



Committee and date

South Planning Committee

10 March 2015

Development Management Report

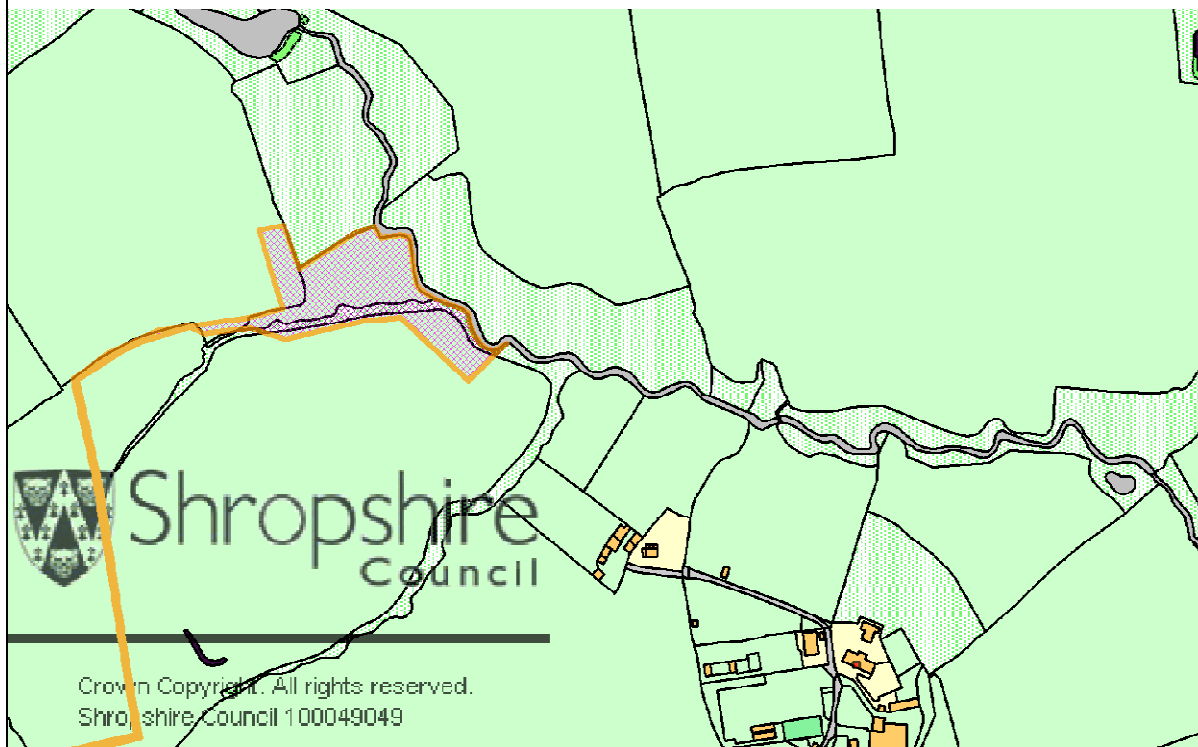
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Summary of Application

Application Number: 14/03842/FUL	Parish:	Stottesdon
Proposal: Use of land for the stationing of 3 log cabins for accommodation for rehabilitation centre clients, construction of passing places and installation of package sewage treatment plant		
Site Address: Stanley Farm Chorley Bridgnorth WV16 6PS		
Applicant: Willowdene Farm Ltd		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 368956 - 284482



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Contact: Tim Rogers (01743) 258773

Recommendation:- Grant Permission as a departure, subject to the completion of a Section 106 Agreement requiring the removal of the buildings in the event of the rehabilitation use permanently ceasing and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application, as originally submitted, proposed the erection of six buildings, three of which would have been chalets to be used as holiday lets. Following discussions with the applicants and their re-appraisal of the proposals in the light of review of the key purpose of the application and comments received from third parties, the three holiday lets have now been deleted from the application. (The detailed explanation for this change may be found at section 6.7 of this report). The proposed accommodation would now take the form of three buildings. These buildings would include one rectangular structure measuring some 20 metres by 6.8 metres that would provide a communal lounge/diner; communal kitchen; meeting room; two offices; laundry room; wc and overnight accommodation for staff in the form of a single room with ensuite. It would have external walls of timber weatherboard, stained dark brown, with a shallow dual pitched roof of insulated tile effect cladding. The two other buildings would measure some 12 metres by 6.8 metres and would each contain three bedrooms and an open plan living space, together with bathroom facilities, but no kitchens. The external finishes would match those of the larger structure.
- 1.2 The buildings would be would form a 'J' shaped group, with the larger unit at the head of the grouping and footpath connections between them. A sewage treatment plant would be positioned to the south of the building group. There is an area of woodland immediately to the east of the site for the proposed buildings, with the agricultural and to the north, west and south currently used for grazing purposes. There would be passing places provided on the access track which is some 800 metres long and joins with the public highway at Northwood.
- 1.3 A detailed supporting statement has been submitted in support of this application and the companion application 14/03842/FUL which can be viewed on the planning files. The summary from this statement is set out below:

“Willowdene Farm is the leading provider of rehabilitation and training (for those with an offending or substance misuse history) in the country. It was established in 1988 by Mr John Home MBE and Mrs Jenny Home and is now operated by Dr Matthew Home and his wife Sarah. In its 26 year history it has provided opportunities for those struggling with substance misuse and offending an opportunity to break the cycle and live the life they were designed for. Willowdene throughout its history has continued to develop and expand its facilities. This has created the right environment for its students to maximise their opportunities whilst undertaking activities on the sites.

In 2010 Willowdene embarked on delivering day care services to ex-offenders across West Mercia and it achieved unrivalled success with 75% of all students graduating. Willowdene has undertaken many contracted and piloted programmes

in conjunction with West Mercia Probation Trust, the National Offender Management Service, National Treatment Association, Ministry of Justice and Department of Health. It is now recognised as one of only 24 sites in England & Wales as a National Liaison and diversification centre. Building upon its success across West Mercia a strategic decision was taken in 2012 to only offer services to West Mercia and Warwickshire, thus ceasing its historic national referral catchment.

Willowdene in conjunction with Stanley Farm offers residential and day provision for students to address their substance misuse and offending backgrounds. It provides therapeutic input and skills training in a range of qualification areas, including Agriculture, Forestry, Horticulture, Key skills and Engineering. Willowdene and Stanley are set in 235 acres of woodland, pasture and arable land. The students are involved in daily activities which contribute to the Social Enterprise. Any surpluses generated are ploughed back into the company to subsidise the next group of students coming to Willowdene.

It has long been a passion of the Home family to expand its services and offer provision to Women offenders across West Mercia. Traditionally there has been little alternative for magistrates other than custody and often this resulted in women facing custody due to the lack of alternatives. Typically 20% of women offenders result in a custodial sentence compared to 10% of male offenders for short term sentences.

Working with the Ministry of Justice and West Mercia Probation Trust, Willowdene is planning on offering an all-female residential unit as an alternative to custody for ex-offenders so that they can have an opportunity to rebuild their lives. This is a highly innovative and ground breaking project which is likely to be the forerunner across England and Wales. The 12 month pilot, which, commenced in April 2013, was highly successful with 92% of the women completing their programme.”

- 1.4 There is an associated application on this agenda (ref 14/03937/COU) for the stationing of a log cabin on land immediately to the south of this proposal to provide residential accommodation for key workers to supervise the proposed rehabilitation unit.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is situated in open, undulating countryside some 400 metres to the northwest of buildings at Stanley Farm It is bordered by woodland and a stream to the east, with a tributary/ditch to the stream, with planting, also running along the southern site boundary. An area of woodland also abuts part of the northern site boundary. There are no public footpaths close to the site of the proposed buildings and the surrounding topography combined with hedge and tree planting means that the site is relatively well screened from distant views. The access road to the site extends westwards across the fields and would be provide with four passing places. This road joins with the county unclassified public highway just to the north of Lower Northwood.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view contrary to the Officer recommendation and the Area Planning Manager in consultation with the Chairman agree that the Parish Council has raised material planning issues and that the application should be determined by Committee.

4.0 Community Representations

- Consultee Comments

- 4.1 Stottesdon and Sidbury Parish Council (24-02-15) – Object:
Councillors discussed the amendments to the above application at the Parish Council meeting last night and would draw your attention to our letter dated the 23rd September (comments set out below).

Councillors would like to reiterate that their comments contained in this letter remain unaltered in particular bullet point 2 but welcome the removal of the holiday lets and a s106 agreement being imposed on this application.

Stottesdon and Sidbury Parish Council (25-09-14) – Object:
Whilst Councillors commend Willowdene for the very important work they carry out in the community they object to the above two sets of plans for the following reasons:

- ☐ Concern that this development is in the wrong place – this is sporadic development in the open countryside.
- ☐ Too far away from Stanley Farm and all necessary services.
- ☐ A mix of holiday lets with the units to be used by Willowdene Farm seem most inappropriate.
- ☐ Councillors query whether the lane to be used which has been classed as 'existing track' was there before this proposal. As the track has commenced then this is considered to be a retrospective application in respect of this.
- ☐ Query the need for 3 bedroom accommodation for holiday lets?
- ☐ This development is accessed from a narrow road.
- ☐ Sewerage should also be checked carefully as this development is close to a water course.

Councillors have always been keen to endeavour to protect the landscape within our Parish. Concern was expressed as to what will happen to these units if there is a default in the event of any funding being withdrawn – will they all become 'holiday lets'?

