

SOUTH PLANNING COMMITTEE
SCHEDULE OF ADDITIONAL LETTERS

Date: 14th October 2014

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

Item No.	Application No.	Originator:
5	14/00885/OUT: Land south of Woodbatch Road, Bishop's Castle	Case officer
<p>Errata with respect to Annex 1 (original officer report dated 27th May 14): Page 1 of Annex 1 refers to the location as 'Worthen with Shelve'. This should read Bishop's Castle Town Council. Section 7.1 (Pages 35-36) refers to 25 dwellings between Brockton and Shelve. This should read 9 dwellings at Bishop's Castle. Section 11 (Page 45) gives the local members as David Evans and Lee Evans. This should reference Charlotte Barnes as the local member.</p>		
Item No.	Application No.	Originator:
5 9	14/00885/OUT: Woodbatch Road 14/02632/OUT: Lavender Bank	Objector, Mr Green
<p>Objection received citing inaccuracies in officer report, reference to 5 year supply. Questioning reporting back to committee of Woodbatch Road application. Questioning comments of Council's highways officer and lack of community support. Raising concern about sewage problems in Lavender Bank. Expressing concerns that the applicant's traffic report is not independent. Stating the unanimous objection of the local community to these schemes.</p>		
Item No.	Application No.	Originator:
5 9	14/00885/OUT: Woodbatch Road 14/02632/OUT: Lavender Bank	Objector, Bishop's Castle Town Council
<p>Bishop's Castle Town Council continues to strongly object to this application on all of the grounds previously submitted to Shropshire Council and incorporated in the 4 reasons for the unanimous refusal of this application on 22 July and then confirmed in the Minutes approved on the 19 August.</p> <p>A. Consideration of the applicants' Traffic Report: Highway infrastructure to the south of Bishop's Castle town centre Shropshire.</p> <p>As regards the supplementary developers' report introduced on 16 September we comment as follows:</p> <p>1. The developers' report has limited utility in that its aim, as stated in paragraphs 1.1 and 1.3, is to do only two things:</p> <p>a) Identify elements of infrastructure causing or likely to cause impediments to free flow of traffic to and from Bishop's Castle town centre</p> <p>b) Suggest improvements which the report's author believes will ease traffic flow and improve pedestrian safety at the present time and after the two developments which have commissioned this report are constructed.</p>		

As such it attempts to partially address only 1 of the 4 reasons for the refusal of this application on 22 July. The report therefore has minimal relevance in terms of the overall reasons for refusal. Regardless of the validity of the opinions expressed in the report or the potential viability of its recommendations which have not been corroborated by the County Engineer, the report does not override the other 4 reasons for refusal. Therefore it should not be used as directed in the Committee Notification Details registered on 1st October to reverse the existing Committee decision of 22 July.

2. The report goes some way to identify some of the issues pertaining to traffic and pedestrian difficulties experienced in Kerry Lane. However it has 6 fundamental flaws:

a) There is no empirical research or data contained in the report to back up its thesis and the report's use of such phrases as "occasional conflict.....has been identified", "...at present there is not considered to be a major problem with the flow of traffic along these routes" and "it is not perceived that any significant problems exist.....under normal conditions" are at best disingenuous as it would be impossible to come to such conclusions without having undertaken a survey of conditions.

b) The report is not considered to be credible as the entire content is purely an opinion formed by the author, based solely on "site investigations..... of the highway infrastructure by vehicle and a more detailed inspection on foot of those areas identified for further consideration" (para. 1.5). Nowhere does the report even state when the site investigations took place or how long they took.

c) The report makes no attempt to assess any externalities or the technical feasibility and the cost of any of its recommendations. Indeed, it provides significant caveats to the potential realisation of its recommendations including the need for detailed topographical surveys in places, the assumption that land affected by proposed improvements is owned by parties that would be amenable to the said action being taken and the potential difficulties of implementing some of the proposals either because they would be unpopular with the community or because residents would need to be 'encouraged' to take the recommended action.

c) By concentrating on the impediments to the free flow of traffic to and from Bishop's Castle town centre the author fails to appreciate the significance of the fact that Kerry Lane provides the sole direct route to exit the town for 308 houses, a Primary School; a Sure Start facility; 2 sheltered accommodation facilities, a Nursing Home, a Fire Station, a Church Hall, a Bowls club, a pub and a Brewery as well as taking heavy goods traffic and large agricultural machinery including combine harvesters. This has major implications for example for his proposals to make part of Kerry Lane one way in a westerly direction and returning in a north easterly direction via Corporation Street/Union Street/Church Street. This would not only vastly increase the current level of traffic flow along Corporation Street/Union Street/Church Street but would create some significant junction alterations in order to facilitate the very large vehicles that use Kerry Lane.

