

Development Management Report

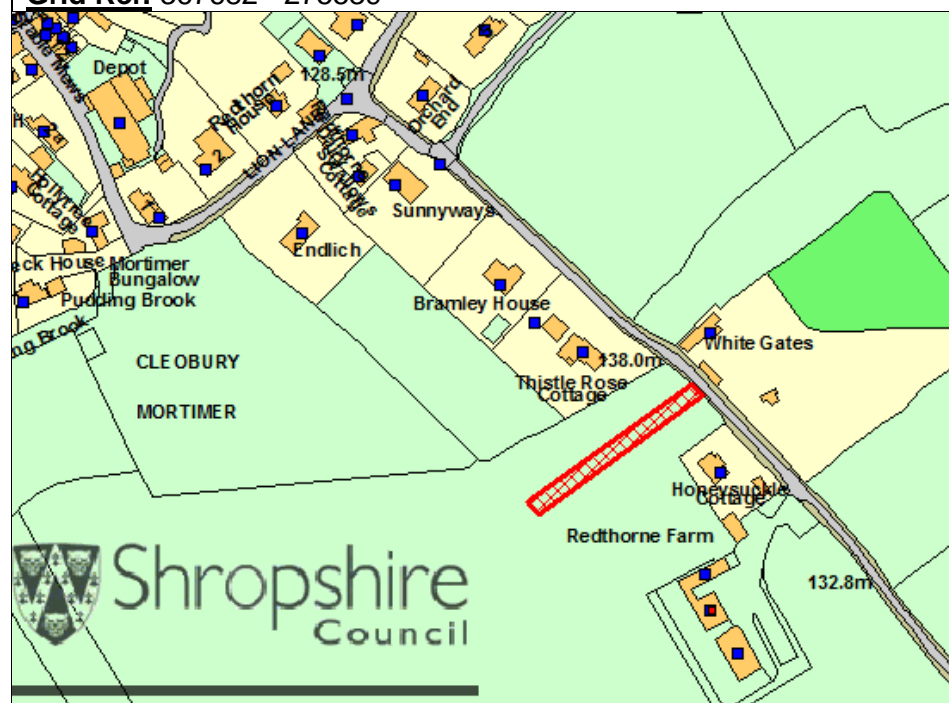
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Summary of Application

<u>Application Number:</u> 21/00180/FUL	<u>Parish:</u>	Cleobury Mortimer Town Council
<u>Proposal:</u> The Laying of a hardcore track and creation of a new access from an unregistered road into the field for the purposes of agriculture.		
<u>Site Address:</u> Redthorne Farm Barns Redthorne Hill Cleobury Mortimer Shropshire		
<u>Applicant:</u> Mr T Poyner		
<u>Case Officer:</u> Elizabeth Griffiths	<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 367682 - 275539



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the construction of an agricultural stone track. The track would leave Bayton Lane, an unclassified lane and travel in a westward direction. The track is indicated to be 46m long x 3m wide x 15mm deep and would be constructed from crushed hardcore sitting on a geotextile membrane.
- 1.2 The agent has stated that the proposed tract would prevent mud from coming onto the road whilst feeding the cattle over winter, and to enable safe unloading and loading of cattle and sheep. Cattle numbers over the winter vary from 15-45 head of Store Cattle aged from approximately 6 -24 months.
- 1.3 A new field access to be created off Bayton Lane would require an appropriate licence and permission from Shropshire Council Highway. As the road is unclassified this new access would not normally require planning permission and we would just be considering the track. However, the field sits at a considerable higher land level and a substantial amount of engineering works would be required to ensure the track meets the existing level of the lane. Therefore this issue will be considered as part of the application.
- 1.4 The removal of a section of hedge to create this opening would not require planning permission as this hedge is not protected or within a conservation area.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a field located on west side of Bayton Lane and to the south of Cleobury Mortimer. The land is laid to grass and used for livestock and the land gently slopes in an east to west direction, however the field is at a considerably higher height to the roadside and is bounded with hedge.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council have submitted a view contrary to officers and the Ward Member has requested Committee determination if the recommendation is for approval. The Principal Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, consider that the material planning considerations raised in this case warrant the application being determined by Committee.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 Cleobury Mortimer Town Council – objection
We request an evaluation by highways regarding the entrance as we note that the applicant recently developed the site, building three houses on what was Redthorn Farm. There are two tarmac access roads into the field in question, one gated, the

other including a cattle race. At face value, it would appear these make the track applied for to be superfluous.

