



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Friday, 28 August 2015

**Committee:**  
**South Planning Committee**

**Date:** Tuesday, 8 September 2015  
**Time:** 2.00 pm  
**Venue:** Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of the Committee**

David Evans (Chairman)  
Stuart West (Vice Chairman)  
Andy Boddington  
Nigel Hartin  
Richard Huffer  
John Hurst-Knight  
Cecilia Motley  
Madge Shingleton  
Robert Tindall  
David Turner  
Tina Woodward

**Substitute Members of the Committee**

Charlotte Barnes  
Gwilym Butler  
Lee Chapman  
Heather Kidd  
Christian Lea  
William Parr  
Vivienne Parry  
Malcolm Pate  
Kevin Turley  
Leslie Winwood  
Michael Wood

Your Committee Officer is:

**Linda Jeavons** Committee Officer  
Tel: 01743 257716  
Email: [linda.jeavons@shropshire.gov.uk](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive any apologies for absence.

## 2 Minutes (Pages 1 - 8)

To confirm the minutes of the South Planning Committee meeting held on 11 August 2015.

Contact Linda Jeavons (01743) 252738.

## 3 Public Question Time

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

## 4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

## 5 Barn, Roughton, Bridgnorth, Shropshire, WV15 5HE (14/02958/VAR) (Pages 9 - 20)

Removal of Conditions 10 (restricted use) and 11 (restricted occupancy) attached to 10/03590/COU to allow use of building as permanent residential dwelling.

## 6 Walcot Farm, Lydbury North, Shropshire SY7 8AA (14/05323/FUL) (Pages 21 - 64)

Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement.

## 7 Land South of Cargan, All Stretton, Shropshire (14/05689/FUL) (Pages 65 - 76)

Erection of one dwelling and car port; alteration to existing access.

## 8 Wheatlands Site, Woodhouse Fields, Bourton, Much Wenlock, TF13 6QN (15/01808/EIA) (Pages 77 - 104)

Erection of 2 no. agricultural buildings for rearing livestock (table fowl); biomass boiler building; 5 no. feed bins and associated hardstanding and landscaping.

## 9 Proposed Dwelling Rear Of 4 Church Street Cleobury Mortimer Shropshire (15/01976/FUL) (Pages 105 - 118)

Listed Building Consent for works to facilitate the conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse.

## 10 Proposed Dwelling Rear Of 4 Church Street, Cleobury Mortimer, Shropshire (15/01977/LBC) (Pages 119 - 128)

Conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse.

**11 Schedule of Appeals and Appeal Decisions (Pages 129 - 130)**

**12 Date of the Next Meeting**

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 6 October 2015, in the Shrewsbury Room, Shirehall.

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## Committee and Date

South Planning Committee

8 September 2015

## **SOUTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 11 August 2015**

**2.00 - 4.38 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

### **Present**

Councillor David Evans (Chairman)

Councillors Stuart West (Vice Chairman), Andy Boddington, Richard Huffer, John Hurst-Knight, Cecilia Motley, Madge Shingleton, David Turner, Tina Woodward, Heather Kidd (Substitute) (substitute for Nigel Hartin) and William Parr (Substitute) (substitute for Robert Tindall)

### **39 Apologies for Absence**

Apologies for absence were received from Councillors Nigel Hartin (Sub: Heather Kidd) and Robert Tindall (Sub: William Parr).

### **40 Minutes**

**RESOLVED:** That the Minutes of the South Planning Committee held on 14 July 2015, be approved as a correct record and signed by the Chairman.

### **41 Public Question Time**

There were no public questions, statements or petitions received.

### **42 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning application 15/01472/FUL, Councillor Andy Boddington declared and expressed his displeasure that he had been contacted by the agent who had sought his advice on how approval for this application by this Committee could be achieved. He confirmed that he had made no comment and explained that he would never be influenced by such lobbying, remained open-minded and any decision he made would be based on planning grounds.

With reference to planning application 15/01472/FUL, Councillor Cecilia Motley declared that the owners of Henley Estates were known to her but she had not been contacted by or discussed this application with them. She confirmed and expressed

her displeasure at being contacted by the agent prior to the meeting but confirmed that she had made no comment and would remain in the room and participate in the debate of this item.

With reference to planning application 15/01472/FUL, Councillor William Parr declared that the owners of Henley Estates were known to him but he had not been contacted by or discussed this application with them.

With reference to planning application 15/01850/FUL, Councillor David Turner declared that he was acquainted with the applicant and a principal objector and would leave the room and take no part in the consideration of, or voting on, this application.

**43 Proposed Residential Development Land at Hemford Bromlow, Minsterley, Shropshire (14/03447/OUT)**

At this juncture, the Principal Planner read out the following statement following the successful High Court challenge to the November 2014 Ministerial Statement on Affordable Housing Contributions:

“Last November planning minister Brandon Lewis announced the new policy on affordable housing provision in a ministerial statement. This advised that planning authorities should no longer seek affordable housing contributions through section 106 agreements on residential developments of 10 homes or fewer and 5 homes in designated rural areas.

Two Berkshire councils lodged a High Court challenge to the Ministerial Statement which succeeded last week. The High Court Judge agreed with the councils that the consultation process over the policy had been unfair and unlawful. He argued that there was a failure to take into account “obviously material” considerations, including the full implications for the supply of affordable housing land. The Government has now withdrawn the Ministerial Statement and the associated National Planning Practice Guidance on this issue.

Shropshire’s affordable housing policy is set out in Core Strategy Policy CS11 and detailed further in the adopted supplementary planning document on Type and Affordability of Housing. Some agents had cited the Ministerial Statement as justification for not entering into affordable housing agreements in Shropshire. However, in the wake of the Ministerial Statement the Council’s Cabinet resolved to maintain its existing affordable housing policy pending the outcome of the High Court challenge.

The Judge’s decision has an immediate effect on developers’ negotiations. Accordingly, all qualifying housing proposals in Shropshire will continue to be subject to an affordable housing contribution under Policy CS11. The Department for Communities and Local Government has advised that it will be seeking permission to appeal against the decision.”

The Principal Planner introduced the application and with reference to the drawings and photo montage displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from a member of the public.

Mr M Green, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Ms A Henson, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Heather Kidd, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- She supported the Parish Council's views on this application, given that it accorded with the Parish Plan;
- The reservations expressed by the local ornithologist had not been significant; and
- She considered that the additional traffic generated by one dwelling would not have a significant impact on the crossroads and the positioning of the dwelling in relation to the highway would be acceptable.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members supported the proposal subject to appropriate conditions, and acknowledged that appropriate conditions with regard to landscaping and materials would be added to any permission granted at the reserved matters stage.

**RESOLVED:**

That, contrary to the Officer's recommendation, planning permission be granted, subject to appropriate conditions and to the completion of a Section 106 Agreement to secure an affordable housing contribution.

**44 Hazeck, The Mines, Benthall, Broseley, TF12 5QY (14/05209/FUL)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had undertaken a site visit the previous day and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mrs E Morgillo, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Turner, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The site visit had demonstrated how the development had not taken place in accordance with the approved plans;
- He reiterated the views of Barrow Parish Council which were as set out at paragraph 4.1.1 of the report. Furthermore, the Parish Council had been consistent in its approach to development in the Conservation Area and had recently objected to an application from a neighbouring property. This application had subsequently been refused under delegated powers due to scale, mass and positioning and its significant and detrimental impact on the amenities of the occupiers of Hazeck and its overbearing and dominant impact on the occupiers of the adjacent dwelling;
- At a previous meeting he had drawn attention to the changes to what was originally a modest bungalow which had been largely hidden in a plot which contained a mixture of trees and shrubs and bounded by a low wall to one that was now totally out of character in the Conservation Area;
- He hoped that the Committee would pay particular attention to the measures proposed to safeguard the Norway Spruce;
- Would be contrary to paragraphs 56, 58 and 60 of the National Planning Policy Framework, Shropshire Core Strategy policies CS6 and CS17, and Broseley Town Plan policies DS2 and H3; and
- The previously granted permissions already constituted inappropriate development and this current proposal would further impact on the Conservation Area and the amenity of neighbouring properties and he urged refusal.

Having considered the submitted plans and noting the comments of all speakers, the majority of Members expressed their objection to the application.

**RESOLVED:**

That, contrary to the Officer's recommendation, planning permission be refused for the following reasons:

- The proposed extension, by reason of the monopitch form, and the increased mass and enlarged footprint of the dwelling when the cumulative impact of permitted extensions are taken into account, would result in a development detracting from the character and appearance of the Broseley Conservation Area, contrary to Shropshire Core Strategy policies CS6 and CS17, Broseley Town Plan policies DS2 and H3, and paragraphs 56 to 58; 60; 64 and 131 of the National Planning Policy Framework.



**45 Land to the west of Squirrel Lane, Ledwyche, Ludlow, Shropshire (15/01472/FUL**

The Principal Planner introduced the application and with reference to the drawings and photo montage displayed, he drew Members' attention to the location and layout. He confirmed that Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from Shropshire Councillor Viv Parry.

Mrs P Smith, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor Mrs N North, representing Ludford Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor R Osborne, representing Bitterley Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr A Arcache, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. With the agreement of the Chairman, and, in view of the number of persons speaking against, which was contrary to the Policy for Speaking at Regulatory Committees, Mr Arcache was afforded up to six minutes to speak.

In response to questions from Members, Mr Arcache provided clarification on future land usage and stock density, life span of the panels, decommissioning and removal arrangements and the proposed community benefits.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Richard Huffer, as local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He drew attention to the high number of objections to this scheme from residents, Bitterley, Cayman and Ludford Parish Councils and Ludlow Town Council;
- Would result in the loss of 30+ acres of highly productive land;
- The nearby field had been classified as being Grade 2; and
- The proposal would have a detrimental impact on the surrounding natural and historic environment.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. The majority of Members expressed the view that the land had been cropped on a regular basis and was good productive land; the

proposal would be incongruent in the countryside and would impact on views from Caynham Camp, St Laurence's church, Whitcliffe Common and others; constituted large scale development; and would be detrimental to the tourism industry and local economic development.

**RESOLVED:**

That, contrary to the Officer's recommendation, planning permission be refused for the following reasons:

- The proposal constitutes large scale industrial development and is inappropriate in terms of location, fails to protect and enhance the natural and historic environment and the character and high quality of the local countryside and setting of Ludlow, and would have an adverse impact on leisure and tourism. The renewable energy benefits of the proposal are significantly and demonstrably outweighed by the adverse impacts and as such would be contrary to Core Strategy Policies CS5, CS6, CS13, CS16 and CS17 and paragraphs 14, 17, 28 and 109, of the National Planning Policy Framework.

(At this juncture, the meeting adjourned at 4.00 pm and reconvened at 4.08 pm.)

**46 Proposed Residential Development Land North of Haughton Road, Shifnal (15/01741/REM)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed further comments from the applicant.