d) As the author's assumptions are not in any way substantiated by data, evidence or consultation with those affected by the problems the recommendations appear to 'tinker' with the situation and cannot be relied upon to significantly improve it either for existing residents and services in the area Kerry Lane serves nor to facilitate the additional demands that would result from the development of this site.

e) Despite the cursory nature of the site investigation that took place, none of the assumptions that form the basis for this report have been verified by consultation with the community that experience the situation. The validity of those assumptions cannot therefore be guaranteed. Thus, the report has no value as a tool for determining a decision.

3. Due to the overwhelming limitations of this report as a means of evaluating the above application its only value is in providing an input for an independent, comprehensive feasibility study of the traffic and pedestrian issues in the area of Kerry Lane which could

take into consideration the opinions and recommendations set out in this report. Such a study would need to:

- incorporate a full technical appraisal of any proposed solutions;
- provide fully costed proposals;
- evidence the ability to deliver the solutions by confirming budget availability;
- provide a timed programme for delivery;
- incorporate comprehensive public consultation at the start, during and on completion of the report.

Only when this comprehensive study is completed and the works budgeted and committed within a highways improvement programme should there be a re-evaluation of the appropriateness of the site for development and only alongside the other 3 reasons that were given for refusal in the unanimous decision of 22 July.

Conclusions on consideration of the applicants' Traffic Report

- The traffic report does not override any of the 4 reasons for refusal contained in the Committee Decision of 22 July and recorded in the Minutes approved on the 19 August.
- The traffic report has not been evidenced, technically appraised, costed, assessed as financially viable within budget, allocated a time frame for delivery nor received any public consultation. As such there is no basis on which to use it to evaluate an application.
- No amendment to the decision should even be considered until such time as a comprehensive feasibility study is undertaken incorporating all of the above actions.
- The unanimous decision to refuse the application should stand.

B. Consideration of the following elements of the Development Management Report:

- the decision to reconsider the original resolution on this application on the basis that 'exceptional circumstance criteria' have been met.
- the recommendation of the Responsible Officer to Approve the application.

As regards the Development Management Report we comment as follows:

1. It is stated that the decision to reconsider the application was taken in accordance with the 'exceptional circumstance criteria'. Whilst the 'exceptional circumstance criteria' are not defined, the decision was based on the introduction of "a number of new factors" (pg. 16 para 1.3) which have come to light since the original decision was taken. It appears that the 'number of new factors' boil down to 3 areas of concern:

- The introduction of the above Traffic Report produced by consultants on behalf of two applicants and which is being discussed with highway officers.
- Concern that CIL monies could be used to implement highway proposals to cover the shortfall in the Council's budget and that, should the application be refused there would be a loss of CIL monies to undertake improvements to the highways.
- Concern as to whether the applicant will appeal against the original decision or a third party will undertake a Judicial Review should a decision not be made quickly.

We believe there are overwhelming limitations regarding these 3 'new factors'.

2. The Traffic Report

The Development Management Report states that the developers' "consultant has confirmed that the recommended works" (contained in the report) "are achievable and would result in significant improvements to the local highway system" (para 3.4; pg 19).

Unfortunately, there is absolutely no indication either of any evidence to support this claim or of any independent examination by the highways department of evidence to support this claim.

Neither does the Development Manager's Report establish whether any of the detailed actions required even for a basic feasibility assessment, as listed in paragraph 3 of section A above, have been undertaken.

The report was produced on the basis of no empirical data, evidence or consultation within the community and, by the author's admission, was limited in its scope. As such, to support the claim that the recommendations "are achievable and would result in significant improvements to the local highway system", there must be written evidence of an independent analysis of whether the recommendations will actually achieve the solutions that are necessary.

3. CIL monies for use as budget

3.1 The report states in paragraph 3.3 that "the applicant has cited the Bishops (sic) Castle Place Plan as highlighting the need for improvements to the existing highway network on the southern side of Bishop's Castle. The applicant has indicated that in the absence of alternative sources of public funding to facilitate this, the ability to utilise CIL and S106 funding from the current development and potentially also the Lavender Bank scheme, if approved, represents the only way of delivering these improvements."