There does not seem to be much "agricultural purpose" going on there in any way currently and indeed not for some considerable time.

Also the rectification work on the applicants previous unauthorised changes not yet been rectified and as such why are Shropshire allowing another application from the applicant.? The only restoration work from the previous application is the closing of the gate.

We also object as there seems to have been no intensification of use which would warrant the need for this new driveway, and question why has this not gone down the "permitted development" route ?

We also would ask if the original application can be sought out and reviewed in relation to these access points. Were they detailed within this application and if so, what reason was given for their use (if access to the field was cited, then that would undermine this new application)? If they were not mentioned, then we request for this to be taken into consideration when reviewing this current application.

It is also of note that the proposed action would impact mature hedgerows that should be protected. This is possibly a protected Hedgerow of historic value and the wildlife habitat would be lost with no redress. The lane is very narrow and would require a substantial amount of design access.

4.1.2 Shropshire Council Drainage - No objection, recommended informatives

4.1.3 Shropshire Council Ecology – consultees have indicated that standing advice provided is sufficient for this proposal.

4.1.4 Shropshire Council Highways (18.03.2021) – Comments

The principal of development is generally acceptable, for the intending use at this location. As the proposal is unlikely to create demonstratable "severe harm", which could be sustain a reason for refusal on highway safety grounds. As required, by the NPPF. Indeed, it could be said that the proposed new access arrangement could provide betterment to local area, as it would create a much-needed passing place, on this narrow section of unclassified public highway.

In addition, the submitted details lack several specific details, which are required to ensure an appropriate consideration from the highway authority, including:

- Retaining wall design and construction details
- Bellmouth radii dimensions;
- Vehicle track plots to demonstrate tractor/trailer turning movements in/out of the access;
- Drainage details to demonstrate that surface water from the adjacent land, track and driveway does not discharge to the highway.

- Driveway construction – the first 15m of the driveway should be of appropriate sealed construction to ensure that no loose material, mud or detritus, from the adjacent field, is deposited on the adjacent road. That could cause a hazard to other road users.

Notwithstanding the above, should this planning application should be allowed. The recommended highway conditions/informatives should be imposed on any consent to be issued.

Conditions:

New Access

No development shall take place until details of the means of access, including the layout, construction and retaining structures have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

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

Visibility Splays

Notwithstanding the provisions of the Town and Country General Development Order 1995 (or any order revoking or re-enacting that order with or without modification), Any fence or other means of enclosure at the road junction/access shall be set back to the sight lines shown on the approved plan Drawing No.KK1665-1001 rev A, and those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety.

4.1.5 Shropshire Council Trees (19.03.2021)- Comments: Conditions recommended.

Having considered the amended agricultural track access plan reference KK1655-1001 Rev.A and the consultee responses from the Council's Highways Team dated 18th March 2021 and the Drainage and Suds Team date 9th March 2021 the Council's Tree Team note that there are a number of outstanding details highlighted by both sets of consultees that could have significant bearing of the layout and success of any proposed compensatory hedgerow planting.

The Tree Team maintain their general concern that the need for an access through this section of mature hedgerow and embankment does not appear necessary when the land owner can access the land from elsewhere along the field boundary, however if the Case Officer's recommendation is that the application be put forward for planning consent then The Tree Team recommend that it should be done so with binding conditions that require the planting of compensatory any sections of native hedgerow. The detail of which should take into full consideration the impacts of excavations, level changes and soil compaction/disturbance and wall construction associated with the visibility splay and the location and effects that any sustainable urban drainage scheme might have on the immediate and future success of the compensatory planting.