Whilst making their comments Councillors have been very mindful of Sustainability, Environment/Economic and Local opinion.

Councillors request that these applications go to committee due to the wide ranging implications and the interest of other agencies i.e. Ministry of Justice.

4.2 SC Highways Development Control – No Objection

In consideration of the existing agricultural use of the site, Shropshire Council as Highway Authority considers the access and local road network are adequate to accommodate the nature and scale of traffic likely to be generated by the proposed development. It is recommended that construction details of the proposed passing places as detailed on submitted drawing 03/2014/02a should be submitted for approval prior to commencement and constructed prior to occupation.

It is recommended that the following planning conditions are attached to any permission granted;

E5. **On-site Construction**

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

NS01.

Prior to the commencement of the development full engineering details of the proposed passing places shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before building first occupied.

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

4.3 SC Drainage – No Objection:

The proposed surface water soakaway is acceptable.

The following drainage details, plan and calculations could be conditioned if planning permission were to be granted:

Full details, plan and sizing of the proposed package sewage treatment plant and the drainage fields should be submitted for approval. British Water Flows and Loads: 4 should be used to determine the number of persons for the proposed

dwelling i.e. for a 2 bedroom dwelling, the population equivalent should be 5 and the sizing of the proposed package sewage treatment plant and drainage fields should be designed to cater for a minimum of 5 persons.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

4.4 SC Ecology- No Objections:

Ecology

In order to protect any potential Water Vole, Otters that may be using the water course the applicant has proposed a minimum of 20m buffer between the water course and the proposed development site. This buffer shall be marked out during construction so machinery works are excluded at this distance. This exclusion fencing will also help reduce any increase in sediment entering the water course during construction.

There are no mature trees to be felled as part of this development. A lighting condition will be on the decision notice which will help control the strength of lighting and ensure that it is not directed towards ecological corridors. The applicant has confirmed that there will be a buffer of at least 5m from the woodland edge to the proposed development.

The proposed application includes enhancements through hedge planting. SC Ecology would recommend planting a mix of native species of local variety. An appropriate landscape condition should be on the decision notice.

Several ponds are to be created. Advice is available on the internet of how to create a pond for wildlife. An example link is - <http://www.freshwaterhabitats.org.uk/projects/million-ponds/pond-creation-toolkit/>. SC Ecology can provide guidance on pond creation if required. No fish should be added to these ponds.

The following conditions and informatives should be on the decision notice.

1. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds.

2. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

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 booklet *Bats and Lighting in the UK*

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

4. Prior to the commencement of work the site should remain short cut. A minimum of a 20m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.

Reason: To ensure the protection of the Environmental Network.

Informative

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

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: 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 cannot be clearly seen to be clear of bird's nests then an 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.

Informative

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Informative

Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

-Public Comments

4.5 33 Objections, to original scheme which are summarised below. The full texts of the letters may be found on the Council's web site.

-Access has been widened and improved prior to submission of this application.
-Access road is a scar on the landscape and weighs heavily against proposal.
-Northwood Lane is a narrow lane with few places to pass and could not easily accommodate additional traffic.

-Lanes not suitable for holiday makers continually leaving and entering the site during their stay.

-Difficult access for emergency services.

-Gradient of access difficult to use in winter.

-Question whether an access road has existed across the fields prior to recent works.

-Plans show 12 parking spaces and this number of cars would cause concern.

-Poor access for emergency services.

-Unspoilt area with no existing infrastructure for development.

-Open agricultural land and farmers in this area are always hoping to either buy or rent land.

-Field abutting site has a right of way and walkers appreciate the secluded and unspoilt countryside; visible from public footpath.

-Must not encourage sporadic developments if Shropshire is to keep its reputation of being beautiful and rural.

-Need to conserve our agricultural land.

-Noise and disturbance during construction and following completion will have a detrimental effect upon wildlife and rural environment.

-Light pollution will also affect wildlife.

-Roadway may be lit at night.

-No evidence of the ecology report.

-Partial damming of stream has already taken place.

-Aware that there are newts in the local vicinity.

-Deer find area a safe haven away from the now popular "touristy" Wyre Forest.

-Not in line with Parish Plan to protect the environment.

-Harm beauty of the countryside.

-Trees already removed at entrance to site.

-Prospect of use in area not an attractive proposition. Proposal states a 75% success rate for rehabilitation students which, whilst commendable, still means a 25% failure and concerned about impact on residents living in close proximity.

-Mix of holiday lets and rehabilitation accommodation not compatible.

-Question whether people in need of these facilities should be removed from their known environment.

-Conflicting information on the size of the cabins.

-If approved could be further expansion, turning countryside into one gargantuan

rehabilitation centre.

-Set precedent and abusing the recently relaxed planning laws.