The report also says in the previous paragraph that "Without prejudice to the outcome of the nearby Lavender Bank outline residential application similar funding would potentially also be available if that application was approved. The applicant's highway consultant has indicated that this would potentially allow the majority or all of (sic) recommended improvements to be delivered."

Setting aside whether these recommended improvements are in fact the right ones to solve or ameliorate the problems and are in fact deliverable even if budget was available, these statements indicate the 'fag packet' approach to the situation. The officer's report is saying that the only way the majority or all of the improvements might potentially be delivered would be if another application, not yet decided upon was also approved and followed through. This suggests that neither the developer nor the highways officers have an informed idea of what the actual cost of the works would be or of what level of funding might actually be available from CIL to implement them. Consequently this application cannot be considered in relation to potential highways improvements that might never take place even if the application was approved.

3.2 As there is no evidence of how much these improvements are likely to cost it is impossible to determine the value of any CIL contribution. If implementation of the whole package of improvements is ultimately decided as necessary but proves too costly, CIL monies are irrelevant. If only some of the improvements can be made within the budget available, and the improvements do not achieve the desired results or are overtaken by the increased traffic generated by this and other developments that will follow as a result, the CIL monies will have been wasted.

3.3 In concluding that available CIL monies would "potentially allow the majority or all of the recommended improvements to be delivered." The officer's report does not acknowledge the issue of who determines the use to which CIL monies will be put and whether those parties would be willing for CIL monies to be made available for this use. This may also have an impact on whether or to what extent the recommendations could be implemented.

4 The threat of legal actions

4.1 Threat of Appeal

The risk of appeal is always present with any application. The APPLICANT'S COMMENTARY ON DRAFT REFUSAL REASONS on page 22 of the report, which forms part of ANNEX 1, attempts to discredit the 4 reasons for refusal given on 22 July.

- As regards the first refusal that the community rejected sites on this side of town which is reflected in the SAMDEV proposal to develop a site in the north east, the applicant refers to the Bishop's Castle Place Plan and states "the access problems in the town's hinterland" identified in the Bishop's Castle Place Plan can only be solved by utilising the proceeds of development.....". He also states that without new residential development the access problems will remain as there is no other source of public funding to use. It follows by stating that this "refusal reason in effect, gives no hope to residents of the town that its infrastructure needs will be met."

The suggestion that permission for this site, by delivering some CIL monies will do anything significant to ameliorate the town's access problems is entirely unsupported by any evidence. On the contrary, the community believes that, regardless of the 'traffic improvements' that the applicant believes this development could secure, the additional housing that is likely to be generated in this area as a result of an approval decision on this application will only make matters worse. That was the reason why the community supported the approved SAMDEV site.

- As regards the affordable housing contribution, the applicant states that this development will contribute 2 affordable houses. As such this is in excess of minimum requirements – 0.2 more than the minimum required. This does not however invalidate the reason for refusal which refers to the fact that a need for affordable housing has been identified and that the contribution to the affordable housing stock in the town would be minimal as a result of this application. The need for affordable housing is a strong theme in the surveys being undertaken at the present time for the updating of the town plan.
- As regards the third reason for refusal, the traffic problems on Kerry Lane, the applicant contends that "Kerry Lane is only one of many alternatives to access the centre of the town from Woodbatch Road". The refusal however clearly states that to "exit the proposed development site and the town traffic would have to use Kerry Lane". It does not reference trips to the town centre so this point does not address this reason for refusal.

It also refers to the fact that "no evidence has been put forward that the highway network on the south side of town would be adversely affected by the proposed development". Evidence has been provided however of the severity of the traffic problems that exist on Kerry Lane and of the number and type of properties that currently have to use Kerry Lane in order to exit the town. As regards the former, a traffic survey was undertaken by residents on 3 July following advice from the highways department on how best to construct it. As regards the latter, approval of this application will set a precedent for further applications, two of which are already in the pipeline and others could well follow. The accumulation of such applications will inevitably make the situation even worse and "would adversely affect the highway network".

- The applicant refers frequently to the fact that the proposed development meets the requirements of sustainability identified in Paragraph 17 of the NPPF. However he considers it unreasonable to use paragraph 17 as a reason for refusal, without recognising the requirements of paragraph 32 as he suggests that the main purpose of paragraph 17 is to facilitate growth through development. This ignores the fact that one of the Core Planning Principles of sustainable development in paragraph 17 states that planning should be genuinely plan led, empowering local people to shape their surroundings". Not only would this development be contrary to a plan led approach but it

has also been rejected by the community.