In the light of the above the Tree Team recommend that a planting condition be required that gives full details of:

- The species being planted & their size.
- Dates for planting E.G. the first planting season during of following the creation of the new access.
- Ground preparation if the existing soils are subject to any disturbance or level changes.
- What measures will be taken to avoid grazing damage from rabbits and from larger stock animals.
- Management measures for at least three years to control competition from weeds.
- What after care will be applied to ensure successful establishment (Watering during drought etc).
- A clear statement that for a period of five years following planting any losses will be replaced on a like for like basis.

SC Trees (26.02.2021) – Comments:

The proposed new access will cut through a well-established hedgerow that comprises a good mix of species. As well as being an integral part of the local green infrastructure and habitat corridor network it is highly likely to be an important hedgerow in relation to the criteria set out in the 1997 Hedgerows Regulations. Taking into consideration the information currently available the Council Tree Team are unable to conclude that this application represents the sustainable development aspirations as set out in national and local policies for the protection restoration and enhancement of the natural environment and natural capital assets.

The representation from the Highways Team identifies a lack of information regarding the extent of the visibility splay and the extent of excavations necessary to address the height difference between the land and the field, both of which will have significant implications for the loss of large sections of mature hedgerow. In the absence of these details the Tree Team are unable to fully assess the implications of this application and therefore the level of habitat mitigation required to compensate for its impacts.

Having considered the Cleobury Mortimer Town Councils representation and that of numerous local residents the applicant appears to have adequate hard surfaced access to his land within less than 50m to the south which raises the question as to whether this application balances with the principle behind SAMDev Policy MD12 in particular does the public and commercial benefits of this development clearly outweigh the value of any assets effected, and provide adequate mitigation measures for any full or partial harm of loss of natural assets (hedgerow and embankment habitats).

The case for the application alludes to the ground getting poached, but given the size of the field and its topography there might be alternative management solutions such as moving the feeding stall on a regular basis.

On the basis that the Tree Team are unable to offer support for this application at this time we are not recommending conditions, however should the case officer consider that it is expedient to progress this application towards planning consent

then the Tree Team Would be happy to advise on conditions for hedgerow and landscape mitigation.

4.1.6 Shropshire Council Archaeology - Comments

The proposed development site lies in proximity to the supposed site of a Civil War battlefield between the Parliamentarians and the Royalists (HER PRN 04130) and is said to be on the elevated land south of Cleobury Mortimer.

It is understood that the groundworks to install the track will require the stripping off the existing turf to 150mm depth, and some regarding to reach the level of the new access. Given the general uncertainty about the exact location of the battle, and the limited ground disturbance across the main part of the field, the development site is considered to have low – moderate archaeological potential.

RECOMMENDATION:

In view of the above and in accordance with the National Planning Policy Framework (NPPF), we recommend that an archaeological inspection be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works to record any archaeological evidence as appropriate.

Reason: The site is known to hold archaeological interest.

4.2 Public Comments

4.2.1 In addition to displaying a site notice, residents of neighbouring properties were notified. Six representations have been received in response to this publicity, 2 of which are from the Local Members. In summary the following points are made:

- There is already a drive for access to his land just a few yards up the road.
- The new drive would be on the brow of the hill and would be very dangerous.
- Bayton Lane is very narrow in places and there would be poor visibility of oncoming vehicles/pedestrians
- Insufficient road width to safely manoeuvre a large agricultural vehicle into the proposed access road
- The proposed access for agricultural vehicles to pull out onto Redthorne Hill would be dangerous. In particular when travelling up Redthorne Hill towards Bayton as the proposed access would be situated just over the brow of the hill which would obscure the view of oncoming vehicles.