-No benefit to the local economy.

-Existing consents between this site and Bewdley which could be utilised if there is a genuine need.

-Contrary to Core Strategy policies CS5 as not within settlement or closely linked to an existing business; and CS16 in not being appropriate to its location, harming the tranquil character of the area.

- Need to demonstrate exceptional need to balance harm to the countryside.

-Should seek a site closer to existing settlements and possible use of existing buildings.

-Suggest siting accommodation at Willowdene, Stanley Farm or woodland close to

-Midwinters where farm has areas of development.

-National Planning Policy discourages development on 'greenfield' land and seeks the continued protection of the open countryside.

-SAMDev plan notes in MD11.7 comments that log cabins are recognised as having a greater impact on the countryside.

-Outside of the policy CS4 Stottesdon, Chorley and Bagginswood Community Cluster.

-Would not enhance countryside vitality and character, and have not demonstrated why the development could not be sited at existing facilities as required by policy CS5.

-Does not satisfy policy CS6 as would not protect, conserve or enhance the environment; would not take into account local context and character; would mean any access to and from site is likely to be by car; no details of renewable energy technologies provided.

-Not an appropriate location under policy CS11 for housing for vulnerable people and specialist provision.

-Under policy CS16 proposals would harm this tranquil part of Shropshire; not part of an established tourism enterprise.

-Harms landscape policy CS17 seeks to protect.

-Would fail to satisfy draft Development Management policies MD2; MD4; MD7a; MD8; MD11 and MD12.

-No substantive evidence to demonstrate why the rehabilitation units should be physically remote from existing built development; no business plan provided.

-No information supplied of pilot study.

-Not clear how holiday lets would provide a subsidy for the rehabilitation activities.

-Not an acceptable location for specialist housing under policy CS11.

-Any consent should be subject to a Section 106 Agreement prohibiting independent occupation of the holiday lodges and requiring the removal of all features from the site and restoration as farmland if and when the use of the site for the primary purpose of the accommodation of women in rehabilitation were to cease for a period of more than 6 months.

-Object to siting and not the essence of the proposals.

-What would happen if the part funding by the Ministry of Justice is withdrawn after the General Election?

-Would adversely impact on the shooting and fishing on the Sidbury Estate; an important area of their operation is the woodland and pool which the proposed development comes directly against on their boundaries; cause disturbance to wildlife, fishing and game birds.

5 Objections received to amendments:

- do not overcome objections; still contrary to Shropshire Core Strategy.
 - Applications substantially altered and confusing as to what is being applied for; applications should be withdrawn and re-submitted.
 - Removal of holiday let cottages a good thing but remaining buildings still in the wrong position; should be attached to existing development.
 - Shame applicants persisting without any apparent concern for the local residents.
 - Vulnerable women need to be in a less secluded place.
 - Question if there is any medical evidence or studies undertaken to support and prove that remoteness is the key to successful rehabilitation.
 - Supporting evidence contradictory in the reasons why remoteness is important.
 - Children play and there is a pond less than 20 metres away.
 - If scheme successful foresee a whole village springing up on farm land in area of extreme beauty.
 - Undisturbed countryside would be harmed by intrusive application.
 - While recognising good works of Willowdene, would have a disproportionate impact.
 - No specific detail of works proposed to access track.
 - No evidence to demonstrate that a track between Northwood Lane and the position of the proposed lodges has ever existed; description incorrect as the works proposed are not to an existing track but the establishment of a new vehicular track.
 - Access track works detract from the character and appearance of the open countryside regardless of the frequency and degree of traffic movements associated with them; changes in levels substantial to provide a safe and durable driveway.
 - Amount of traffic generated by the construction and running of the centre more than the lane network could cope with.
- Amendments should be presented as an entirely new application; confusing as much of the supporting justification relates to the former development proposals.
- Application 14/03937/COU incorrectly described as intended for permanent residential use after 3 years and includes extensive engineering operation in forming an 800m vehicular access track across the countryside.
- Justification for rehabilitation process has changed.
- Rehabilitation programme not shown to have been subject to external scrutiny, comment and support from any recognised professional institution; appears to be nothing more than an exercise seeking to find new and effective procedures to assist in the rehabilitation of women with criminal records who are seeking to recover from drug addictions.
- Do not doubt the good work undertaken by Willowdene is valuable, but the case to breach planning policies controlling development in open countryside is

untenable.

-Contradictions in applicants explanations of how the operation would work.
-Believe suggestion that seclusion and closed communication will be achieved for 7 weeks untenable.

-Cessation of any therapeutic activities would leave a permanent residential such as that contained in 14/03937/COU.

4.6 2 Letters of support:

-Since 2010, West Mercia Probation Trust and Willowdene have jointly developed ground breaking and innovative programmes for disenfranchised individuals. These programmes have been transformative in the lives of those individuals who accessed them, delivering lasting change and contributing to reduced re-offending across the region.