In addition paragraph 14 states that there should be “a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in (the) Framework taken as a whole.” On this basis whilst the application addresses some of the sustainable issues there should be no presumption in favour of sustainable development as the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in (the) Framework taken as a whole.

4.2 Threat of Judicial Review

According to the risk assessment report a judicial review relates only to policy, procedure or principles of natural justice and could be invoked if the Committee did not proceed to determine this application. If that is the case, as none of the new information is proven to be valid there are no grounds to change the original decision.

Conclusions on consideration of the Development Management Report

- The Development Management Report statement that the developers’ “consultant has confirmed that the recommended works” (contained in the report) “are achievable and would result in significant improvements to the local highway system” (para 3.4; pg 19) is not worth the paper it is written on.

Firstly, they would only be “achievable” if they are technically capable of being implemented and there is budget to implement them. At the moment both of these are unknown factors. Secondly, without a detailed understanding of the traffic and pedestrian situation on the ground, it cannot be judged whether these recommendations “would result in significant improvements to the local highway system”, nor would they if technical or budgetary issues precluded some or any of them being implemented.

- As there is no assurance that the CIL money which might be available will be authorised to be spent on these proposals and as there is no evidence of how much these recommendations are likely to cost, whether they are viable or whether they will provide any significant improvement to the situation, it is premature to consider the use of CIL monies at this stage. The availability of CIL monies therefore is not relevant to consideration of this application.

- Whilst there is always a risk of appeal when an application is refused, nothing provided by ‘the new factors’ adds any further evidence to support the recommendation to approve. Neither does the applicants commentary on the refusal reasons. As regards a potential risk of Judicial Review the new information provided adds nothing to the argument as it cannot be proven to be reliable. The original decision to refuse should therefore remain.

Item No.	Application No.	Originator:
5 9	14/00885/OUT: Woodbatch Road 14/02632/OUT: Lavender Bank	Applicant’s highway consultant

Overview Report, Highways south of Bishops Castle

The following conclusions are reached by the highway report commissioned by the applicant’s highway consultant

- 4.1 The conclusions of this highway overview to the south of Bishops Castle confirm that in general terms traffic flows reasonably freely through these roads without undue concern. The generated traffic expected from the two small residential proposals, off Woodbatch Road and Lavender Bank, will not significantly effect the traffic volumes

using these roads and accessing the town centre of Bishops Castle via Kerry Lane and Corporation Street.

4.2 Corporation Street provides the principle conduit to access the town centre of Bishops Castle from the residential areas off Woodbatch Road, Lavender Bank, Corrick's Rise and Oak Meadow, whilst Kerry Lane provides access principally to the lower reaches of Church Street and also to the A488, to the east, bypassing Bishops Castle town centre.

4.3 Corporation Street also provides the most direct access to the town centre, is the easiest of the two roads to traverse both for pedestrian and vehicular use, and is closer to the car park at the junction of Union Street and Harley Jenkins Street than Kerry Lane. The recommendations made in this overview report however can be summarised briefly as follows:

4.4 An improvement to the pinch point at the lower end of Kerry Lane alongside Bells Court and No. 2 by covering the existing open culvert and providing both a run-off area for vehicles and a safer pedestrian route from those properties toward the town centre.

4.5 The second recommendation is for the easing of the narrow width of road alongside No. 4 Kerry Lane by cutting into the embankment on the south side and constructing a low retaining wall.

4.6 The third recommendation includes the narrow part of Kerry Lane opposite Nos. 6 & 8, with the provision of traffic calming measures, the possible introduction of a 20 mph speed limit and the increase in visibility linking to the junction of Kerry Lane with Woodbatch Road.

4.7 This fourth recommendation includes improvement to the junction of Woodbatch Road into Kerry Lane with increased visibility to the south, the construction of a high retaining wall to support the service road at this corner, the gentle widening of Kerry Lane into Woodbatch Road enabled by this retaining wall and visibility splay, together with moving the existing pedestrian crossing point for a distance of 10 metres or so to the west to provide better pedestrian protection and an identified tactile crossing point.

4.8 The recommendations for Corporation Street include a ban on parking close to its junction with Union Street, the possible extension of the footpath along Union Street in a southerly direction as far as No. 11, and the encouragement of off-street parking on Corporation Street with the possibility of a form of limited parking restriction.

