F and H; shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

5. No storage of goods or materials of any description shall take place outside the buildings as identified on the Location and Block Plans.

Reason: To ensure that the proposed development will not prejudice either the enjoyment by neighbouring occupiers of their properties or the general appearance of the locality and openness of the Green Belt.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 3 Class I; shall be carried out.

Reason: To maintain the scale and character of the development and to safeguard residential and highway safety.

7. The use hereby permitted shall not be carried out on Monday - Fridays between 08.00 and 18.30 and Saturdays 08.00 and 13.00, and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

8. No deliveries shall arrive, or goods be dispatched from the site outside the following times:

a) 08.00 am and 18.30 pm on Monday- Friday;

b) 09.00 am and 13.00 pm on Saturdays; and

c) no deliveries shall arrive, or goods be dispatched from the site on Sundays, Bank or Public Holidays.

Reason: To minimise noise disturbance to neighbouring residents.

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any Order revoking and re-enacting that Order with or without modification, the Class B8 Use shall be restricted to units 4, 5 and 6 shown on the approved building floor plan drawing and shall not include use as distribution centres.

Reason: In the interests of highway safety.

10. The use of units 2 and 3 shall be restricted to Class B1 Business as defined by the Town and Country Planning (Use Classes) Order 1987, as amended.

Reason: To define the permission for the avoidance of any doubt.

Informatives

1. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

3. In arriving at this decision, the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National planning policy Framework paragraph 38.
4. In determining the application, the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
NPPF: National Planning Policy Framework
NPPG: National Planning Practice Guidance

Core Strategy Policies:
CS5: Countryside and Green Belt
CS6: Sustainable Design and Development Principles
CS13: Economic Development, Enterprise and Employment
CS17: Environmental Networks

SAMDev Plan:
MD2 Sustainable Design
MD6 Green Belt & Safeguarded Land
MD7b General Management of Development in the Countryside
MD12 Natural Environment

4.0 PREVIOUS REPORT

4.1 The text of the previous report to the South Planning Committee is set out below:

“1.0 THE PROPOSAL

- 1.1 The application is seeking full planning permission for a change of use of redundant agricultural buildings Units 1, 2 & 3 to B1 (light industrial) and Units 4, 5 & 6 to B8 (storage and warehousing). There are no planned changes to the elevations and the existing vehicular access will be utilised.
- 1.2 The application is part retrospective in that Units 4, 5 and 6 are currently used for the storage of a Car & Pick-up, Bicycle Equipment and a van and building supplies.
- 1.3 Unit 1 has been occupied by a car repairer since May 2015. Damaged cars are taken to the site, repaired and then offered for sale. This use which falls under B2 (General Industry) & *Sui Generis* respectively, this use is unauthorised and is considered inappropriate in this location. The matter is being dealt with separately by the Council as an Enforcement Case. It is not part of this application.
- 1.4 The site belongs to G H Lee Farms and was previously used for potato storage which has subsequently been moved to another part of the farm.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The buildings at Small Heath Farm are located at the eastern end of the village of Claverley. The site is accessed via a farm track off Danford Lane which is a residential area.
- 2.2 The site extends to 0.74 acres and comprises a hardstanding yard and circulation area and two agricultural buildings side by side. The buildings are a steel portal frame, concrete block and profile sheeting construction under duo pitched fibre cement sheet roofs and extend to 497 sq.m. There are roller shutter doors on the north and south elevations.
- 2.3 The western building is divided into 5 units with Units 2, 4, 5 & 6 being very modest in size; Unit 3 is located in the centre of the building and is the full length of the building. The eastern building comprises Unit 1 and is the largest.
- 2.4 The site is located in the open countryside Green Belt, with agricultural land to the north and east, a pony paddock to the west with houses beyond. Immediately to the north and east, a pony paddock to the west with houses beyond. Immediately to the south is a residential dwelling behind a timber panel fencing and a conifer hedge.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Member has requested that the application is decided by Planning Committee. The Parish Council objects to the proposal. There are numerous representations objecting to the unauthorised use of Unit 1. The Principal Planning Officer, in consultation with the Chair of the Planning Committee, has agreed that the application should be decided by Committee.