-The most recent of these innovative and ground breaking programmes was the development of an Alternative to Custody residential programme for female offenders. This programme, as detailed in the planning documentation, was the first in the country to address the unfairness in the sentencing of female offenders, by offering a genuine alternative to a custodial sentence that is recognised through the judicial service.

-Launched as a pilot in April 2013, and commissioned from April 2014, the Women's Alternative to Custody programme continues to transform lives, without the trauma that a custodial sentence causes to both the offender and her family (often including young children). It also helps to break the cycle of intergenerational patterns of offending behaviour that we know are fuelled by family breakdown associated with parental incarceration. The long term benefits to the community, as well as to the offender and her immediate family across a range of indicators are enormous.

-Although Willowdene has accommodated this residential requirement on their current site, there is a definite need for the women accessing the Alternative to Custody programme to be placed on a separate, and isolated location. The effectiveness of the programme is put at risk by the distractions that residing on a mixed, and multi-functional site cause. The constant throughput of individuals not subject to a residential requirement, many of whom may be known to the women sentenced to the Alternative to Custody, is unsettling, and can impede the progress these women are able to make with the transformative process embedded within the programme.

-In addition, by accommodating the Alternative to Custody on Willowdene's existing site, the number of males able to access residential services is substantially reduced. This further impedes the level of impact, transformation and, therefore, contribution to reducing offending across the region, that Willowdene is able to deliver.

-During the recent Transforming Rehabilitation Agenda, the Ministry of Justice praised Willowdene's innovation and quality of service, of which this Alternative to Custody programme is another example.

-Higher level stewardship agreement will enhance ecological features of the farmland

-Development would have little impact on visual amenity being screened from most

directions by the topography of the land, trees and hedgerows.

-Starkness of access track, which is not untypical infrastructure will tone and soften into the landscape with time.

-Willowdene Care Farm is a successful farm diversification and expansion of the operations would be in line with Government policy on rural development; diversifies rural economy in line with Core Strategy policy CS5.

-The work at Willowdene helps to introduce farming, forestry and land management to a new demographic from where new farmers must come; increases knowledge and experience of countryside related issues and to groups least knowledgeable about these issues.

-Only 24 rehabilitation centres in England and Wales and Willowdene is an exemplar with exceptionally high success rates.

-Scheme would incorporate renewable energy technologies for heat and power and onsite control of effluent and would be constructed from sustainable materials.

-Under policy CS11 appropriate location to provide temporary housing provision for the recovery of the client group.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structures and impact on the rural landscape

Highway Safety and Access

Ecology

Drainage

Neighbour and Local Amenity

Other Matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF), at section 3, is supportive of a prosperous rural economy as seeks to support 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. The Core planning principles set out at paragraph 17 of the NPPF include seeking to secure high quality design, taking account of the different roles and character of areas, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it, and taking account of and support of local strategies to improve health, social and cultural wellbeing for all.

6.1.2 The above balance of considerations is consistent with Core Strategy policy CS5 which relates to the countryside and Green Belt. This policy is supportive of small scale new economic development diversifying the rural economy, including farm diversification on appropriate sites which maintain and enhance countryside vitality and character. However the policy requires applicants to demonstrate the need and benefit for the development proposed, and adds that development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate. It emphasises the conversion or replacement of suitably located buildings for small scale economic development/employment generating use, rather than new build.

Core Strategy policy CS11 relating to the type and affordability of housing is supportive of the provision of housing for vulnerable people and specialist housing provision in appropriate locations where there is an identified need, but this proposal would not be one providing long term accommodation to individuals, given its proposed rehabilitation function.

6.1.3 The proposed buildings and their use in this case are akin to a rural business activity, but would meet a health/social well being need of the wider (national) community. New buildings in this remote rural location which are not directly associated with agriculture or forestry would be contrary to Development Plan policy and planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In view of this requirement, and the evidence of need and benefit sought by Core Strategy CS5 for activities that would diversify the rural economy, the applicants were invited to submit a case which they consider would constitute sufficient “material planning considerations” to justify a departure from the Development Plan to justify the principle of the proposed development in an open countryside location. The response received setting out the reasons for the proposed development in this location and why there are no existing buildings which could be adapted for the use is set out below, and supplements the background to the application set out at paragraph 1.3 above.