In response to questions from Members, the Principal Planner confirmed that the chimneys would not be functional and the parking provision conformed to adopted parking standards. In response to concerns, he explained that, given the comparable size of emergency vehicles and refuse vehicles, the submitted tracked drawings had been considered to be acceptable and adequately demonstrated how refuse vehicles would manoeuvre through the development.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

**RESOLVED:**

That, subject to the conditions set out in Appendix 1 to the report, planning permission be granted as per the Officer's recommendation.

**47 Fox Studio, King Street, Much Wenlock, Shropshire, TF13 6BL (15/01850/FUL)**

By virtue of his declaration at Minute No. 42, Councillor David Turner left the room during consideration of this item.

The Principal Planner introduced the application and with reference to the drawings and photo montage displayed, he drew Members' attention to the location, layout, elevations and previously refused scheme.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed further comments from a neighbour.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to a question, the Principal Planner confirmed that, if granted, a condition to restrict the future use of the site could be attached.

**RESOLVED:**

That planning permission be granted as per the Officer's recommendation, subject to:

- A Section 106 Legal Agreement in respect of an affordable housing contribution;
- The Conditions as set out in Appendix 1 to the report; and
- The following additional condition:

Notwithstanding the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the commercial office accommodation in the conversion and extension scheme hereby approved shall not be used as residential accommodation.

Reason: To ensure that an employment use on the site continues in accordance with policy EJ2 of the adopted Much Wenlock Neighbourhood Plan 2013-26.

**48 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 11 August 2015 be noted.

**49 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee would be held at 2.00 pm on Tuesday, 8 September 2015 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....



Committee and date

South Planning Committee

8 September 2015

## Development Management Report

Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 14/02958/VAR	<b>Parish:</b> Worfield
<b>Proposal:</b> Removal of Conditions 10 (restricted use) and 11 (restricted occupancy) attached to 10/03590/COU to allow use of building as permanent residential dwelling	
<b>Site Address:</b> Barn Roughton Bridgnorth Shropshire WV15 5HE	
<b>Applicant:</b> Mr M Davis	
<b>Case Officer:</b> Lynn Parker	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>
<b>Grid Ref:</b> 375356 - 294191	
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**Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement to secure a financial contribution towards affordable housing and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application is for the removal of conditions nos. 10 and 11 applied to Planning Permission Ref: 10/03590/COU for the 'change of use of existing building to use as a holiday let property' granted on 9<sup>th</sup> December 2010.

1.2 The conditions read:-

*10. The building shall be used for holiday accommodation only and shall not be used as the sole, primary or permanent residence of any occupier.*

*Reason: To prevent the establishment of a permanent residential planning unit in an area where new dwellings would not normally be permitted.*

*11. (a) No person, family or group of persons shall occupy any part of the holiday accommodation hereby approved for a period of more than 4 weeks.*

*(b) Not less than 4 weeks shall elapse between each period of occupancy by the same person, family or group of persons.*

*Reason: To ensure that the development approved is not used to establish a permanent residential use.*

1.3 This proposal is to allow the use of the holiday let as an open market dwelling. The current use of the building restricted to holiday accommodation has proven unsuccessful in terms of a holiday let business opportunity.

1.4 No internal or external changes are proposed. The existing accommodation comprises a lounge, dining room and kitchen at ground floor level, and 4 bedrooms (one with ensuite) and a bathroom at first floor level.

1.5 During the course of the application, officers requested information be submitted in support of the application to demonstrate that the loss of the holiday let will not have adverse impact on the visitor economy, will meet the criteria for sustainable residential use and to describe its status as a heritage asset. The following documents were submitted in response:

- o Design Summary received 27<sup>th</sup> August 2014.
- o Historical and Architectural Appraisal by King Partnership dated July 2007.
- o Marketing Report by Carter Jonas dated May – November 2006 which relates to the sale of the property prior to its conversion.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located in open countryside in the Green Belt.

2.2 The barn is situated on the southern edge of the scattered settlement of Roughton, a rural area of sporadic housing development comprising a number of large houses in extensive grounds and several residential 'barn conversions' distributed along a series of narrow lanes off the south side of the A454 Bridgnorth to Wolverhampton road.

2.3 The application relates to a detached two storey building of square plan and symmetrical, four-sided pyramidal slate roof set back from the south east side of a

narrow lane with a north facing front elevation behind a triangular grass verge frontage and with rear and west side walls within an open grass field.

- 2.4 On the east side, land at a higher ground level associated with a large house, 'Willowbrook', opposite is laid out as a tennis court and garden. Beyond the garden is a range of small scale 'barns' converted into a single dwelling referred to as 'The Courtyard'. Opposite the frontage of the site are the grounds of 'Brook House'.

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

- 3.1 This application is referred to committee for determination on the request of the Local Ward Member in accordance with the criteria for application call in set out in the Council's adopted scheme of delegation.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

##### **4.1.1 Worfield and Rudge Parish Council**

Councillors wish to object to this application for removal of Conditions 10 and 11.

##### **4.1.2 SC Affordable Housing (28-07-14)**

The removal of an occupancy condition effectively creates a new market dwelling. In accordance with Core Strategy policy CS11, an appropriate contribution will be required towards local needs affordable housing. It should be noted that with a removal of the restricted occupancy condition on holiday accommodation there is no cap of 100sqm and the contribution is calculated on the whole floorspace of the existing property. The prevailing target rate for the application site is 20%. As part of the planning application the applicant should complete and submit an Affordable Housing Proforma.

##### **4.1.3 SC Affordable Housing (18-08-14)**

The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

#### **4.2 Public Comments**

##### **4.2.1 None received**

### **5.0 THE MAIN ISSUES**

- Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy; and, if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other Green Belt harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
- Affordable Housing Contribution
- Community Infrastructure Levy

### **6.0 OFFICER APPRAISAL**

- 6.1 Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;

and, if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other Green Belt harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

- 6.1.1 In revisiting this issue firstly it is important to appreciate the planning history of the site and secondly how planning policy has evolved in the intervening years.
- 6.1.2 An application was submitted to Bridgnorth District Council ref. no BR/APP/FUL/03/0957 for the Conversion of the building into a dwelling, installation of a sewage treatment plant and alterations to the existing access. The application was refused on the 3<sup>rd</sup> February 2004 for the following reasons:
1. The proposed conversion of the barn considered to be of limited historic or architectural interest and located in an isolated position in the open countryside in an area where the disposition of existing dwellings is scattered and sporadic in nature would be contrary to Structure Plan conversions policy and therefore inappropriate development in the Green Belt.
  2. The balcony and balustrade extensions would detract from the basic form and character of the existing building and from the rural character of its surroundings and together with evidence of substantial reconstruction for the purposes of facilitating the proposed conversion to a dwelling would be contrary to the Authority's policies relating the conversion of rural buildings.
  3. The extent of the proposed residential use/domestic curtilage would adversely affect the rural character and appearance of the site and surroundings and the visual amenity of the Green Belt.
- 6.1.3 A second application ref. no. BR/APP/FUL/04/0757 for a similar proposal which addressed the previous outcome was still unsuccessful but reduced the number of reasons for refusal.
- 6.1.4 On the 9<sup>th</sup> February 2006, planning permission was granted for Change of use of the barn for commercial office/workshop uses and installation of a septic tank, ref. no BR/APP/FUL/05/0924. There is no evidence this consent was implemented.
- 6.1.5 A further application re. no BR/APP/FUL/07/0156 for the Conversion of the building into a dwelling was refused on the 24<sup>th</sup> April 2007 for the same two reasons as 04/0757. A subsequent appeal was dismissed in October 2007 upholding the Council's decision.
- 6.1.6 In July 2010, an application was made to Shropshire Council for the Change of use of barn to a holiday let, ref. no. 10/02019/FUL. The application was refused as inappropriate development in the Green Belt by reason of inappropriate alterations to the building resulting in domestication of the principle elevation, and excessive curtilage, together with the extent of the driveway and parking spaces was considered to diminish the openness contrary to Green Belt and conversions policies.
- 6.1.7 However, a subsequent application for the Change of Use of existing building to use as a holiday let property was made and it addressed the above issues. The details of the scheme of conversion submitted were subsequently approved on the



9<sup>th</sup> December 2010 ref. no. 10/03590/COU; it is this consent that forms the basis of this current application.

- 6.1.8 Since this last application was approved in 2010 there have been many changes in the relevant policy framework. The West Midlands Regional Spatial Strategy has been cancelled as have the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs).
- 6.1.9 In March 2012 the National Planning Policy Framework (NPPF) came into effect and this was followed-up with the introduction of the National Planning Policy Guidance (NPPG) in 2013.
- 6.1.10 One of the core planning principles of the NPPF does state that planning should encourage the re-use of existing resources, including the conversion of existing buildings (paragraph 17). In line with this, the proposal would also see the re-use of an existing building which would be an environmental benefit. The NPPF is also clear that proposals for housing should be considered in the context of the presumption in favour of sustainable development (paragraph 49).
- 6.1.11 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with certain exceptions. Paragraph 90 goes on to state that certain forms of development are also not inappropriate development in the Green Belt, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 6.1.12 The general thrust of the Council's adopted policies in seeking to restrict new development in the Green Belt as set out in policy CS5. In seeking to limit residential conversions to heritage assets, the Council has provided guidance on what the term 'heritage asset' would normally constitute in the Shropshire Type and Affordability of Housing SPD 2012. This states that such buildings would normally pre-date 1950; comprise of traditional materials and building methods; are of permanent and substantial construction; be of local significance and add value to the landscape. It is considered this building would satisfy these criteria, which are not the higher 'substantial architectural or historic merit' test that applied under Development Plan policies at the time of the appeal in 2007 mentioned at 6.1.5 above. Policy CS5 is largely consistent with the NPPF. However, the Framework does not restrict the re-use of buildings to heritage assets in the Green Belt in the way that local policy does, allowing for the re-use of buildings provided that they are of permanent and substantial construction: Regard and weight has to be attached to the later Framework in this respect.
- 6.1.13 Consideration should also be given to the Government's recent relaxation of permitted development rights with regards to the conversion of 'barns' to dwellings as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst this building may no longer benefit from the provisions as set out in this document (in relation to *Class Q - agricultural buildings to dwellinghouses*), the content of the provisions within this document clearly demonstrate the Government's approach to such projects, and this is a material consideration in this case.

- 6.1.14 In terms of the 'emerging' policies, MD7 – Managing Development in the Countryside offers further guidance, on the use of holiday let properties as permanently occupied residential dwellings, requiring the buildings to be of permanent and substantial construction; to have acceptable amenity standards for full time occupation and, where not restricted to affordable use, to preserve the heritage asset.
- 6.1.15 The building, albeit repaired, is sound and capable of being converted without the need for extension or rebuilding. The Council, having granted a consent in 2010 acknowledge the building is suitable for conversion.
- 6.1.16 Having made enquiries of the applicant it appears the scheme granted in 2010, whilst partially implemented has not been completed, and as such the permitted 'use' as a holiday let has not commenced.
- 6.1.17 In theory the removal of the conditions would technically result in the loss of a holiday let unit, however, as that use has never been implemented, this would in affect have an overall neutral effect on the rural economy.
- 6.1.18 Turning now to the impact on the Green belt; the building is extant and this is a material consideration. Furthermore, it is a quasi-residential use in the form of a holiday unit, therefore, there is an acceptance in principle.
- 6.1.19 As part of the negotiations the proposed curtilage associated with the residential use has been reduced to minimise the potential harm on the openness of the designation. It is now considered to be proportionate to the accommodation to be provided.