4.9 Our final recommendation is to consider the elevated section of Kerry Green with a designated pedestrian route, the retention of the existing car parking and suitable signage to identify the joint use of this service road and its restriction for vehicles to frontagers only.

4.10 By the analysis and implementation of some or all of these recommendations, with an improvement to the junction visibility at Woodbatch Road in particular, it is considered that significant benefit will arise for existing traffic using both Kerry Lane and Corporation Street as access to Bishops Castle town centre, with Corporation Street providing the principle conduit to the town centre and Kerry Lane providing access to the lower reaches of Church Street and to the A488, the eastern by-pass of Bishops Castle.

4.11 Whilst at present there is not considered to be a major problem with the flow of traffic along these routes, there is no doubt that localised impediment can be either removed or improved to further free the flow of existing traffic at busy times and to cope with the small increase in vehicular traffic which would result from the construction of the two development proposals, one off Woodbatch Road and the second off Lavender Bank.

Item No.	Application No.	Originator:
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6	14/01341/FUL	Public Representations (Objection)
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-Concerned about the Tree Officer's comments that the Norway Spruce is of no particular arboricultural or aesthetic merit and is of a species not native or natural to the area.
 -Fear for many fine trees in Broseley Conservation area and elsewhere if this is the attitude to non-native trees.
 -This is a majestic tree visible from many view points.
 -Would appear to be personal opinion of Tree Officer with no objective assessment of health of tree carried out.
 -Wish to see an objective method of tree evaluation, like the Tempo method of tree evaluation, carried out to establish if there is a tree health reason for felling.

Item No.	Application No.	Originator:
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7	14/01397/FUL – Fox Studio, King Street, Much Wenlock	Public Representations (Objections)
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Two further objection letters have been received, which are summarised below:

-King Street already a congested area, with no pavement. With 4 parking spaces in this plan for 4 flats will be even further congestion if occupants have two cars and there are visitors.
 -Public transport not reliable or frequent.
 -Layout of surrounding properties incorrect on drawings.
 -Over development due to extensions.
 -Out of character.
 -Lack of private amenity space for flats/apartments.
 -Would be overwhelmed by the two storey extensions built against the boundary wall.
 -Noise pollution would be greatly increased by small building housing so many flats.
 -Loss of light to main bedroom due to extension
 -Against Neighbourhood Plan and Core Strategy; no sustainability check list.
 -Do not feel the social and economic benefits outweigh the harm to the historic assets adjoining the proposal.
 -Loss of sunlight and daylight to adjacent property, overshadowing.
 -Development would not be a good neighbour.
 -Not enough consideration given to drainage and in particular surface water run-off; deep excavations associated with a retention tank or soakaways would conflict with need for limited excavations to comply with Archaeologist's requirements and soakaways could inundate lower lying neighbouring gardens.
 -Distance between 51 High Street and the existing Lightsource office is 9m and when the two storey extension is constructed on the north elevation of the existing building this distance will be reduced to 6m, which is less than the 'rule of thumb' separation distance of about 10m per storey normally applied.

Item No.	Application No.	Originator:
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8	14/02127/FUL	SC Archaeology
<p>SC Archaeology submitted comments as the agenda was going to publication, have subsequently carried out a site visit and submitted revised comments as follows:</p> <p>Background to Recommendation The development proposal involves land adjacent to the existing farm complex at Bradley Farm, Much Wenlock on which there are no recorded heritage assets. However, LIDAR (Light Detection and Ranging) data and vertical aerial photography indicate the presence of a complex of earthwork features within the development boundary that includes enclosures, platforms, possible holloways, field boundaries and complex ridge and furrow relationships indicative of a possible shrunken medieval settlement.</p> <p>A Heritage Statement submitted in support of the application (Mercian Heritage Series No. 684) provides a detailed analysis of the listed and other buildings within the complex at Bradley Farm and assesses the impact of the proposed development on those heritage assets. It makes no reference to any earthwork remains located within the wider development boundary. Additionally a Landscape Appraisal (Allan Moss Associates April 2014) makes no reference to any complex historic landscape features within the development boundary.</p> <p>A site visit was undertaken on Wednesday 8th October 2014 which confirmed the presence of a number of surviving earthwork remains (positive and negative) that may relate an earlier phase of occupation/utilisation of the site.</p> <p>The National Planning Policy Framework (NPPF) Section 141 states: "Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."</p> <p>Recommendation In view of the above and in line with National Planning Policy Framework (NPPF) Section 141, I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development.</p> <p>This proposed condition will need to replace Condition 11 recommended in the Committee Report Agenda Item 8 South Planning Committee 14th October 2014 and is a pre-commencement condition, as follows:</p> <p><i>No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme should provide for a pre-construction recording comprising archaeological topographic survey of the earthwork complex and evaluation comprising targeted trial trenching based on the findings from the topographic survey with sufficient documentary research to inform those processes and provision for further mitigation should that prove necessary. The written scheme shall be approved in writing by the Planning Authority prior to the commencement of works</i></p> <p><i>The initial recording and evaluation may conclude that further archaeological work may</i></p>		