4.0 Community Representations

4.1 Claverley Parish Council – Object:

Considers that light industrial/storage/warehousing is a totally inappropriate use for the agricultural buildings situated so close to a residential area. This is having a very adverse impact on the neighbourhood. In the opinion of the Parish Council this type of business activity should be situated on an industrial estate and not near to a residential area in a rural village. Access to the site is via narrow country lanes and then through residential areas unsuitable for the many vehicles delivering and collecting from this site and posing an increased danger to pedestrians and children.

4.2 SC Highways Development Control - No objection in principle due to the limited use which is unlikely to have any greater impact than the previous agricultural use of the building.

4.3 SC Ecology – No Objections:

Suggests condition in respect of the erection of two bird boxes and the submission of a lighting plan. Informatives in relation to nesting wild birds, storage of materials and trenches and pipework are also suggested. The informatives are noted however, this is a change of use and no actual development is proposed. Therefore, they are considered unnecessary.

4.4 SC Public Protection - No objection to the proposal since the car repair element has been removed from the application and recommends that hours of use are conditioned. Further comments and suggestions which relate to car repairs are noted however they are not relevant to the application as the car repair element has been removed as noted above.

4.5 SC Drainage - No objections and recommends an informative in respect of a sustainable drainage scheme for the disposal of surface water from the development. This is a change of use application and therefore no actual development is taking place. Therefore, it is not necessary to include the suggested informative.

- Public Comments

4.6 A site Notice and two rounds of 65 direct neighbour letters have publicised the application. A total of 37 letters of objection have been received. However, these relate to the current unauthorised use of Unit 1 for car repairs which has resulted in a significant number of vehicular movements associated with the site, including; HGV's, car transporters, pickup trucks with trailers delivering damaged cars for repair and prospective purchasers visiting the site and not the current application for the B1 and B8 use.

The relevant comments received are;

- This is not a suitable site for light industrial use, this type of business should be situated where there is infrastructure in place to support it.
- It is a farm building in a farming area and should be kept for farming use
- Claverley is not a suitable location for an industrial operation of any sort.

5.0 THE MAIN ISSUES

Principle of development in the Green Belt
Visual impact and landscaping
Highway Safety
Residential Amenity
Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development in the Green Belt

6.1.1 The site is located within the Green Belt where Part 9 of the National Planning Policy Framework (NPPF) applies. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6.1.2 The NPPF weighs in favour of approval of all sustainable development unless there are specific policies within the Framework that indicate development should be restricted. Part 9 of the NPPF specifically relates to development in the Green Belt and attaches great importance to protecting it. Therefore, the presumption in favour of sustainable development does not apply here, as stated in paragraph 14 of the NPPF.

6.1.3 With respect to Shropshire Councils Core Strategy policy CS5 supports small scale economic development /employment generating development in the countryside including the conversion or replacement of suitably located buildings; this is subject to the additional controls which apply to Green Belt areas. In explanation it states that the emphasis of the policy is on sustainability and rural rebalance linking with objectives for rural renaissance. The policy seeks to support appropriate land and resource based uses and economic diversification.

6.1.4 Policy CS13 supports these objectives recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of activity associated with agricultural and farm diversification amongst others. This over-arching policy on economic development seeks to address the key issues and challenges that face the Shropshire economy, however, in rural areas, in countryside away from settlements, it is important to recognise that small scale economic development, agricultural and non-agricultural farm diversification schemes are areas of economic activity for which policy provision needs to be made.

6.1.5 Paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

6.1.6 Policy CS6 confirms that there is a need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. MD2 requires development to respect locally distinctive or valued character.