## **6.2 AFFORDABLE HOUSING**

- 6.2.1 The application will effectively contribute 1 open market house to the County's housing stock, as such there is a requirement for an affordable housing contribution to be made in the form of a payment.
- 6.2.2 The required affordable housing payment proforma has been completed and returned and the submitted information has been considered by the Council's Housing Team. They have confirmed the proforma accompanying the application indicates the correct level of contribution and therefore satisfies the provisions of the SPD Type and Affordability of Housing.
- 6.2.3 The required payment shall be secured through a 106 Agreement.

## **7.0 CONCLUSION**

- 7.1 The property has a long planning history which spans more than a decade. In that time there have been significant changes in planning policy which are reflected in this recommendation.
- 7.2 It is acknowledged that the building is in open countryside and within the Green Belt designation. However, the NPPF and policy CS5 allow for an exception to be made for the creation of new dwellings through the re-use of rural buildings.

- 7.3 It is further acknowledged that policy CS5 of the Core Strategy and MD7 (SAMDev) include criteria that has a stated preference for rural building that are proposed to be converted should be of some merit. That is not to say they should be Listed Buildings, but they should nonetheless be buildings that make a positive contribution to the landscape within which they are set: It is considered that this building makes such a contribution.
- 7.4 The proposed permanent residential use of the accommodation would have no greater impact upon the openness of the Green Belt than the permitted holiday use. The building would have acceptable residential amenity standards for full time occupation.
- 7.5 Furthermore, the Government has recently relaxed permitted development rules with regard to the reuse of agricultural buildings to be converted to dwelling, and this gives a further indication as to the Government's attitude towards such schemes.
- 7.6 Finally, there is evidence that the scheme approved under planning ref. no. 10/03590/COU, whilst commenced, has not been implemented in full, and the building has not been brought into use as a holiday let unit. As a consequence. Its loss in terms of the rural economy and any subsequent wider social and community benefits is neutral.
- 7.7 Having considered all the relevant policies and other material considerations the removal of the conditions to permit an unfettered open market property is considered to be acceptable and approval is recommended subject to the applicant entering into a Section 106 Agreement with the Council to secure the required Affordable Housing contribution.

## **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 three months 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

9.1 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

#### LDF Core Strategy Policies:

Policy CS5: Countryside and Green Belt;  
Policy CS6: Sustainable Design and Development Principles;  
Policy CS9: Infrastructure Contributions  
Policy CS11: Type and Affordability of Housing

#### Bridgnorth District Local Plan 'Saved' Policies:

S1 Development Boundaries  
S3 Green Belt  
D6 Access and Car Parking

#### SAMDev 'Emerging' Policies:

MD2 - Sustainable Design  
MD6 - Green Belt & Safeguarded Land  
MD7 - Managing Development in the Countryside

#### Supplementary Planning Documents:

## Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

10/02019/FUL - Change of use of existing building to a holiday let unit. Refused 15th July 2010  
 BR/APP/FUL/07/0156 - Change of use of redundant agricultural building into a dwelling.  
 Refused 24th April 2007. Appeal Dismissed 29<sup>th</sup> October 2007.  
 BR/APP/FUL/06/1029 - Erection of a two storey extension, conservatory, porch, a pitched roof  
 over a previous flat roofed extension and a detached double garage, laundry and store.  
 Granted 2nd February 2007  
 BR/APP/FUL/06/0739 – Erection of a two storey extension, conservatory, porch, a pitched roof  
 over a previous flat roofed extension and a detached double garage, laundry and store.  
 Refused 26<sup>th</sup> October 2006.  
 BR/APP/FUL/05/0924 - Change of use of redundant barn to commercial B1 office/workshop  
 and installation of a septic tank. Granted 9th February 2006  
 BR/APP/FUL/04/0757 - Conversion of barn to dwelling, installation of sewage treatment plant  
 and alterations to access. Refused 13th October 2004. Appeal Withdrawn 29<sup>th</sup> April 2005  
 BR/APP/FUL/03/0957 - Conversion of barn to dwelling, installation of sewage treatment plant  
 and alterations to access. Refused 3rd February 2004.  
 BR/APP/FUL/01/0286 - Outline application for the erection of one detached dwellinghouse.  
 Refused 26th June 2001

## 11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>.

**List of Background Papers** (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Amended Design And Access Statement received on 27<sup>th</sup> August.

Historical and Architectural Appraisal by King Partnership dated July 2007.

Marketing Report by Carter Jonas dated May – November 2006 which relates to the sale of the property prior to its conversion.

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr Michael Wood

**Appendices**

APPENDIX 1 - Conditions

**APPENDIX 1****Conditions**

**STANDARD CONDITIONS**

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. Conditions 10 and 11 attached to planning permission 10/03590/COU are hereby removed allowing the property to be occupied as an unfettered open market dwelling.

Reason: The implications of removing the conditions originally imposed in 2010 would not result in a conflict with the current policy framework as set out in the NPPF and the Local Development Framework.

4. Any replacement facing materials shall match in colour, type, size, texture and profile those of the existing building.

Reason: To safeguard the character of the building.

5. No windows or doors shall be installed on the development without details plans and sections at a scale of 1:20 having been first submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason; To protect and enhance the appearance of the building and the area.

6. The window frames and doors of the proposed development shall be constructed of timber, painted white and set back a minimum of 55mm/75mm from the edge of the brickwork around the window opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is of a design sympathetic to the locality.

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. furniture, play equipment, 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 landscaping works shall be carried out in accordance with the approved details and to a reasonable standard 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, in the opinion of the Local Planning Authority, 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. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to ensure no damage to any existing trees or hedgerows within or adjoining the site. The submitted scheme shall include the provision of chestnut pale or similar form of protective fencing to BS5837:1991 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. The fencing shall be located at least 1.00 metre beyond the line described by the furthest extent of the canopy of each tree/tree group or hedge. The approved scheme shall be retained on site for the duration of the construction works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

10. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved 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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no extensions, external alterations, outbuildings (including garages, sheds, greenhouses, carports), fences, walls, gates, satellite dishes, flues for heating and cooking appliances, oil and lpg tanks, shall be carried out, erected or installed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and setting of the building.

12. This permission does not grant or imply consent for any demolition and rebuilding works, except as may be clearly marked on the approved plans. Any such works found to be necessary shall be first agreed in writing with the Local Planning Authority before any demolition takes place.

Reason: Permission has only been granted for a conversion of the existing building(s) and not for rebuilding works which would be contrary to planning policy.

13. Notwithstanding the details specified in the application documents, details of the access and driveway construction and dimensions and the number and surface treatment of car parking spaces shall be submitted to the Local Planning Authority for approval in writing. The driveway and parking spaces shall be constructed prior to the first occupation of the residential unit and thereafter be maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that adequate parking facilities are available to serve the development.

14. Any gates provided to close the proposed access shall be set back a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

15. 3 Schwegler 2F bat boxes shall be erected on the site prior to the first occupation of the building. The boxes shall be 4m or more above the ground and in non-illuminated areas as advised by a licensed ecologist.

Reason: To enhance the value of the site for bats.

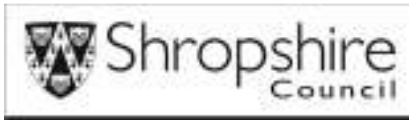
16. 5 artificial nests including 2 Schwegler woodcrete Swallow cups and 3 boxes for small birds such as Schwegler 1FB bid box, 2H robin box, Schwegler bird houses or sparrow terraces (or direct woodcrete equivalents of the above) shall be erected on the site prior to the first occupation of the building. Locations shall be as advised in the manufacturer's guidance or advice should be sought from an experienced ecologist.

Reason: To enhance the value of the site for nesting birds.

### ***Informatives***

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
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. 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.





Committee and date  
South Planning Committee  
8 September 2015

## Development Management Report

<b>Application Number:</b> 14/05323/FUL	<b>Parish:</b> Lydbury North
<b>Proposal:</b> Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement	
<b>Site Address:</b> Walcot Farm, Lydbury North, Shropshire, SY7 8AA	
<b>Applicant:</b> JW Evans & Son	
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

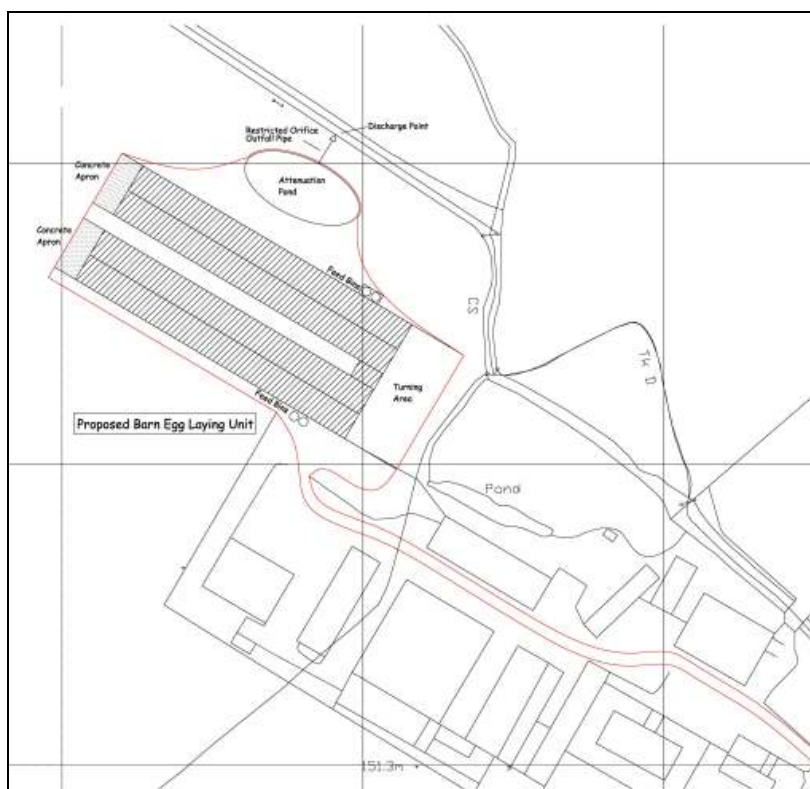


**Recommendation:- Approve subject to the conditions set out in Appendix 1 and subject to a legal agreement (Unilateral Undertaking) covering ecological mitigation**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The applicants JW Evans & Son are proposing to diversify their agricultural enterprise through the erection of a barn egg laying unit. This would extend to 35,000 birds, producing fertile eggs for hatching to supply the pullet rearing industry which produces replacement birds for free range egg units. The proposals involve erection of 2 poultry buildings with a linked egg packing and storage area, and will provide housing for 35,000 birds (32,000 hens and 3,000 cockerels). The proposed buildings will be of steel portal frame construction and clad in juniper green profile sheeting BS12B29.
- 1.2 The proposed buildings would be purpose built poultry barns, constructed of a steel portal frame with polyester coated box profile sheeting for the walls and roof. The external colour will be juniper green (13S12B29). The buildings would each measure 104m x 19m with an eaves height of 3m and a ridge height of 5.5m. There would be five ventilation flues 0.9m high protruding from the ridge crests.