be necessary to ensure appropriate preservation by record is achieved consistent with the significance of the remains and the content of the National Planning Policy Framework.

Reason: The area is of archaeological potential and it is importance that any archaeological features and finds are properly recorded.

Item No.	Application No.	Originator:
8	14/02127/FUL	Public Representation (Objection)

The applicant did not discuss the proposal with myself or the owners of Rowan Cottage or Farley Crossing Cottage.

The police will not carry out work on the A4169 because of their health and safety policies.

A pull in must be provided on the junction of the A4169 to facilitate the emptying of no. 20 Farley's septic tank.

The developer should install 3-way traffic lights when access and egress is required.

We have 20 movements per day from our drive e.g. milk deliveries, post deliveries, visitors.

Many vehicles exceed 40mph pas our house and around the corner/junction of Bradley Lane.

Severn Trent reported to the corner was extremely dangerous when investigating the position of my stop tap.

In January 2006 a Highway Officer told me that the A4169 was the third most dangerous road.

In the spring of the verges were cut back to try and increase my visibility, it was made clear that if this didn't improve my visibility that the bank would have to be cut back.

All the energies of the highway department are half cocked and my family guests and visitors have to deal with some 70m of visibility from both sides if the verges and hedges are not cut back.

The development will cause delays to traffic on the A4169. There is likely to be a back log of vehicles exiting from the site waiting to join the A4169 which will back up past Rowan Cottage.

Item No.	Application No.	Originator:
8	14/02127/FUL	Representatives of Much Wenlock Civic Society

In the light of the recent discovery of possibly important archaeological features at Bradley Farm, urge the Planning Committee's decision on this application be delayed. It is imperative that a full archaeological assessment is undertaken before approval is given.

Officer Comment: The revised observations of SC Archaeology are set out above.

Item No.	Application No.	Originator:
8	14/02127/FUL	Agent on behalf of 12 local residents objecting to development.

Disappointed that their lengthy submission has been translated into a single sentence summary in the report with reference to the full letter being viewable on the Council's web-site. Note that supportive comments to the scheme, particularly from the British

Equestrian Federation, have been quoted in full. Consider that it is not realistic to assume that Councillors will have time to find and review a single letter amongst 142 representations that are available on the Council's web-site.

Officer Comment; The summary of neighbour objections set out at 4.2.3 of the report is considered to set out the concerns raised. The recommended conditions would also address some of these concerns.

Item No.	Application No.	Originator:
9	14/02632/OUT – Lavender Bank	Case Officer

Further clarifications regarding 5 year housing land supply:

A number of planning applications for residential development have been referred to this Planning Committee for consideration in recent months where the committee were advised that the Council did not at that time have a five year supply of housing land. NPPF Paragraph 49 states in this respect that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This had been the position in Shropshire since September 2013. The absence of a five year housing land supply was therefore one of the factors taken into consideration and affecting the weight given to Development Plan policies. The Council published a revised 5 year housing land supply statement on 12th August to demonstrate that, based on data up to 31st March 2014, it has a 5.5 year housing land supply. This takes account of some additional types of residential development which were not previously considered.

Now that the SAMDev Plan has been submitted to the Secretary of State, the Plan is at an advanced stage of preparation. However, the Plan has not been through the examination stage and there are unresolved objections to elements of it (e.g. sites contributing to the housing supply), so the weight that can be attached has to be considered with care alongside the other material considerations and having regard to specific circumstances of particular planning applications. In relation to determining planning applications the main issues to consider are

- whether a particular proposal is in accordance with the Development Plan,
- how it sits in relation to the emerging SAMDev Plan, and
- whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.