- 6.1.7 Policy MD6 states that development must be able to demonstrate that it does not conflict with the purposes of the Green belt and supports development of previously developed sites, which would not have a greater impact upon the openness of the Green belt than the existing development, providing *inter alia*, the development is for employment or economic uses.
- 6.1.8 The proposal involves the reuse of an existing agricultural building which is no longer required for farming operations as these are carried out at other sites belonging to the applicant. There will be no alteration to the existing buildings. Therefore, there will be no greater impact upon the openness of the Green Belt.
- 6.1.9 Accordingly, the proposed reuse of an otherwise redundant building is considered to represent appropriate development in the green belt, as there will be no demonstrable impact upon the openness of the green belt, and a new rural enterprise will be created.

6.2 Visual impact and landscaping

- 6.2.1 Policy CS6 aims to protect the natural environment taking into account local context and character, and policy CS17 seeks to ensure that all development does not adversely affect Shropshire's visual assets and landscape.
- 6.2.2 As noted previously there are no alterations proposed to the existing buildings, and all manner of farm vehicles, machinery and agricultural paraphernalia could be stored on the site, and this would not look out of place or incongruous in the context of the site.
- 6.2.3 However, the site occupies a relatively isolated, prominent location and there is no screening to the north or east. Therefore, it is considered necessary to restrict the external storage of goods associated with a B1 and B8 Use of the site, which extends to 0.74 acres, as this would have an adverse impact upon the openness of the Green Belt as well as having a detrimental effect upon the visual amenity of the rural area.
- 6.2.4 Furthermore, policy MD7b states that; *Where proposals for the re-use of existing buildings require planning permission, if required in order to safeguard the character of the converted buildings and/or their setting, Permitted Development Rights will be removed from any planning permission.*
- 6.2.5 With the above in mind, it is considered that the use of the site can be suitably controlled via the imposition of suitably worded conditions to ensure that there would be no adverse impact upon the visual quality of the site.

6.3 Highway Safety

- 6.3.1 Paragraph 32 of the NPPF states that; *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
- 6.3.2 The extant use of the site as a farm yard and agricultural buildings means that the HGV (tractor and trailer) movements are unlimited. It is appreciated that this may have historically been seasonal only. However, this could change without the need for planning permission to 24hrs a day 365 days a year.

6.3.3 The total size of the building is only 497sq.m. A B1 Use should not result in any HGV movements and the limited B8 Use will ensure that any potential vehicular movements are acceptable from a highways and transport perspective; bearing in mind the fallback position noted above.

6.3.4 The existing access is suitable and the surrounding road network, although narrow, is not heavily trafficked and hence the traffic associated with the site will not be detrimental to highway safety. The Council's Highway Engineer has confirmed that he has no objection.

6.4 Residential Amenity

6.4.1 Core Strategy policy CS6 seeks to ensure that residential amenity is safeguarded as this contributes to the health and wellbeing of communities.

6.4.2 A B1 (Business) comprises;

- Offices, not within A2, (A2 includes banks, building societies, estate and employment agencies, professional and financial services);
- Research and development studios, laboratories, high tech;
- Light industry

6.4.3 A B1 is a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Therefore, it is appropriate in this location as it will not adversely impact upon the residential amenity of the adjacent residential property or the villagers.

6.4.4 A B8 comprises wholesale warehouse, distribution centres and repositories. A large scale B8 use would not be appropriate in this location due to the potential for a significant number of vehicular movements including vans and HGV's. However, the B8 element will be restricted to three of the small units (4, 5 & 6). Therefore, any impact will be limited due to their size. Furthermore, Permitted Development (PD) which allows B1 to change to B8 and vice versa (subject to certain limitations) will be removed.

6.4.5 SC Public Protection have no objections and hours of use will be controlled via the imposition of a condition. Suggested hours are:

- Monday – Friday 08.00 – 18.00;
- Saturday 08.00 – 13.00
- No operations on Sundays and Bank Holidays.

6.5 Ecology

6.5.1 Paragraph 109 of the NPPF states that; The planning system should contribute to and enhance the natural and local environment. Policy CS17 seeks to protect and enhance Shropshire's environmental assets and policy MD12 seeks to avoid harm to Shropshire's natural assets.