- No details on splays, how far gates would be set back, replanting from loss of hedgerow
- the removal of 9 - 10 metres of hedgerow is a significant environmental impact and such a large splay will only make the water run off issue more pronounced (as we stated in our original objection "the bigger the hole in the hedge the more water will flow through it"). One further point that we did not make previously (since the splay design was not available) is that there is a 'hedge grave' located in this vicinity of the proposed splay. This clearly needs to be investigated and taken into account.
- Road is adopted not unregistered
- All agricultural buildings have been converted or knocked down.
- Mr Poyner has tarmacked the drive to the farm and made tarmac access into the field and cattle holding pens which is suitable for agricultural vehicles
- The proposed access for agricultural vehicles to pull out onto Redthorne Hill which is frequently used by agricultural vehicles, cars, pedestrians, walkers and cyclists would be dangerous. In particular when travelling up Redthorne Hill towards Bayton as the proposed access would be situated just over the brow of the hill which would obscure the view of oncoming vehicles.
- Not many cattle are kept at the farm and there is plenty of room to access them on the present drive with any type of vehicle.
- Surface water and flooding – the new access has a height difference of 170-180cm from the road to the field and would lead to a significant incline for access and lead to flooding. The agent states the land can get very wet.
- When we purchased Whitegates there was a historic document that relates to water supply across the farmland and we are concerned that it could be damaged.
- I have been and looked at the proposed access which does exist but is not for domestic dwellings. The road is narrow just off the brow of a slope, sight lines non-existent,
- no information of a drainage system has been provided, therefore, our original objection remains as the new information clearly shows there is a slope towards the highway which requires an approved drainage system.
- Existing High poorly maintained hedging on top of an embankment which contains a water Spring, when the applicant has removed hedge, soil what is he proposing to do with the spring?
- There has also been several issue regarding flooding on the lane which then subsequently goes down to cause concerns to properties in Pinkham by the river Rea .
- The 'Bayton' road is not only an access to Bayton but other farms, dwellings, etc but as part of the Mawley Estates and its various permissions and so there will be a lot more traffic.
- The size of the applicants farm vehicles he uses currently could not possibly turn into or out of the current access without removing large areas of embankment and hedging and would need to create large splays.
- If you are minded to support the application I would request that it goes to committee for a fair hearing .
- I urge you all to refuse this application on highway and environmental

grounds

- The new document (dated February 2021) features photographs that are at least 7 years old

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design and visual impact
Highways
Flooding
Residential amenity
Archaeology
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'. Paragraph 11 of the National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.2 Policy CS5 of the Shropshire Core Strategy: 'Countryside and Green Belt' provides that new developments will be strictly controlled in accordance with national planning policies that protect both the countryside and green belt. Agricultural developments will be required to demonstrate that there will be no adverse impacts upon the environment.
- 6.1.3 Policy MD7b: General Management of Development in the Countryside of the SAMDev Plan states that further to the considerations set out by Core Strategy Policy CS5, Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
- a) of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve;
 - b) Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,
 - c) There will be no unacceptable impacts on environmental quality and existing residential amenity.
- 6.1.4 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, while Paragraph 163 of the NPPF states that:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

6.2 **Siting, scale and design and visual impact**

6.2.1 The application proposes a new agricultural track from Bayton Lane running in a westward direction for 46m. The track would be 3m wide to accommodate farm vehicles, including HGV's to access the centre of the field to feed livestock as the applicant winters his cattle in the field over winter as the land can become wet. The track would be 15mm deep and would be constructed from crushed hardcore sitting on a geotextile membrane.