In the case of the current application the recent move to above 5 years of housing supply is one material factor to be taken into account. However, the saved policies of the South Shropshire Local Plan cannot now be regarded as sufficiently up to date and the SAMDev has yet to be adopted. In these circumstances the advice given in the officer report that the determination must be in accordance with the NPPF, including the presumption in favour of sustainable development set out in Paragraph 14 remains valid. The individual tests to determine whether the proposals are sustainable are set out in the officer report. In particular, the site is close to the centre of a marked town and associated services and whilst there have been objections of the Town Council and some local residents there have been no objections from technical consultees. The officer report concludes that the proposals are sustainable in accordance with NPPF Paragraph 14 and officers consider that this remains the case, notwithstanding the recent move to above 5 years housing supply.

Item No.	Application No.	Originator:
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10	14/02007/FUL – Acton Scott	Applicant
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We have the following comments on the draft planning conditions (please note number references 10, 11,12 are used twice in the committee report):

- 5. As advised, temporary access during the construction period will not be used. All access will be via the (existing) route marked maintenance.
- 9. In order for us to get on site before ground gets too muddy (especially re: cables and roads), please can the trigger be amended from “commencement date” to prior to the installation of solar panels”? Or alternatively, to to make reference to the measures submitted in the HMP as part of the submission documents.
- First condition labelled 11 (bat boxes). Please can the trigger be amended from “commencement date” to prior to the installation of solar panels”?
- Second condition labelled 10 (CCTV). Please can the trigger be amended from “commencement date” to prior to the installation of solar panels”?
- Second condition labelled 11 (drainage). To allow flexibility and to align with point iii of the draft condition, we suggest a 3m buffer to watercourses instead.
- Second condition labelled 12 (archaeology). As advised, please can you introduce the following in front of the proposed wording “Except for preliminary works (including roads and cables), which will be subject to a watching brief agreed with the County Archaeologist, no development...”
- 14. Again, please can you introduce the following in front of the proposed wording “Except for preliminary works (including roads and cables), no development...”as there will be some noise form roads and cables, but not more than normal farming operations.

(Note: Officers have reviewed the requested minor amendments to the wording of draft planning conditions and officers are satisfied that this would not undermine the intent or function of the conditions in the circumstances of the site. Members are requested to grant delegated approval to make the requested amendments in the event of the officer recommendation being accepted)

We also have the following comments on the report:

- The applicant is Rupert Acton not Maddox & Associates.
- 1.3 An offer has now been made to Western Power Distribution and accepted, pending planning permission.
- 1.7 temporary access will not be used because we now propose HGV’s will not be used to access the site during construction. A site for unloading and loading onto tractors/trailers during construction has been agreed. All access will be via the (existing) route marked maintenance.
- 4.12 As 1.7 above.
- 6.2.3 Natural England confirm that the land is not best or most versatile, and so we make it clear that the land is not grade 3a or better.
- 6.5.1 as per 1.7 above.
- 6.6.5 it will now be a 3 month construction period, not 4 months.
- 6.10.1 second bullet, not just a solar panel, we are also funding a new exhibition about farm power over the centuries up to today.
- 8.1 second bullet, the time limit for third parties to launch a judicial review is 6 weeks. It is important regarding funders perception that this is reported correctly.

(Members are requested to note the above observations from the applicant)

Item No.	Application No.	Originator:
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10	14/02807/FUL - Acton Scott	Objector, Mr J.Phillips
<p>1) I wish to ensure that the site visit or Powerpoint presentation must give a balanced picture of the landscape impact of this application. To the best of my knowledge you do not have close up pictures of The Shropshire Way from Wenlock Manor Farm side and therefore a site visit to this side of the valley is imperative. The visual impact from Wood Acton is slight and only in the late autumn/winter months.</p> <p>2) We are concerned that Committee Members view the site from the public footpath running from Wolverton Manor Farm towards the old railway cutting. This track fully exposes viewers to the planned site. A visit here is essential to get a true picture of the impact on the surrounding landscape. (I thought this footpath was an extension of the shropshire Way as it continues down from Wenlock Edge but I may have been mistaken).It was after seeing the vistas from this site that Philip Dunne recommended that Planning Committee members complete a site visit.</p>		
Item No.	Application No.	Originator:
10	14/02807/FUL - Acton Scott	Shrops Wildlife Trust
<p>Having met the developer on site, Shropshire Wildlife Trust has been reassured that the access route will require no vegetation clearance or surfacing (other than minor pruning and occasional pot hole filling). We welcome the measures to enhance biodiversity and the willingness of the developer to consider additional measures for interpretation and improving habitat connectivity in the wider landscape. Shropshire Wildlife Trust therefore withdraws it's holding objection.</p>		
Item No.	Application No.	Originator:
11	14/02873/FUL – Whitton Solar Park	
<p>The applicant has requested that the community betterment section in the officer report is superseded with the following slightly amended wording. There remains a firm commitment to deliver community betterments. The applicant wishes to emphasise that contrary to the suggestion in the officer report there have been no discussions with third parties yet on what form this might take. A draft legal agreement (Unilateral Undertaking) is however being progressed:</p> <p><u>Community benefits:</u> Whilst not forming an integral part of the current application, the applicant has expressed an intention to agree with the local community a community betterment provision following any grant of planning permission. Similar voluntary arrangements have been successfully agreed at other recent solar park schemes, where community benefits have been delivered through a legal agreement (unilateral undertaking). In this instance the applicant would also intend to complete a voluntary unilateral undertaking which would deliver these commitments in the context of any planning approval.</p>		
Item No.	Application No.	Originator:
11	14/02873/FUL - Whitton Solar Park	Pauline Atkinson (resident)
<p>The following letter was circulated to Members on 9th October:</p> <p><i>I understand that the above application is on the South Shropshire Planning Committee agenda on 14 October 2014. I hope you can find the time to read my enclosed document</i></p>		