6.1.4 *“Therapeutic environment is essential to ensuring lasting change and location is an essential and key element of this. The chosen site which is circa 600m from the main buildings at Stanley Farm enables it to be easily accessible to facilities at Stanley, yet providing the required emotional isolation needed for the therapeutic focus and ultimately engagement and change.*

The location will provide a therapeutic community free from distractions for female students’ needs to be fully identified and therapy delivered. Whenever individuals deal with disclosure of past trauma there is emotional pain attached. The women have often had alcohol and/or substance misuse behaviour in the past and these substances have anaesthetised their pain. The natural response for individuals facing this emotional pain is to look for and engage in distraction activities, this is enhanced by the absence of alcohol/drugs. Therefore, distractions, in the here and now enable avoidance of the pain of the past. The rural location and single gender site minimise distractions and focuses attention on the deep rooted issues that, in a safe therapeutic environment can be addressed so that the individual leaves that pain behind. The location provides isolation for concentration of their minds, which in turns increases the efficacy of the therapeutic programme.

The rural location is not due to fear of the women being traced, but simply to focus their attentions on themselves. The pilot model which has been successful (as monitored by internal data, Warwickshire and West Mercia CRC and the office of the Police and Crime Commissioner) could have been improved if the women were located in the new site. The speed of therapeutic engagement would have quickened, which in the seven week stay would have enabled further issues to be addressed thus releasing the women even more from past issues. Concerns over a mixed gender site would be removed, thus minimising distractions over gender and temptations other students may bring on site.

With the recent announcement (January 29th 2015) from Government minister the Rt Hon Simon Hughes MP, the government plan to reduce women going into prison by 50%; the pilot and proposal provides and was publically acclaimed to be an effective alternative to custody.

Willowdene and Stanley are both multifaceted sites each having a distinct therapeutic benefit providing facilities to those from the criminal justice system, as well as training the wider public. The immediate settlement at Stanley Farm currently has three different family residences on site, is an active working farm as well as student training interventions.

Both sites are busy offering many distractions to the women who would be residing on site. This continual association with peers from similar backgrounds increases day to day temptations when students from similar backgrounds are working in close proximity, this also opens up the opportunities for information to go back to home areas. These issues are significantly reduced, if not eliminated on a closed site.

At Willowdene and Stanley the scope for conversion of existing buildings is very limited as existing facilities are already utilised. Building new residential accommodation around the farm buildings would not provide a solution due to the pre-mentioned factors, as this would still be on a mixed busy site. Although physical means of restricting student access at Willowdene in a mixed gender site may be possible, it must be remembered that this programme is not simply behavioural change (i.e. traditional prison offering), it is that of emotional change and if the root issues of the past are not addressed then there will be no change.

The students will all be required to have 24 hour support and monitoring as part of their order and the accommodation will be registered with CQC (Care Quality Commission). The accommodation comprising of three buildings incorporating areas to sleep, communal cooking and eating, office and meeting rooms (for training and therapeutic interventions) as well as rural activities providing a base for the women. The female accommodation is deliberately designed with no kitchen facilities to ensure socialisation and integration. Kitchen and dining facilities, including a communal area will be accommodated in the communal unit.

It is planned that at least 75% of the women's time will be based on the proposed new site. The closeness to Stanley will allow the use of horticultural facilities in a managed environment for further work experience and training opportunities (circa 1 day a week). When the women use the main site then alternative arrangements will be made for other students to allow for separation."

- 6.1.5 It is considered that the above explanation in the context of the existing rehabilitation activities at Willowdene Farm and Stanley Farm could constitute sufficient material considerations to justify the principle of new build accommodation in a rural location to accommodate the proposed use as a departure from the Development Plan. The acceptability or otherwise of this specific scheme is therefore considered to turn upon the specific issues set out below.

6.2 Siting, scale and design of structures and impact upon the rural landscape

6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The buildings proposed in this application would be timber clad and would have a low profile in the landscape. It is considered that their appearance would not be out of keeping with this particular rural setting. There is a simplicity to their form which would blend well visually with the areas of rising land to the north and west and the tree belts and woodland to the south and east. The topography of the locality would also conceal the buildings from distant views. There is a public footpath some 600m away which runs through fields to the north west, but it is not considered that the proposal would significantly impact upon views for users of that path and additional planting on the site boundaries would also assist in assimilating buildings into the rural landscape. A planning condition would be required on any approval relating to the external finishes/colours of the buildings, in order to safeguard the visual amenity and rural character of the area. Details of landscaping works and for the maintenance of that planting can also be conditioned on any approval issued, to assist with the integration of the development into the rural landscape. The form of the buildings would also allow for the option of their removal from the land in the future, as is discussed in paragraph 6.7.2 below, which would not be the case for brick or stone built structures.

6.3 Highway Safety and Access

6.3.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:
"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Core Strategy policy CS6 looks to achieve safe development. It also seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. However the latter issue of accessibility to modes of transport to reduce dependency on the private car would not be pertinent to this proposal and the client group it would serve. The saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. This proposal must be assessed in the context of the above national guidance and Development Plan policies.