6.2.2 Due to the difference in height between the land and the lane a stone retaining wall would be erected to ensure the land does not collapse into the lane but also to offer visibility for vehicles when leaving the field. This stone wall would adjoin a post and rail fence which would lead to gates set 15m back from the roadside. A section of hedgerow would be removed, and new hedging would be planted to the rear of the new stone walls. Shropshire Council's Ecology Officer has indicated that the use of standing advice is acceptable in this instance as the hedge is not protected and could be removed by the applicant at any time while Shropshire Council Trees have requested conditions relating to hedgerow planning be included. The submitted drawing KK1655-1001- Rev shows an area of replanting and that this new hedge will match the existing with regard to species and a condition would be added to any planning permission granted to ensure this replanting takes places before the proposed track is in use. An informative regarding ecology (nesting birds) would also be added to any permission granted.

6.2.3 Taking the above into account and the size of the field it is considered that the proposal would result in a loss of a small section of prime agricultural land and given that the scheme would need to include some ground excavation to create a safe access; this work would be dug down into the field and is not considered to be prominent in the wider landscape, the newly laid access track is considered acceptable and would not cause any detrimental impact on the character of the surrounding landscape and is considered to meet policies CS5 and MD7b in this respect.

6.3 **Highways**

6.3.1 The National Planning Policy Framework makes it clear 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' (Paragraph 109).

6.3.2 Bayton Lane is a narrow single width lane with high verges. There have been significant concerns from members of the public regarding the ability for the lane to accommodate heavy vehicles. It is noted that Bayton Lane is a rural country lane

which may not be suitable for heavy goods vehicles itself; however, this is not a planning consideration as it falls outside the application site.

- 6.3.3 The field sits at a higher height than the lane and therefore a request for a drawing showing the visibility splays and gradients has been requested to the agent to ensure the proposed track would not impact on highway safety. This drawing has been submitted and Shropshire Council's Highway Officer has been consulted and has no objection as the proposed new access arrangement as it, is unlikely to create "severe harm", and could provide a betterment to local area, as it would create a much-needed passing place, on this narrow section of unclassified public highway.

6.4 **Flooding**

- 6.4.1 There are concerns that the steepness of the required access slope would lead to water running off and into the lane. Shropshire Council Drainage Officer has been consulted and has no objection to the proposal. Looking at the Council's GIS flood mapping (which reflects the Environment Agency Flood Maps for Planning), the site lies in Flood Zone 1 where there is less than 1,000 annual probability of river flooding. The site is a very considerable distance outside Flood Zone 2 and 3 where there is a higher risk. It is noted that the track would need to rise steeply from the lane and that the surface water may run off into the existing water course/road however this would be considered to be a localised issue and would not warrant a planning refusal on this issue.

- 6.4.2 In respect of water run off onto the highway, the access and track are permeable and thus the LPA considers these surfaces acceptable as a preventative measure. It must be acknowledged that in the event water does drain from a private development onto the adjacent highway this would be contrary to the Highways Act and is a matter the Highway Authority could follow up under that legislation.

6.5 **Residential amenity**

- 6.5.1 Given that the land here has an agricultural use and the access would be retained for this purpose, there would be no changes which could otherwise detrimentally impact on neighbouring properties to the south or north of the access track thus complying with CS6 and MD2.

6.6 **Archaeology**

- 6.6.1 The proposed development site lies in proximity to the supposed site of a Civil War battlefield between the Parliamentarians and the Royalists (HER PRN 04130) and is said to be on the elevated land south of Cleobury Mortimer. The site can therefore be deemed to have some archaeological potential and therefore the application has been considered by Shropshire Council's Archaeology Officer. No objection has been raised and it is considered that the archaeological potential of the site can be satisfactorily managed by a condition. In view of the above it is considered that the proposed development will not have a detrimental impact and that the proposal meets the requirements of paragraph 199 of the NPPF policy and MD13 of SAMDev.