- 1.3 Access to the public highway would be obtained using the existing farm road and highway access. The existing highway access would be upgraded. The proposal also includes hardstanding for parking and turning and 2 feed bins per building (5.87m high x 2.32m diameter).
- 1.4 The unit would operate on a 48 week production cycle, including a 4 week period for cleaning and preparation at the end of each cycle.

- 1.5 The inside of the building includes a scratch area and a plastic slatted dunging area. Nest boxes are situated centrally within the building adjacent to an egg collection conveyor. The nest boxes are angled towards the conveyor and the hens lay their eggs in the nest boxes. The eggs then roll onto the conveyor and are brought to the service area at the end of the building.
- 1.6 An automated chain-fed feeding system would be employed which operates every 2 hours between the hours of 6.00am and 9.00pm. Water supply is provided by nipple drinkers. The lighting within the building is on a time switch, providing the birds with 14 hours of daylight per day. Ventilation is provided by ridge chimneys and side inlet vents.
- 1.7 The design of the Unit incorporates a plastic slatted floor droppings pit, which has a proven history of creating no smell nuisance. As droppings build up through the flock cycle, they remain dry. A natural dry composting takes place and hence ammonia does not build up. The droppings pit is sufficient to accommodate the entire 48 week supply of manure. Hence, cleanout of the building only occurs once every year for 1 day within a 4 week cleanout and preparation period when the unit is dismantled internally and the detritus removed. This contrasts with more intensive poultry rearing operations where the cycles can be as short as 6 weeks.
- 1.8 The RSPCA specify maximum ammonia levels in houses and great care is taken to maintain a dry environment in the Unit and control ammonia levels. To ensure the droppings remain dry and friable water usage is monitored daily, allowing any system leaks to be detected and dealt with quickly. The design of the building is primarily functional for the housing requirements of poultry. The construction materials include the use of composite (insulated) panels for the walls and roof for heat retention. As such, heating is not required.



## 2.0 SITE LOCATION / DESCRIPTION

2.1 The proposed poultry unit has been sited on land to the north west of the main buildings complex at Walcott Farm, Lydbury North, within the Shropshire Hills AONB. The farm extends to 750 acres of owner occupied land, 500 of which is arable. Arable production includes the cropping of wheat, barley, oats and spring barley. The remaining 250 acres is predominantly grassland. Livestock currently consists of 100 suckler cows.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposals have been referred to the committee by the local Member and this decision has been ratified in accordance with the Council's Scheme of Delegation.

## 4.0 COMMUNITY REPRESENTATIONS

4.1 Lydbury North Parish Council: Objection. An industrial form of agriculture in an historic landscape. AONB – visible from everywhere as on floodplain. Concerns over pollution of groundwater etc. If approved would expect very careful monitoring. Work has already started on removal of hedgerow for access alteration.

4.2 Clunbury Parish Council (adjacent parish) objects because of the contradictory and inaccurate information in the application. There was an ad hoc change to the elevations, but there is still confusion regarding the "high velocity roof fans" - the Applicant insists these would be on the ends of the buildings, the plans show them on the ridges and

this would affect the potential noise levels in the surrounding area. Clunbury Parish Council would like to see this application go to Committee, when hopefully more complete and accurate information would be to hand.

4.3a. Natural England: (Initial comment 13/02/15). Objection.

- i. Internationally designated site: The application site is within the catchment of the River Clun, upstream of the River Clun Special Area of Conservation SAC, a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is also and also notified at a national level as part of the River Teme Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest (freshwater pearl mussels), Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.
- ii. Objection - Further information required: The consultation documents provided by your authority do not include information to demonstrate that the requirements of regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there may be a likely significant effect pathway through direct and indirect hydrological links via the River Kemp to the River Clun. This could manifest in several ways. These may include pollution events and increased sedimentation during construction. Dirty water from washing out the poultry sheds, we note reference in the design and access statement that this water will be stored in sealed tanks however no details about these tanks appear to have been provided. We note a proposed surface water attenuation pond, while this may prove a biodiversity benefit, the outflow to a watercourse which is linked to the River Clun SAC suggests that details of any treatment provided by this pond should be provided to your authority for consideration. As you will be aware, the Nutrient Management Plan for the River Clun catchment apportions the biggest sources of nutrients and sedimentation entering the River Clun system from agricultural runoff. We note that according to the design and access statement, poultry manure will be stored in field heaps and spread on land however no details as to whether these heaps will be covered or where and when spreading will occur has been provided. An assessment should be provided in relation to this poultry manure and its impacts on water quality. This assessment should also include the impacts of chemical deposition resulting from the poultry units acting in combination with manure spreading. We note that the applicant has submitted the simple ammonia screening tool but it provides no interpretation to enable your authority to assess the impacts on the River Clun. You should also assess the proposal in-combination with other plans or projects which may have a significant effect on the River Clun SAC. In addition, we note the design and access statement refers to the presumption in favour

of sustainable development underlined in the National Planning Policy Framework (NPPF) however, paragraph 119 of the NPPF clarifies that the presumption does not apply when development requiring appropriate assessment under the habitats directive is being considered planned or determined. Instead the precautionary principle under the habitats regulations applies and a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of a site i.e. there should be no reasonable scientific doubt (EC ruling 7/9/04).

- ii. SSSI – Objection: This application is in close proximity to a tributary of the River Teme Site of Special Scientific Interest (SSSI). Natural England objects to this development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which the River Teme SSSI has been notified. Our concerns are set out below. One of the features of interest of the River Teme are Freshwater Pearl Mussels located in the River Clun tributary of the Teme. Based on the information submitted we believe the proposed development has the potential to damage or destroy this interest feature as outlined above in our comments relating to the River Clun SAC which is notified solely for its population of Freshwater Pearl Mussel. In addition, the ammonia screening information is difficult to read in terms of effects of ammonia deposition on the Long Mynd SSSI. It would be useful if this could be clarified. Should the application change, or if the applicant submits further information relating to the impact of this proposal on these SSSIs aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate. If your Authority is minded to grant consent for this application contrary to the advice relating to the River Teme and Long Mynd SSSIs contained in this letter, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;
- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
  - Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.
- iii. Designated Landscapes: – Advise consultation with AONB partnership. Natural England has assessed this application. From the information available Natural England is unable to advise on the potential significance of impacts on the Shropshire Hills Area of Outstanding Natural Beauty (AONB). We therefore advise you to have regard to the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development further informed by clarification of the issues they raise in relation to the Landscape and Visual Impact Assessment should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise on whether the development accords with the aims and policies set out in the AONB management plan.
- iv. Other advice: We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
- local sites (biodiversity and geodiversity)
  - local landscape character

- local or national biodiversity priority habitats and species.  
Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).
- v. **Protected Species:** We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.
- vi. **Biodiversity enhancements:** This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- 4.3b. **Natural England:** (17/03/15, responding to further information). Objection maintained.
- i. **Internationally designated site:** The application site is within the catchment of the River Clun, upstream of the River Clun Special Area of Conservation SAC, a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). In considering the European site interest (freshwater pearl mussels), Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

- ii. Habitats Regulations Assessment Required: In our previous response (our ref 143268) we recommended a Habitats Regulations Assessment (HRA) be undertaken in order to satisfy the requirements of Regulations 61 and 62 of the Habitats Regulations. However, based on the information provided to us this has not yet been undertaken. As such we reiterate our previous comments and will make further substantive comments when your authority provides us with this assessment.

*Note: Additional ecological information has since been provided on ecological mitigation and is set out in Appendix 3. Natural England has been formally consulted on the Council's Habitat Risk Assessment and a response is due before committee.*

4.4 Environment Agency: No objection. The proposals fall under the threshold of 40,000 birds and, as such, will not be regulated by the Environment Agency under the Environmental Permitting Regulations (EPR) 2010. On that basis the Environment Agency would not have any substantive comments to offer. It is noted that you have stated the reason for consultation is flood risk and proximity to a main river. However, in this instance, the proposed buildings are located outside of Flood Zone 3 (high risk) and greater than 8 metres from the watercourse. In light of the above it is recommended that you seek the views of your Flood and Water Management and Environmental Health teams respectively.

4.5 AONB Partnership: Objection: The development would introduce some major industrial scale buildings into a high quality area of landscape, within the AONB and very close to a Registered Parkland. It also has the potential adversely to affect the River Clun, and assessment of a number of factors in the application documents is not adequate. Our detailed comments are set out below.

- i. Landscape: The proposed development sits in a lowland setting in the Kemp Valley. The proposed mitigation measures detailed in the Landscape and Visual Impact Assessment (LVIA) may lessen the impact at field level and roadside, but we are concerned that it may not be sufficient to screen the development from the surrounding hills of the Shropshire Hills AONB. The Landscape Assessment part of the LVIA draws on the Shropshire Landscape Typology as baseline information, and includes many photographs with description. It does not however make any reference to the Shropshire Hills AONB or identify landscape receptors (as distinct from visual receptors), and nor does it assess thoroughly and transparently the potential effects of the development on receptors and the way conclusions regarding significance of impact are reached. We believe the LVIA is not compliant with the nationally accepted guidance on LVIA in this and other respects. The National Planning Policy Framework is quite clear that general policies within the Framework supporting particular types of development activity do not over-ride the location-specific policies protecting AONBs. Indeed the very first policy paragraph within NPPF, Para 14 on the 'golden thread' of sustainable development, highlights through footnote 9 AONBs as an exception to a presumption in favour of development, as one of a few types of special area where "specific policies in this Framework indicate development should be restricted." The specific policy in Para 115 of the Framework states:

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are Working together to conserve and



sustain the landscape important considerations in all these areas, and should be given great weight in National Parks and the Broads. The buildings in this application would cover nearly 4,000 sq m and represents a significant increase of the farmstead footprint. This is therefore clearly a 'major development' under the definition of the Town and Country Planning (Development Management Procedure) (England) Order 2010, and so para 116 of NPPF also applies:

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated (emphasis added)

We consider the application cannot be granted permission in its current form, as the requirements of NPPF para 116 have not been acknowledged and tests within it have not been demonstrably met.