6.5.2 Therefore, as suggested by the Council's Ecologist conditions in respect of the erection of bird boxes and the submission of a lighting plan will be imposed.

7.0 CONCLUSION

7.1 The proposal comprises the reuse of an existing vacant building and therefore there will be no adverse impact upon the openness of Green Belt. The proposal would represent appropriate development and support economic growth in the rural area creating job opportunities and prosperity. The use of the site will be limited to the buildings only with no external storage and therefore there will be no adverse impact upon the character and appearance of the site and its rural setting. There would be no adverse impact upon residential amenity, highway safety or the biodiversity of the site. The proposed development is therefore compliant with the adopted Core Strategy policy CS5, CS6, CS13 & CS17 and SAMDev policies MD2, MD6, MD7a & MD12 and the guidance set out in the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

Core Strategy Policies:

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS13: Economic Development, Enterprise and Employment

CS17: Environmental Networks

SAMDev Plan:

MD2 Sustainable Design

MD6 Green Belt & Safeguarded Land

MD7b General Management of Development in the Countryside

MD12 Natural Environment

RELEVANT PLANNING HISTORY:

16/00597/COU Application under Section 73a of the Town and Country Planning Act 1990 for change of use of redundant agricultural buildings to B2 (general industrial) and/or B8 (storage and warehousing) - (Retrospective) WDN 9th March 2016

17/01357/COU Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of redundant agricultural building to B2 (General Industry) REFUSE 3rd May 2018 BUT ALLOWED ON APPEAL (See below)

Appeal

18/02674/REF Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of redundant agricultural building to B2 (General Industry) ALLOW 22nd January 2018

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)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member

Cllr Tina Woodward

Appendix 1 Conditions (Set out in the body of the report at 3.0 ABOVE Appendix 1A Previously suggested conditions Appendix 2 Appeal Decision Letter

APPENDIX 1A: Previously suggested conditions

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. Prior to the first occupation of the buildings hereby permitted, 2 nesting boxes suitable for starlings or house sparrows shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.
Reason: To ensure the provision of nesting opportunities for birds in accordance with section 11 of the National Planning Policy Framework.
4. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Bats and Lighting in the U.K. guidance.
Reason: To minimise disturbance to bats, European Protected Species.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 7 class F and H; shall be erected, constructed or carried out.
Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.
6. No storage of goods or materials of any description shall take place outside the buildings as identified on the Location and Block Plans.
Reason: To ensure that the proposed development will not prejudice either the enjoyment by neighbouring occupiers of their properties or the general appearance of the locality.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2 Part 3 Class I; shall be carried out.

Reason: To maintain the scale and character of the development and to safeguard residential and highway safety.

8. The uses hereby permitted shall not operate outside the hours of Monday - Fridays between 08.00 and 18.00 and Saturdays between 08.00 and 13.00, and shall not operate at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

9. No deliveries shall arrive, or goods be dispatched from the site outside the following times:

a) 08.00 and 18.00 on Monday- Friday;

b) 08.00 and 13.00 on Saturdays; and

c) no deliveries shall arrive, or goods be dispatched from the site on Sundays, Bank or Public Holidays.

Reason: To minimise noise disturbance to neighbouring residents.

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, or any Order revoking and re-enacting that Order with or without modification, the Class B8 Use shall be restricted to units 4, 5 and 6 shown on the approved building floor plan drawing and shall not include use as distribution centres.

Reason: In the interests of highway safety.

11. The use of units 1, 2 and 3 shall be restricted to Class B1 Business as defined by the Town and Country Planning (Use Classes) Order 1987, as amended.

Reason: To define the permission for the avoidance of any doubt.

Informatives

1. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.
2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

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

4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National planning policy Framework paragraph 187.
5. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

Core Strategy Policies:

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS13: Economic Development, Enterprise and Employment

CS17: Environmental Networks

SAMDev Plan:

MD2 Sustainable Design

MD6 Green Belt & Safeguarded Land

MD7b General Management of Development in the Countryside

MD12 Natural Environment