6.7 **Other Matters**

6.7.1 Various points have been raised in objections from the town council and members of the public.

- There are objections to the track that state the existing access approximately 70m to the south and that sits close to converted farm buildings into dwellings should be used. The agent has confirmed that the existing track to the south where the applicant has cattle pens is not suitable to be used for feeding of animals as these pens are used for TB testing with vets and using this as a feeding area would impact on the health and safety when handling the cattle for TB testing, the applicant would be happy to supply a letter from his vets if required. In the past the applicant has tried to use this land for feeding however as it was too wet it seeped onto the highway. In addition, in the winter months this land also becomes very muddy and therefore the track is required on dry land.
- That the field does not have much agricultural use and the existing agricultural buildings have been converted or removed. The agent has confirmed that the field is used for feeding over winter and the Cattle numbers over the winter vary from 15-45 head of Store Cattle aged from approx. 6 -24 months.
- That previous unauthorised change have not be rectified. Officer note - If this is the case, then this should be reported to the enforcement department to investigate.
- Why has the applicant not gone down the permitted development route? Due to the creation of retaining walls and visibility splays the agent considered that a full application was considered to be the best route for the application to be fully assessed.
- That the original application be reviewed in relation to access points. Officer note, there are no other applications for a track at this location in this field, the previous applications for barn conversions to the south are not part of this application.
- The proposal would impact mature hedgerows that should be protected. This is possibly a protected Hedgerow of historic value and the wildlife habitat would be lost with no redress. SC Ecology have not objected to the proposal and the agent has included replanting of a replacement hedge along the splays, to the gateway set back from the road, to compensate for the section that would be removed.
- The new drive would be on the brow on the hill and would be dangerous/poor visibility. Officer note, the lane is not classified and therefore a new access onto the lane could be created without planning permission in association with works that are 'permitted development'. However highway safety has been discussed in 6.3.

- Issues regarding surface water/flooding have been covered in section 6.4, in addition Shropshire Council Drainage officer has no objection. Any issues regarding water supply to Whitegates is a civil matter. The agent has also responded by stating that *DEFRA are currently offering grants to enable farmers to stone access tracks and feeding areas to minimise soil poaching and sedimentation into watercourses. New farm tracks reduce soil compaction and erosion caused by livestock and machinery. They also help reduce channelling of surface runoff and the risk of sediment and other pollutants entering a watercourse.* The track will be of stone construction, therefore, permeable to rain and surface runoff.

7.0 CONCLUSION

It is considered that the proposal will not be of detriment to the character of the surrounding area in which it sits and would not have an unacceptable impact on highway safety (if they agree) nor cause harm to residential amenity. The proposal is considered to comply with the relevant development plan policy. It is therefore recommended that planning permission be granted.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Shropshire Core Strategy:
CS06 Sustainable Design and Development Principles
CS05 Countryside and Green belt
CS17 Environmental Networks
CS18 Sustainable Water Management

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD01 Scale and Distribution of Development
MD02 Sustainable Design
MD7b General management of countryside
MD13 Historic Environment
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

16/00259/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country

Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use PNR 17th March 2016

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)
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Gwilym Butler Cllr Madge Shingleton
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. All hard and soft landscape works shall be carried out in accordance with the approved plan KK1665-1001 A., with details of the plant species, size at time of planting, density of planting and measures for their protection while they become established having first been approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to use of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works to record any archaeological evidence as appropriate.

Reason: The site is known to hold archaeological interest.

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

5. The development shall be used solely for agricultural purposes, as defined in Section 336(1) of the Town and Country Planning Act, 1990, and for no other purposes whatsoever.

Reason: To comply with Section 336(1) of the Town and Country Planning Act, 1990 and for no other purposes whatsoever.

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

West Midlands Design Charter

Shropshire Core Strategy:

CS06 Sustainable Design and Development Principles

CS05 Countryside and Green belt

CS17 Environmental Networks

CS18 Sustainable Water Management

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan

MD01 Scale and Distribution of Development

MD02 Sustainable Design

MD7b General management of countryside

MD13 Historic Environment

MD12 Natural Environment

3. If non permeable surfacing is used on the new access or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.

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

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

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

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

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

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

Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.

If during construction birds gain access to any part of the hedge and begin nesting, work must cease until the young birds have fledged