- ii. Visual impact: The LVIA does not define or map any zones of visibility of the development, and the definition of visual receptors seems inadequate, especially regarding the exclusion of Walcot Hall. A clear and transparent assessment of the significance of visual impacts on the receptors is not provided in the LVIA, as recommended in the Guidance.
- iii. Historic Landscape: The proposed development is to be located only approximately 60 metres from the Grade II Registered Park and Garden of Walcot Park. This parkland is of special historic interest in England and thus to be of national importance and an important feature within the AONB. Other than passing reference in the "Archaeological Desk Based Assessment" there is no assessment of impact on the Registered Park itself (the key historic feature). We consider the development would have a considerable negative impact and is inappropriate in the setting of this parkland. The specific policy in Para 129 of the National Planning Policy Framework (NPPF) states:  
129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Also Planning Policy Statement 5 is still applicable, and states:  
Registration is a 'material consideration' in the planning process. Planning for the Historic Environment means that planning authorities must consider the impact of any proposed development on the landscapes' special character.  
Shropshire Council's SAMDev Policy MD13: The Historic Environment states:  
In accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be conserved, sympathetically enhanced and restored by:  
'Ensuring that proposals which are likely to either directly or indirectly affect the significance of a heritage asset, including its setting, are accompanied by a Heritage Assessment'. The Archaeological Assessment submitted mentions the Registered Park

but only assesses the connected potential for finding archaeology on the application site. It does not actually assess the effects of the development on the heritage asset of the Registered Park, and we consider the application therefore does not comply with this policy of NPPF para 129 above.

- iv. Biodiversity: The River Kemp is major tributary of the River Clun and is thus upstream from the River Clun Special Area of Conservation (SAC) and the River Teme Site of Special Scientific Interest (SSSI). The River Clun is designated as a SAC for its freshwater pearl mussel interest; it is of international significance and is one of only three rivers in England so designated. The proposed development is located adjacent to the River Kemp - a watercourse failing to achieve "Good Ecological Status" as required by the EU Water Framework Directive (WFD). Furthermore, Natural England considers the River Clun SAC to be in 'Unfavourable Condition' and therefore failing to meet its statutory target. The qualifying feature for the River Clun SAC is the freshwater pearl mussel, and the International Union for Conservation of Nature (IUCN) identifies the freshwater pearl mussel as a 'Critically Endangered' 'Red List' species. In this context, the River Clun pearl mussel population represents a unique genetic resource requiring special measures to ensure its future survival. Over recent years the River Clun has been subject to extensive studies, and understanding of the situation relating to pearl mussels and the processes contributing their decline (and that of the River Clun SAC) has improved greatly in recent years. These studies have established that the mussels are now in critical decline and unlikely to survive unless the pressures contributing to the deterioration of the SAC are reversed. Studies include the River Clun SAC Nutrient Management Plan (NMP). This recent research considers the main reason for decline to be intensification of land management practices, particularly those that lead to elevated levels of nutrients, sediment and pesticides. We do not consider the information supplied to be adequate to cover relevant concerns regarding impact on the water environment, and have concerns that the applicant has not sufficiently addressed the issues clearly articulated in the aforementioned studies. The application makes no reference to the fact the site is situated upstream of the River Clun SAC, or to the River Clun Nutrient Management Plan which defines challenging catchment-wide targets for phosphates, nitrates and sediment. It is important that the applicant clarifies what measures will be put in place to ensure that the targets set in the NMP and for the River Clun SAC are met both during development and operational phases. Specifically, we are concerned that the reference to a 'ditch' adjacent to the proposed development downplays its significance as a watercourse. This watercourse is in fact the River Kemp and is mapped as 'Main River' by the Environment Agency and therefore a key receptor and pathway to the River Clun SAC. Due to the connectivity of the proposed development to the Clun SAC it should be recognised that any water resources impact has the potential to be severe. The applicant's Surface Water Management Plan indicates an intention to divert surface flows to the River Kemp via an attenuation pond. There is no assessment of the attenuation pond in relation to its ability to remove pollutants before it discharges to the River Kemp, and this should be clarified in relation to the River Clun NMP. Allied to the above, the application makes no reference to management of essential poultry shed disinfection and washing during operation. It is not clear whether washings are to be disposed of via the attenuation pond or by other means. Again this should be clarified. Furthermore, it is unclear how the poultry waste will be disposed of. If disposed of locally (or elsewhere in the catchment) there is potential for increased N and P load of the River Clun. The application makes no reference to this eventuality. Mitigation measure should be defined to ensure River Clun NMP targets are safeguarded.

- v. Significant financial resources have been directed at the River Clun to help meet statutory targets, and the AONB Partnership has been closely involved with project work on the river for some years. This development is of concern and should it go ahead without the necessary safeguards it would put in jeopardy the conservation objectives set for returning the River Clun SAC to favourable condition. The following policies apply regarding biodiversity and the natural environment and support the need for more detailed consideration of these matters:

Policy MD12 Natural Environment: 4.115 Policy MD12 sets out in detail the level of protection offered to Shropshire's natural assets. Internationally and nationally important sites of wildlife conservation and geological interest as well as legally protected habitats and species will be afforded the highest level of protection in line with the relevant legislation and policy. Development proposals affecting or involving the following will be assessed in accordance with the relevant legislation and national policy; European and nationally designated wildlife sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar and Sites of Special Scientific Interest (SSSIs) and all candidate designations; Shropshire Council SAMDev Policy MD12: The Natural Environment states: In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:

- i. the special qualities of the Shropshire Hills AONB;
- ii. locally designated biodiversity and geological sites;
- iii. priority species;
- iv. priority habitats;
- v. important woodlands, trees and hedges;
- vi. ecological networks;
- vii. geological assets;
- viii. visual amenity;
- ix. landscape character and local distinctiveness

- 4.6 National Trust: Objection: National Trust is interested in this application because of its possible effects on property in our protective ownership at Walcot Wood. I have attached a copy of that email as it has not appeared on the council's online file for this application. The national significance of the lichens at Walcot Wood was outlined in my email but I should add that two of the species at Walcot Wood (*Caloplaca lucifuga* and *Bacidia circumspecta*) are listed as species of principal importance for nature conservation in England under s41 of the Natural Environment and Rural Communities Act 2006. While *Arthonia byssacea* is not identified under section 41, Walcot is its only known location in the UK. It is considered rare everywhere and listed as vulnerable or endangered in other countries. Additional information submitted by the applicant in February proposes a site about 200m from our nearest lichen-supporting veteran tree for storing manure when removed from the building. Manure storage in this location would add to the potential impact of ammonia emissions from the proposed development on the lichens at Walcot. Policy CS17 of the adopted Shropshire Core Strategy states: Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development:

- Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors;
- Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge

Paragraph 7.6 of the Core Strategy notes, "Locally designated Wildlife Sites, habitats and species of principal importance (NERC Act 2006, section 41 list) are also key environmental assets." In the National Planning Policy Framework, the government states that pursuing sustainable development involves seeking positive improvements including by moving from a net loss of bio-diversity to achieving net gains for nature. (NPPF paragraph 9). In addition, paragraph 8-007 of the National Planning Practice Guidance notes that section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Based on the information supplied, we consider that the development proposed would have a harmful effect on the nationally important lichens at Walcot Wood and that this would be contrary to policy CS17 of the adopted Shropshire Core Strategy and the government's objective of achieving net gains in bio-diversity. We therefore object to the proposed development. We are aware of the objections by the Shropshire Hills AONB Partnership and Shropshire Parks and Gardens Trust. Although our interests in this application are different because we are focusing on land in our ownership that does not have a line of sight relationship with the application site, we fully endorse the objections raised by both organisations.

- 4.7 Shropshire Parks & Gardens Trust: Objection: We note that the proposed development site lies immediately adjacent to the boundary of Walcot Park, which is included at Grade II on the English Heritage Register of Park & Gardens of Special Historic Interest in England. The National Heritage List entry clearly indicates that the Registered park boundary to Walcot park includes the southern half of the field in which the proposed development is located. Historically, the park was much larger than this, while what is now referred to as Walcot Farm is identified within the then parkland shown on the OS 1st Edition 6" plan (Shropshire Sheet LXIII.SW 1883) as 'The Dairy'. Notwithstanding recent additions to the west, the core of this building complex remains largely unaltered since that time. Cedars within parkland to the west and a footpath then leading to The Dairy from the nearby Walcot Hall confirms that it was an integral feature in the landscape and this is confirmed by a 'ha-ha' (a sunken wall, allowing views across it) on its southern side. A similar 'ha-ha' to the south and east of Walcot Hall, facing 'The Dairy' confirms that it was intended to be seen from the Hall as a feature in the landscape. The designed landscape at Walcot and especially the gardens around the Hall date to at least the 17th century, while the parkland is of especial note for having been laid out around 1774 by the landscaper William Emes, who was described by Dr. Paul Stamper in his *Historic Parks & Gardens of Shropshire* (1996) as 'probably the leading later-18th century landscape architect'. The lakes at Walcot in particular are characteristic of his style and recall the great meandering lake at Hawkstone (also in Shropshire, Registered Grade I). Walcot is additionally noteworthy as having once been associated with nearby Powis Castle and with Lord Clive (also known as 'Clive of India'). It is clear from the above therefore that the proposed development will have a substantial negative impact upon not only the setting

of the Registered Park & Garden at Walcot, but also directly upon the fabric of the historic park itself. Given the above, it is clear that the proposed development is likely also to impact detrimentally upon the setting of the Grade II\* Listed Walcot Hall, and potentially on the setting of a number of other Listed buildings, including the Grade II\* Listed Garden House, and 8 other Grade II Listed buildings within the site. It may also have a negative visual impact upon the setting of the nearby Scheduled Ancient Monument at Lower Down Farm, some 2km to the west. Notwithstanding the complex of designated heritage assets within the immediate environs of the proposed development, no attempt appears to have been made within the application to assess its impact upon these, as required by the National Planning Policy Framework. Even if one were undertaken, it is difficult to see how it could reach a conclusion other than that expressed above. The 'Landscape and Visual Impact Assessment' submitted as part of the application, is cursory at best and simply does not do justice to the sensitive landscape environment within which it is proposed to site the structures described within the application. We urge you therefore to reject this application as it currently stands.