6.3.2 With the removal of the holiday lets from the application SC Highways Development Control are content that the access and local road network are adequate to accommodate the nature and scale of traffic likely to be generated by the proposed development. The provision of the passing places on the access road can be conditioned, to ensure that they would be in place before the use of the buildings commences.

- 6.3.3 The third party representations received have included comments questioning the status/history of the access road which would connect the proposed development to the local highway network. The applicants have responded:

“The access track which had been historically established to allow access to the fields for agricultural use will be used to provide access to the proposed site. The track would not require heavy engineering works to make it suitable as it currently handles large heavy agricultural traffic, coping with trailers in excess of 16 tonne. The track has been improved to prevent rutting and all year round access to undertake farming activities such as checking on and feeding livestock. It provides essential access to the cattle barn being erected that will house livestock all year round. Without the track the fields could not have been accessed, resulting in the fields becoming significantly rutted, causing excessive soil damage in terms of compaction and soil erosion. To comply with cross compliance the guidance for Soil Management 2010 states that for grassland fields where out wintering of stock occurs a well drained track should be used for vehicles, this will prevent compaction, puddling, and soil erosion.

With the removal of holiday lets from the proposal, only the staff will have vehicles as students have no access to personal transport. Increased traffic on Northwood lane will be negligible, and vehicular access across the site will be minimal, with the main access being for agricultural activities.”

- 6.3.4 The access track clearly serves an agricultural purpose and assists with the stewardship of the land. Works to repair and maintain such accesses do not require planning permission. While there is disagreement between parties as to when this access track was formed, on the balance of probability it would appear to have been in existence for at least four years (which would make it immune from enforcement action). The route taken by the track is not considered to harm the visual amenity and rural character of the area.

6.4 Ecology

- 6.4.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology and are in line with the obligations placed on all parties to development proposals by wildlife legislation. The application site is on land that is part of a Natural England Entry Level and Higher Level Stewardship scheme and the management plan includes field margins, creation of woodland and ponds, management of woodland, re-fencing and replanting hedgerows to re-establish traditional field boundaries. The proposed development would not prejudice the implementation of this management plan, having been sited to minimise any potential ecological disturbance. Woodland creation is proposed through the management plan along field boundaries to the north of the application site and to reinforce planting along watercourses to the south, where two new pools are proposed. The Council's Planning Ecologist has studied the application and supporting documents and has raised no objections to the proposal. She is content that ecological interests can be safeguarded on any planning permission issued by conditions relating to 20m buffer zone to the watercourse, a lighting plan, the provision of artificial birds nests and bat boxes.

6.5 Drainage

6.5.1 Core Strategy policy CS18 relates to sustainable water management. The proposed development is on land classified by the Environment Agency as Flood Zone 1 (i.e. land outside the floodplain), defined as little or no flood zone risk. The site is surrounded by extensive areas of agricultural land which is under the control of the applicant which means that there would be no constraints relating to land ownership in achieving satisfactory drainage arrangements. The Council's Flood and Waste Water Management Team have studied the drainage information supplied and are content that satisfactory drainage arrangements can be achieved without risk of pollution of the water environment. The drainage details can be conditioned on any approval issued and would also be the subject of building regulations approval.

6.6 Neighbour and Local Amenity

6.6.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. The closest neighbouring property, at Stanley Cottage, is some 250m from the application site. It is considered that the separation distance would ensure that the proposal would have no significant impact on neighbour amenity. It is acknowledged that the proposed use of the buildings would result in more artificial light in the locality during the hours of darkness, but given the small scale nature of the proposal the local amenity value of the countryside would not be unduly harmed or impacted upon to an extent that would warrant a refusal.

6.7 Other Matters

6.7.1 It was mentioned in paragraph 1.1 of the report that the application has been amended after submission to delete three proposed holiday lets from the scheme, which would have provided part of the 'social enterprise' function. The applicants reasons for making this change are set out below:

"Responding to the concerns and comments received, in conjunction with planning policies; combined with organisational changes that have occurred since planning was submitted in 2014, it has been decided that at this time the planning application will not proceed with the holiday lets as first submitted.

Since the original submission, Willowdene has been successful in the Transforming Rehabilitation process (privatisation of the probation service) in partnership with EOS (now the preferred bidder) with Willowdene as their strategic partner (being integral for their supply chain solution). This provides greater stability for the next ten years and thus reduces the reliance to generate the previously anticipated levels of social enterprise surpluses that could have been generated through the holiday lets.

Social enterprise is still a core element providing genuine work experience and activities, but through different activities and training income through an agreed franchise with Telford College of Arts and Technology. Social enterprise will still make a contribution but helps through valuable work experience, providing a working reference for the students as well as instilling a business ethos. The need for tourism and leisure qualifications to meet the labour market gap will be delivered through modelling on their own accommodation for demonstration purposes."