as I feel it contains very important information about the above application. I live two fields away from the above proposed application. My cottage has at the last count over 200 bats living in its roof space. They arrive about May and have all departed by the end of October, apparently this behaviour indicates that this could be a nursery roost. I was concerned when I found out that the above proposed site had not, as part of their application completed a Bat Survey. I was even more concerned when I saw that several mature in-field trees with bat roost potential had been felled, lopped or removed. These concerns have been expressed on several occasions to the case officer, Grahame French. In Shropshire Council's pre-application advice to the applicant I see that a bat survey was advised to be undertaken. It is my understanding that this has not been done. The whole premise of bat legislation is that once the development is built the bat and its habitat must not be in any worse state than what was originally there. To damage or destroy bat habitat you need to obtain a licence from Natural England then provide adequate mitigation/compensation (compensation in this instance means replacing what is destroyed). Without a bat survey how can mitigation be assessed? It appears to me that the advice regarding bats (a European Protected Species) from Natural England has not been followed by the applicant or Shropshire Council. If this application is granted and the applicant then undertakes this development and breaches the Habitats Directive, then it will be Shropshire Council that could be taken to court with all the costs this involves and not the applicant. I am sure once you have read my document you will agree that appropriate attention has not been paid to the mature trees, the bats or their habitat. I hope this information is of assistance to you, and that you would agree with me that this application needs to be refused.

Officers would respond that the issue of bats has been taken fully into account in consideration of this application. It is possible that some mature trees within the site may include bat roosts. The approach has been to ensure that comprehensive measures are put in place to avoid any damage to trees during any construction and operational phases. This includes maintenance of an appropriate stand-off to all trees and adherence to an arboricultural method statement including root protection measures. The proposed landscaping / habitat management measures would deliver habitat benefits relative to the current situation. A small number of trees were removed from the site prior to the submission of the application, and the landowner is entitled to do this. Existing trees would be retained and protected as part of the proposed development. The Natural Environment section (Ecology and Trees) has not objected on this basis. It is concluded that bat interests can be fully safeguarded as no bat habitats would be affected.

Item No.	Application No.	Originator:
11	14/02873/FUL - Whitton Solar Park	Janet Phillips (South Shropshire Green Party)

South Shropshire Green Party Objection to the proposed solar farm at Whitton, Caynon Shropshire 14/02873/FUL The South Shropshire Green Party has considered the planning application for the Whitton Solar farm Cayham Shropshire with regard to our Policy Statement on Solar farms. The urgency associated with dealing with climate change and energy security brings with it a general presumption in favour of solar farms but the Green Party has specified the conditions that must be applied before a particular site is approved. In South Shropshire these conditions are as follows: 1. Solar farms should normally be developed on land formerly used for land-fill or currently used for car parks, business parks and industrial estates 2. Solar farms should normally be developed as part of an agreed renewable energy policy that supports solar PV on schools, council buildings and NHS facilities and the planning system should encourage this 3. Solar farms shall normally not be developed on agricultural land classified as grade 1 (excellent), 2 (very good), 3 (good to moderate). **FIRST OBJECTION** : The Whitton development does not make the best use of the land. Indeed there is no