Internal consultations:

4.8 SC Highways: No objections (verbal communication).

4.9i. S.C.Ecology: No objections subject to the inclusion of conditions and informative notes on any permission. Natural England must be formally consulted on this application and their comments taken into consideration prior to a planning decision being made. The proposed application is for 35,000 chickens (32,000 hens and 3,000 cockerels). The house would be ventilated by high speed ridge mounted fans, each with a short chimney.

ii. Designated Sites (LWS & SSSI): The SCAIL modelling provided by Ian Pick indicates that the proposed application is reasonably unlikely to have a negative impact on SSSI's within 5km of the proposed poultry site. The SSSI has screened out below the critical load threshold which has been set by the Environment Agency & Natural England, please see table below;

Designated Site SSSI	% Critical Load
Flat Coppice	9
Hillend Quarry	8
Long Mynd	9
Coston Farm Quarry	7
Clunton Coppice	9

iii. Detailed modelling has been prepared by Steve Smith highlighting any potential impact that the proposed development may have on Locally Designated Sites within 2km of the proposed poultry unit. Critical Level for a site which is designated for lichen or bryophyte interest is 1  $\mu\text{g-NH}^3/\text{m}^3$  as an annual mean. 4 Local site/Ancient woodlands have been modelled relating to their impacts from ammonia. 17 receptor sites have been modelled over these 4 sites. Walcot Wood LWS has substantial lichen interest present including species that are nationally and internationally rare as well as being susceptible to "increased atmospheric nitrogen and ammonia, derived from intensive agriculture". Steve Smith has produced Ammonia Modelling for this application and the impact on Walcot Wood LWS screens out below the critical level threshold as agreed

to have an insignificant impact by Natural England & Environment Agency. One of the 17 receptors, receptor number 1, is over the critical load & critical level threshold for ammonia (>50%). This indicated that a small part of Walcot Pool LWS, approximately 0.5 ha at the southern tip of the site, may be negatively affected by the proposed development. The modelling has been based on a Critical Level of 1.0  $\mu\text{g-NH}_3/\text{m}^3$ . Shropshire Wildlife Trust has confirmed that Walcot LWS is designated for its ornithological interests therefore, as stated in Steve Smith's report the higher Critical Level of 3.0  $\mu\text{g}/\text{m}^3$  may be more appropriate for modelling this site and there would be no exceedance of 50% of the Critical Level. SC Ecology concludes that the information provided in support of this application indicates that the new poultry units will not have a likely significant effect on LWS/AW in 2km and SSSI in 5km.

- iv. Great Crested Newts: A small, recently dug, ditch that only holds farmyard water occasionally in times of heavy rainfall would be lost to the development. This is not considered to be of any ecological significance, with no aquatic vegetation and poor suspected water quality. There are ponds within 100m of the site. The ecological report states that the ponds are not suitable to support breeding great crested newts (i.e. polluted, no aquatic vegetation, isolated etc.). Ecological enhancement includes the creation of a new attenuation pond to receive surface water from the site, this has potential to offer a net gain for biodiversity and should be created in accordance with an ecological management plan. GCN informatives are provided.
- v. Dirty Water: At the end of each cycle the building will be cleaned and the manure removed. During the cleanout process the apron is drained into the dirty water containment tank which will be constructed to appropriate standards. Attenuation pond and drainage conditions proposed by SC Drainage will ensure that run-off from the site will not contaminate any existing watercourse. Manure will be stored in covered field heaps and will be used on the farm, replacing the need for imported manure. A silt fence will be constructed adjacent to the watercourse prior to construction. The silt fence will remain until the re-seeding of the site following construction has been undertaken.
- vi. Badger: No evidence of badger was recorded. An informative is recommended.
- vii. Nesting Birds: The site has the potential to support nesting birds and the proposal has the opportunity to enhance the site. A condition and informative are recommended.
- viii. Bats: The site has the potential to support commuting and foraging bats. Conditions are recommended.
- ix. Habitat Regulations Assessment – River Clun SAC: Detailed Modelling of dispersion and deposition of ammonia in relation to the River Clun SAC has been provided by the applicant in a report conducted by Steve Smith, April 2015. The modelling has predicted the annual mean nitrogen deposition rate summed over a 3 km x 3 km (900 hectares) modelling domain. The total predicted average nitrogen deposition over the 3 km x 3 km modelling domain is 601.2 kg/y. Predicted annual mean nitrogen deposition rates from the existing agricultural use of the land and the proposed poultry scenario have been summed over the modelling domain. Deposition to land over the parts of the River Clun catchment area outside the modelling domain is likely to be insignificant. Nitrogen application rates to arable land may be as high as 220 kg/ha/y. The proposal will add a significant amount of deposition of ammonia (601.2kg/y over 900 hectares modelling domain or 0.67kg/ha/y) however the applicant has agreed to enter into a

unilateral undertaking (legal agreement) which will revert 6 hectares of agricultural land into arable reversion (as shown on plan Arable Reversion Plan April 2015). Therefore, based on current agricultural practices, removing 6 hectares from fertiliser application may lead to 1320 kg/y of nitrogen being removed from the pool of nitrogen that could potentially reach the river system. This would offset the additional 601.2kg/y over the modelling domain by a reduction of 718.8kg/y. SC Ecology has attached a Habitat Regulations Assessment Memo to these comments.

- x. Landscape: In order to further protect designated sites within close proximity to the site SC Ecology would recommend that a mixed woodland shelter belt is planted and retained for the lifetime of the development along the LWS boundary. This should be shown on a landscape plan. Conditions are recommended.
  - xi. Site Location: Development that results in the loss or degradation of ancient woodland or PAWS would not normally be supported and would be considered contrary to the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17 and to the principles of sustainable development. SC Ecology has provided conditions and informatives which will aid in the protection of designated sites and would recommend that these are enforced.
- 4.10 S.C.Drainage: No objection in principle. The drainage details, plan and calculations could be conditioned if planning permission were to be granted. Part of the surface water drainage proposals are outside of the red line development area. The development area should be extended to include all of the proposed drainage proposals, to ensure all of the proposals have been identified. Conditions and informatives are recommended.
- 4.11 SC Archeology (Historic Environment): Further information is recommended:  
The proposed development is located immediately adjacent to and partly within the Grade II registered Walcot Park (National Ref: 1001321) Gardens, arboretum and deer park, associated with a country house rebuilt in 1764 for Lord Clive of India. The park contains the Grade II\* listed Walcot Hall. Tithe map evidence suggests that water meadows were once located in the immediate surroundings. The application is supported by an Archaeological Desk Based Assessment with walk over survey (Border Archaeology Ref: BA1457FLN) and a Landscape and Visual Assessment (Ian Pick Associates Ltd). Advice given for a pre-application enquiry recommended that a full Heritage Assessment should be undertaken comprising initially, of an archaeological desk based assessment and walkover survey of the site to include all heritage assets that may be directly affected by the development and addressing any issues of setting of heritage assets that may arise. Neither supporting documents addresses any setting issues that might arise in regard to any designated or non-designated heritage assets. The conservation officer has commented separately on these shortcomings. The archaeological desk based assessment concludes, in respect of direct impact on archaeological remains, that there is a low to moderate potential for encountering evidence of prehistoric occupation (based largely on known remains in the surrounding area) and a moderate potential for post-medieval archaeological remains particularly in respect to water management features associated with the creation of water meadows. I concur with both these conclusions. The National Planning Policy Framework (NPPF) Section 128 states: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of

detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. I would recommend that additional detail should be provided that assesses the potential impact the proposals would have on the setting of designated and non-designated heritage assets in the surrounding area. This would enable a more informed response to be made to this application. Additionally and in view of the above and in line with the National Planning Policy Framework (NPPF), I would recommend that a programme of archaeological work be made a condition of the planning permission for the proposed development. An appropriate condition of any such consent would be:

- 4.12 SC Conservation (Historic Environment): Proposals include the erection of 2no poultry buildings each 104m x 19m and constructed from a steel portal frame with polyester coated box profile sheeting for the walls and roof ' in juniper green. A site visit was undertaken in September 2014, where the site was considered specifically with regards to the Historic Environment from Walcott Hall ' a grade II\* listed building. It was evident from the visit that the farm and land where the sheds are proposed are screened from the Hall by the trees surrounding Walcot Pool and as such there will be no detrimental impact on the setting of the listed Hall. It is however suggested that further information is submitted with this application which demonstrates this ' especially as English Heritage are consulted and will require this level of detail. Also if this proposal is supported conditions should be applied to ensure landscaping, especially with regards to potential future views across to the Hall. Developments of this type have the potential to have an adverse impact on the landscape character of the area. However, this is not something which the Historic Environment Team can advise on. We would therefore recommend that Development Management properly consider the impact and/or obtain advice from a landscape professional.
- 4.13 SC Trees: No objection: From a tree perspective there are no significant constraints. The application indicates the removal of a large section of hedgerow to provide an improved visibility splay but offers no proposal for mitigation for the loss of that hedgerow. A section of the hedgerow has already been removed, a matter that is under investigation as a breach of the 1997 Hedgerows regulations, the applicant has indicated verbally that the section of hedgerow removed will be replaced at the margin of the visibility splay but at this time the Tree Service is waiting for written confirmation of this before we close the investigation. The Tree Service is not in a position to comment on the broader impacts of the proposal on landscape and landscape character, but we are qualified to comment on the details of the planting proposals and landscape plan. The Landscape Plan dated December 2014 carries a rudimentary planting schedule but indicates that planting will be completed during the 2013 ' 14 planting season obviously this is not possible and needs to be revised subject to determination of the application. The Landscape Maintenance and Management proposals offered in the Landscape & Visual Assessment offer indicative maintenance and management proposals but no formal free standing planning schedule and management plan has been provided. The NPPF & Shropshire Cores Strategy place a high value on sustainable development and raises the aspiration that sustainable development should protect, restore and enhances the Natural Environment this is supported by the AONB Management Plan. In order to be sure of best results, monitoring and if necessary enforcement for landscape proposals the details for landscape mitigation and improvement need to be presented comprehensively and unambiguously in one relevant and up to date landscape plan and proposal including both



the visibility splay mitigation and details for screening around the main development site.

Public representations:

4.14 The application has been advertised in accordance with relevant provisions and the nearest properties have been individually notified. Representations have been received from 16 local residents, 15 objecting and 1 neutral. The comments can be summarised as follows:

4.15 Objectors:

- i. Odour: The likelihood of there being a strong smell of ammonia from the facility which will affect residents in Kempton. As neighbours, we are not convinced that unpleasant odours will occur only once a year. Chicken manure disposed of on fields will cause obnoxious odours on a regular basis, and we already have frequent unpleasant smells from the large poultry shed installation at Brunslow. If the manure is spread on fields which flood, there is additional concern about pollution.
- ii. Pollution: The danger posed to the river Kemp of large amounts of waste being deposited around the area. We are very concerned about the possibility of water contamination. Fields close to our property flood regularly on both sides of the B4389. The stream on the boundary of our property is full at times of high rainfall. We would like to see further assessment of the risks of pollution of the streams and flood plain, and a more sensible assessment of the effects of climate change in this valley. We refer to the South Shropshire Green party submission that with regard to flooding and rainfall, an additional 25% allowance from an unknown baseline to accommodate climate change needs further assessment.
- iii. Traffic: The increase in traffic on the B4385 with attendant noise and added difficulty for residents accessing from Kempton, where visibility is poor. The B4385 has no speed restrictions, with poor visibility of traffic coming from Kempton, because of an incline. For large vehicles leaving the site the turn onto the B4385 in any direction is dangerous. Access through Kempton village would be inappropriate. At the very least if this development goes ahead steps should be taken to impose a speed limit for all traffic. The B4385 is popular with cyclists and motor cyclists. It has to be crossed by pedestrians at the entrance to Walcot farm to access the public footpath between Kempton and Lydbury North. Indeed, until a permissive way is granted, walkers from Lydbury North have no alternative but to walk on the B4385, which has no pavements or walkable verges, for a stretch approaching Kempton. This footpath is used by D of E groups from all over Shropshire. Additional heavy traffic is not good news. The 4 properties comprising Walcot Avenue are family homes. The road speed with the current traffic flow is highly dangerous for children. We have some concerns regarding very slow turning vehicles from the road into and from Walcot Farm. It is at times a very fast road with little regard from motorists of speed limits. With water prone to lie on the surface stopping distances on what is a blind spot could cause a very dangerous accident. We note that part of the established hedgerow has already been removed adjacent to one of the lodge houses but also part of the adjacent farm land. The visibility improvement does little to stop the speed of passing traffic. If the proposal is accepted we would favour some means of reducing speed limits on this road to avoid what could be a very serious accident.