- 6.7.2 A query raised by some parties is what would happen to the buildings in the event of the development being permitted, built and then the rehabilitation use ceasing for some reason. The applicants have advised that, as this is a new start up enterprise, they would be content to enter into a Section 106 Agreement that would require the removal of the buildings should the rehabilitation site use fail.
- 6.7.3 Reference has been made by objectors to draft Development Management policies in the SAMDev Plan, upon which the Inspector's report is awaited. These policies do not yet form part of the Development Plan. However the proposal is not considered to be contrary to the objectives of policy MD2 (Sustainable Design); is not a traditional employment development to which policy MD4 relates; policy MD7a is more applicable to the companion application 14/03937/COU; there are no infrastructure provision issues with the proposed scale and nature of the development proposal (policy MD8); policy MD11 is no longer relevant with the deletion of the holiday accommodation from the scheme; and the proposed development would not cause harm to the natural environment (Policy MD12).

7.0 CONCLUSION

- 7.1 The proposed development would be contrary to Development Plan policies which restrict new buildings in isolated locations within the countryside which are not associated with rural activities such as agricultural, forestry, mineral extraction or established tourism enterprises. The Committee needs to consider whether there are other material considerations of sufficient weight that would justify a departure from Development Plan policy in this case. On balance, it is the Officer view that the applicants' reasons for requiring a remote location for this facility could justify a departure in this case, due to the specific use proposed and its proposed relationship in combination with the established facilities at Willowdene and Stanley Farm in providing rehabilitation for clients. The proposals would not detract from the visual amenity or rural character of the area and would not significantly impact upon neighbour or local amenity. Drainage and ecological interests can be adequately safeguarded through planning conditions.

A section 106 Agreement to require the removal of the buildings should the rehabilitation use permanently cease would be an important safeguard for Development Plan policy: It would avoid the pressure in the event of the rehabilitation use ceasing for the re-use of the buildings for purposes which would not gain consent in this area as new build schemes, due to the remote nature of the location.

The application has been advertised as a departure from the Development Plan.

- 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 and Saved Bridgnorth District Local Plan Policies:

CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
S1 Development Boundaries
D6 Access and Car Parking

RELEVANT PLANNING HISTORY:

BR/76/0192 Erection of a first floor side extension to provide two additional bedrooms and a shower room and conversion of existing garage into a dayroom REC
12/01999/AGR An existing steel portal framed cattle shed with 4 bays being moved from being directly adjacent to the traditional buildings PNR 15th June 2012
12/02423/AGR Erection of an agricultural building PNR 20th June 2012
BR/APP/FUL/02/0589 Erection of propagating house and extensions to two glass houses GRANT 23rd September 2002
BR/APP/FUL/00/0416 Erection of net polytunnels GRANT 31st July 2000
BR/97/0490 RETENTION OF AN AGRICULTURAL BUILDING REF 17th November 1997
BR/97/0078 ERECTION OF AN AGRICULTURAL/HORTICULTURAL BUILDING REF 14th April 1997
BR/96/0704 ERECTION OF FOUR FIELD SHELTERS GRANT 15th January 1997
BR/96/0502 ERECTION OF POLY TUNNELS AND A GLASSHOUSE GRANT 23rd September 1996

Appeal

09/01136/REF RETENTION OF AN AGRICULTURAL BUILDING ALLOW 3rd February 1998

11. Additional Information

View details online:

<http://planningpa.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)

Supporting Information

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Gwilym Butler

Cllr Madge Shineton

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. Prior to the above ground works commencing details of the proposed external facing materials, including colours and finishes to walls, roofs, windows, doors and access paths/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and there shall be no subsequent changes to the approved colours without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

4. Prior to the use of the buildings commencing the passing places to the access track shall be constructed and surfaced in accordance with details which have first been approved in writing by the Local Planning Authority. The passing bays shall be constructed before the buildings are first occupied and shall thereafter be maintained and kept clear for the passing of vehicles.

Reason: To define the permission for the avoidance of any doubt and in the interests of the visual amenities of the area and the safety of users of the facility.

5. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, the premises hereby permitted shall be used solely for the rehabilitation of clients in accordance with the supporting statement with the application and for no other purpose.

Reason: Planning permission has only been granted for the proposed use as a departure from the Development Plan due to the specific requirements for it to operate from an isolated rural location.

7. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. refuse or other storage units, signs, lighting)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

8. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. 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.

9. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds.

10. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

11. 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 booklet Bats and Lighting in the UK

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

12. Prior to the commencement of work the site should remain short cut. A minimum of a 20m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.

Reason: To ensure the protection of the Environmental Network.

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

Informatives

1. 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.
2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
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 £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.

4. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: 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 cannot be clearly seen to be clear of bird's nests then an 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.

5. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
6. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.