- iv. Questioning benefits: This would only create one additional job in the area.
- v. Visual impact: This is an industrial site in a rural setting. It could equally well be located in, or on the edge of, an urban area. Its direct connections to local agriculture are limited. Is this location appropriate? 'Juniper Green' may be an appropriate colour, but its use for the cladding as well as the roof will make for a very big and uniform block of colour. The colour needs to be broken up. And what about the colouring of the feed silos, will they be suitably coloured? There is no consideration given to the footpath from Kempton to Short Wood from which the buildings will be seen. This development is out of character in the AONB and unhelpful for local tourism. The proposed development is in effect a factory, which will be visible from many view points, and is markedly out of character amongst a landscape which is predominantly arable and grass farmland within the South Shropshire Hills Area of Outstanding Natural Beauty. The site in question is situated in one of the finest landscape parks in Shropshire, as mentioned in Paul Stamper's Historic Parks & Gardens of Shropshire, 1996.
- vi. Heritage: I can't get onto the English Heritage web site to confirm the status of Walcot Park but I would guess that it is on their Register of Parks and Gardens. It may be that this unit is outside the designated area but it will be very close to it and visible from it. Whilst the Archaeological Report mentions the contribution of 'the noted landscape gardener William Emes' to the design of the Park it makes no attempt to evaluate the impact of this development on the designed landscape. It can only be negative.
- vii. Ecology: The calculations of atmospheric impact are stated to fall under the screening thresholds for significant effects on Special Areas of Conservation and Sites of Special Scientific Interest. But there will be effects and they won't be positive. I believe that this will be the third poultry unit in the local area (the others being at Brockton and Brunslow) and I am told that yet more are in the pipeline. This application should not be considered in isolation. Who is looking at cumulative atmospheric impacts? The planting scheme is labelled as 'to be undertaken in the 2013/14 planting season'. Has it been undertaken? It is described as being of 'native trees'. This is good in principle, however Wild Service Tree is not native here and Hornbeam and Small-leaved Lime are questionable too. The County Ecologist should be asked to comment. The maintenance commitments look good for the first 5 years but Grey Squirrels particularly like stripping the bark of Field Maple, Oak and Hornbeam once they reach 10 years of age and it is very probable that they will ravage the trees, leaving them stunted and not achieving the desired screening effect. The trees will remain vulnerable until they are 40 years old. The applicants need to commit to a maintenance plan which runs for this time period. It does nothing to enhance biodiversity and threatens endangered and vulnerable species. The Ecological Report submitted with this Application omits, for whatever reason, a number of key observations. These being that within three kilometres of the proposed development are designated wildlife sites at the Walcot Hall Lakes; plus breeding populations of great crested newts; breeding populations of toads; breeding populations of Marsh Tits, Red Kites and Barn Owls, and one of south Shropshire's two pairs of breeding Lapwings. This valley represents an important refugia for many rare and vulnerable i.e. likely to become extinct species. Their presence here is proof of the current quality of the habitat available to them and they will be sensitive to changes, whether of terrestrial or aquatic habitats, or in the case of amphibians, both.

- viii. Drainage / flooding: The site is outside the Flood Zone, but it could hardly be any closer to it. Would we risk building houses on this site? I doubt it, and if not, should we be taking the risk of building this unit with the attendant pollution risks downstream, including to the Rivers Clun and Teme Site of Special Scientific Interest?
- ix. Animal welfare: As Green Party members we are in agreement with the South Shropshire Green Party's objections to this development. We would like to see lower intensity, higher welfare farming throughout Europe. It is in everyone's interests to seek higher standards of welfare in food production. We do not enjoy knowing that poultry are living nearby, in high density and without natural light or freedom to roam. We worry that we will be surrounded by them in time.
- x. Tourism: Many neighbouring properties run established businesses based on rural tourism. Their businesses are key to the economy and the community in this area. I believe this Application, if approved, has the potential to harm these businesses and our community by constituting inappropriate development, and may lead to a net loss rather than gain for employment in this area.
- xi. Health: Most instances of avian flu, as seen most recently in outbreaks in the Netherlands and Yorkshire, are associated with intensive poultry units. I am aware that the proposal is for a 'closed' unit, as I believe the units mentioned in the outbreaks above were too. If there were to be an outbreak of avian flu that 'got out' it could have lethal consequences for the rare bird populations in this area, which as mentioned above, are special in themselves, as well as a powerful aspect of this valley's attraction for rural tourism. Also alarming is the potential for an avian flu outbreak to cross-infect humans and I note that there is planned to be a full-time employee who will have ongoing exposure to 35,000 immune-compromised (see below) chickens. According to a Pew Commission report (2008) factory farm workers are at key risk for zoonotic infection as a result of their 'routine and intensive exposure' to animals in such units. Farm workers in this situation can inadvertently act as a 'bridge population' that can transfer infections from animals to the wider public.
- xii. Other: The number of birds, 35,000, would appear to be deliberately set below the threshold of 40,000 birds at which it would be regulated by the Environment Agency. This raises suspicions. Would any future application taking the combined total above 40,000 be regulated by the EA, or would it be treated as a separate application thereby by-passing regulation? The total area is 3,988 square metres. Would different regulations apply if it exceeded 4,000 square metres? The plans are not clear regarding roof vents, the electrical supply, lighting and noise levels, so the degree of nuisance to us as neighbours is not available, and should be.
- 4.16 The Kemp Valley Group: As chair of The Kemp Valley Group I object to this application as it is against our groups objective 'to maintain the Kemp Valley as a rural and agricultural area, safe from pollution and inappropriate development which can or possibly can be harmful to residents, and the natural environment'. We have had a number of these poultry units built over the past few years, all within close proximity with little thought to the cumulative impact on the biodiversity of the area. Each application is viewed on its individual merits, but due thought should be given to them as a whole. The woodlands of Bury Ditches, Walcot woods and the River Kemp are now surrounded by these units. This application is extremely close to the River Kemp, which floods on a regular basis, and flows into the River Clun with its protected

freshwater mussel beds. The River Kemp and the lakes at Walcot are habitat for otters, who are now far more regularly seen along its banks, the river also supports dippers, kingfishers, plus increasing amounts of trout and pike. The Kemp Valley is in an Area of Outstanding Natural Beauty, and I would hope any concerns raised by them are given full consideration. Shropshire is a farming community but it also has a thriving tourism industry reliant on the beauty and non-industrial nature of our south shropshire hills. A unit such as this would be detrimental to that landscape. Due consideration should also be given to the road network which serves Walcot Farm, the B4385 is a small road and narrow in parts. The development would adversely affect highway safety or the convenience of road users. In conclusion this is the wrong location, on the wrong site for the wrong type of farming

- 4.17 South Shropshire Green Party: Objection. The South Shropshire Green Party is committed to the prohibition all mass or caged rearing of poultry, and to transition to small free-range units. We support the highest levels of animal welfare in farming and believe that the ‘Five Freedoms’ listed in the Animal Welfare Act should be applied to all farm animals, including poultry. We therefore have a fundamental prior objection to this proposal. These are our specific objections to this development:
- i. An industrial scale egg production unit is out of character in arable and grass farmland within an AONB and adjacent to a landscape park. The native trees are deciduous and inappropriate for screening, and coniferous trees are out of character in this valley.
  - ii. A number of neighbouring properties run established businesses based on rural tourism, important to the economy of the area. This development is just one too many large scale poultry units for the tourist economy to absorb without loss. This beautiful landscape and the rare species it supports attract visitors.
  - iii. The designated wildlife sites at Walcot Hall Lakes are within 3 kilometres. Great crested newts, toads, marsh tits, red kites and barn owls breed in the surrounding area and one pair of lapwings. All of these species are vulnerable to change.
  - iv. Intensive barn production of eggs is, sadly, legal, although the high density stocking and absence of natural daylight and free movement severely restrict natural behaviours. The chickens are highly vulnerable to stress and maladjustment. We note Hilary Wendt’s comments on stress in relation to the physical well-being of poultry and the associated risks to animals and humans. These should be considered in relation to the number of poultry sheds already established within this area.
  - v. This development would be positioned on a flood plain above the Clun Valley aquifer. This seems likely to lead to a potential for nitrogen enrichment via runoff into the Kemp River. The flood plain around Walcot Farm can reach the proportions of a lake for some weeks and swans have been seen swimming on the ‘field’ close to the B4385. There is potential for pollution of the River Kemp which flows directly into the River Clun. There has been inadequate assessment of the effects of this application on pollution levels in these rivers and their contributory streams.
  - vi. The plans are not clear regarding roof vents, the electrical supply, lighting and noise levels, so the degree of nuisance to neighbours cannot be judged.

- vii. The submission acknowledges unpleasant odours for one day a year. As manure remains on site and is placed on nearby fields there will also be obnoxious odours on a regular basis. The area is already subject to frequent unpleasant odours from the large poultry shed installation at Brunslow.
- viii. The B4385 has no speed restrictions, with poor visibility of traffic coming from Kempton, because of an incline. For large vehicles leaving the site the turn onto the B4385 is dangerous. Access through Kempton village would be inappropriate.
- ix. With regard to flooding and rainfall, an additional 25% allowance from an unknown baseline is made to accommodate climate change in this application. This needs stringent assessment. Even if based on the most recent statistics, it may not be a sufficient allowance.
- x. Site notices were not displayed at the correct time and for the correct period. This disadvantages the community.

## 5.0 THE MAIN ISSUES

- Policy context and justification for the development;
- Environmental effects of the development (odour, noise, traffic, drainage, pollution, visual impact, heritage and ecology).

## 6.0 OFFICER APPRAISAL

### Policy context:

- 6.1 National Policy: The National Planning Policy Framework (“NPPF”) advises that the purpose of the planning system is to contribute to achieving sustainable development (para 6) and establishes a presumption in favour of sustainable development (para 14). This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth (para 18). There are three dimensions to sustainable development: an economic role, a social role and an environmental role (para 7). Significant weight should be placed on the need to support economic growth through the planning system (para 19). Paragraph 28 states that “planning policies should support economic growth in rural areas in order to create jobs and prosperity...”.
- 6.2 The applicant considers that the proposals comply with the 3 dimensions of sustainability. It performs an economic role because it involves investment in an existing business which supports local rural jobs (NPPF Para 18, 19, 28). The development performs a social role because the jobs and investment would help to support the local economy and hence the rural community. The applicant also considers that the development also performs an environmental role because it is an environmentally efficient system of farming which would protect the local environment (NPPF Section 7, 11, para 118). The applicant also considers that there would be no significant adverse effects on health and quality of life due to the separation distance between the site and places where people live.
- 6.3 The application site is however located within the Shropshire Hills AONB where additional safeguards apply. Paragraph 115 advises that ‘great weight should be given

to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads'. Paragraph 116 advises that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 6.4 The proposed egg unit is less intensive than a normal poultry unit which can typically accommodate up to 10x as many birds. However, the application is still classed as 'major development', hence the above tests apply. In terms of the first test it is considered that there is a need / justification for the development. This is linked to the future stability and profitability of the farm business as a local employer and an investor in local goods and services. It also relates to the ability to support local food sources, given that the supply of fertile eggs is essential for broiler production. This is supported by Core Strategy Policy CS13 and the importance of chicken as a cheap and traceable source of protein is recognised nationally.
- 6.5 With regard to the second test of alternatives it is considered that locating the facility next to the existing farm buildings offers unique locational advantages. This is given that the facility is able to benefit from the availability of the existing farm infrastructure (access, equipment, power and water supplies, ability to provide screening, central to farm unit where manure would be spread). Whilst it may be possible to develop the facility elsewhere within the farm unit it is considered that a green field location not linked to the existing farm buildings would be less optimal and sustainable for the operation. It is not considered that developing the facility outside the AONB would represent a valid option as this would be unlikely to be practical, sustainable or economic for the applicant. It is considered therefore that the first 2 AONB tests can be met. The ability of the proposals to comply with the third test relating to the environmental effects of the proposals is considered in succeeding sections.
- 6.6 Core Strategy: Policy CS1 of the Core Strategy sets out in general terms that Shropshire will support investment and new development and that in the rural areas outside of settlements this will primarily be for "economic diversification". Policy CS5 (Countryside and Green Belt) supports agricultural development, provided the sustainability of rural communities is improved by bringing local economic and community benefits. Proposals should however be "on appropriate sites which maintain and enhance countryside vitality and character" and have "no unacceptable adverse environmental impact". The policy recognises that "the countryside is a 'living-working' environment which requires support to maintain or enhance sustainability". Paragraph 4.74 states that: "Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural ...related development, including ... poultry units ... can have significant impacts and will not be appropriate in all rural locations."

- 6.7 It is considered that the proposed development would comply with Policies CS1 and CS5 provided there are no unacceptable environmental effects because:
- Its primary purpose is economic diversification;
  - It will assist in providing balance to the rural community by encouraging local people to live and work in the community;
  - It assists in achieving the aim of local food production and also food traceability and security, reducing the UK's reliance on imported food sources including poultry;
  - It will provide local employment and economic benefits;
  - It will enhance the vitality and character of the living working countryside by sustaining the local community and bringing local economic benefits.
- 6.8 Policy CS6 advocates high standards of design and sustainability. The proposal incorporates sustainable design considerations including:
- Sustainable drainage, water efficiency and energy saving systems (appropriate insulation);
  - Sustainable construction methods (modern poultry shed design).
  - The proposal does not propose significant levels of traffic.
  - The applicant considers that the proposal does not adversely affect the natural and built environment and takes appropriate account of the local context and character.
- 6.9 Policy CS13 states that “Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth ... In so doing, particular emphasis will be placed on ... supporting the development and growth of Shropshire’s key business sectors ... particularly food and drink production ... [and] ... in the rural areas, recognising the continued importance of farming for food production”. The applicant states that the proposal accords with this Policy as it delivers economic growth within the rural economy and the food and drink industry, which is one of Shropshire’s key business sectors.
- 6.10 It is recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. To be sustainable however and therefore to benefit from the presumption in favour set out in the NPPF the proposals must also demonstrate acceptability in relation to environmental considerations and the policies which cover these matters. This includes Core Strategy Policies CS7 (Transport), CS8 (local amenities), CS13 (economic development), CS17 (Environmental Networks) and CS18 (Water Resources). It also includes the third test set by NPPG paragraph 116 with respect to the environmental acceptability of major development within the AONB.

#### Environmental implications of the proposals

- 6.11 Transport: Policy CS7 requires sustainable patterns of transport. Access to the egg laying unit is required by lorries for bird and feed delivery and egg collection. The most frequent traffic associated with the unit is the egg collection vehicle, which would visit the site 2 times per week. Estimated traffic movements associated with the proposed development are as follows:

Bird delivery:	4 x articulated lorries per flock
Egg collection:	96 x 18 tonne rigid lorries per flock
Feed Delivery:	24 x 8 wheel rigid lorries per flock
Bird Removal:	4 x articulated HGV's per flock
Total:	128 vehicles per flock
Average per week:	2.5 vehicles (5 movements)

- 6.12 Traffic accessing the poultry unit would utilise the existing farm entrance to the public highway, which is proposed to be upgraded with a visibility improvement. Parking and turning provision is available within the site. The hatchery is located in Worcester, therefore all egg collection vehicles will turn right out of the site and follow the B4385 and B4368 to get to the A49 at Craven Arms. The feed mill is located in Oswestry. Feed lorries will turn left out of the site and follow the B4385 to Bishops Castle, A489 to 'Welshpool and then the A483 to Oswestry. The applicant states that the local highway network can easily accommodate this modest increase.
- 6.13 Objectors have expressed concerns about highway safety associated with the proposed traffic movements. Highway officers have reviewed these comments, but do not consider that a highway refusal could be substantiated for this low number of movements. The proposed access improvements will improve visibility at the junction with the public highway for all farm traffic so this represents an improvement on the existing situation. Given the absence of objection from Highway officers and the proposed traffic control measures it is concluded that the proposals are capable of complying on balance with relevant highway policy considerations. (Core Strategy Policy CS7).
- 6.14 Odour and noise: Core Strategy Policy CS8 seeks to maintain and enhance existing facilities, services and amenities and to contribute to the quality of life of residents and visitors. The proposals are considered unlikely to give rise to any significant additional effects on amenities of residents and visitors due to the separation distance between the site and places where people live. Modern ridge extraction fan systems can significantly reduce the off-site odour concentrations. The Environment Agency regulates some poultry units through the Environmental Permitting system. However, the current scheme falls below the 40,000 bird permitting threshold. The Unit cycle is normally 48 weeks, plus a 4 week cleanout and preparation period (as opposed to intensive cycles which could be as short as 6 weeks). The Unit is only cleaned out at the end of each cycle (i.e. once per annum). At the clean out time, the Unit is dismantled internally and the detritus removed. Whilst there may be some modest odour from the site during cleanout, this will last no more than 1 day, every year, a frequency less than most usual agricultural practices.
- 6.15 At the end of the flock cycle, the waste would be removed via the end doors. The waste would be excavated out by a bobcat type machine and loaded directly into waiting vehicles, which would be sheeted immediately after loading. The waste would then be stored in field heaps and spread on land as a fertiliser in accordance with the applicants farm waste management plan. Waste would not be not retained on the site as this represents a disease threat to the incoming flock of hens. A concrete loading area would be provided outside the removal doors to facilitate sweeping up after removal, and prevent the ground from becoming contaminated. Following removal of the manure, the unit would be power washed and prepared for the incoming flock. The



site would include a sealed dirty water system for containment of washout water. This tank would be periodically emptied by environmental contractors.

- 6.16 It is not considered that odour would represent an unacceptable impact having regard to the nature of the operation, the infrequency of the clean out phase and the separation between the site and the nearest private residential properties. Notwithstanding this, appropriate conditions have been recommended in Appendix 1 with regard to odour and complaints procedures. The site is sufficiently far from private residential property for noise from the operations not to be an issue. It is concluded that refusal on grounds of odour or noise could not be justified and that the proposals are compliant on balance with relevant amenity policies including Core Strategy Policy CS8.

Dust:

- 6.17 The nature of a free range Unit precludes the emission of any significant amount of dust particles in the atmosphere. A dust laden atmosphere within the Unit must be avoided to protect the welfare interests of both birds and stockpersons.

Pest control:

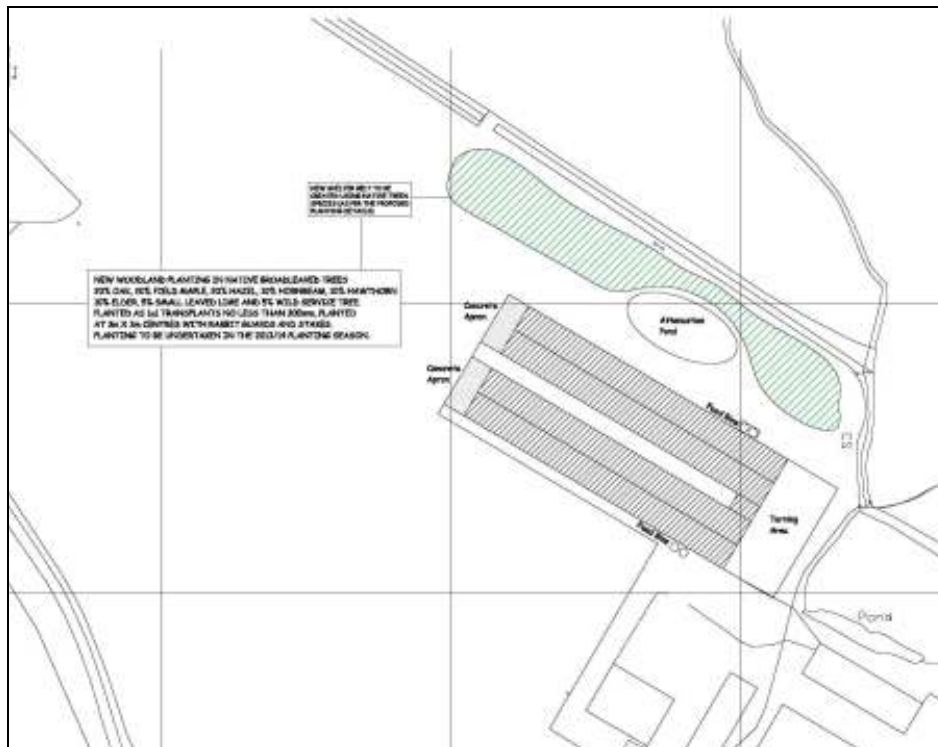
- 6.18 Within the egg collection area of the unit any flies that are present normally come from outside the Unit, They would be controlled using fly tape, which is replaced regularly. To control flies within the area of the Unit occupied by the birds a protocol is in place, which provides for regular inspection of the litter. Any build-up of fly larvae inside the house would be dealt with by using a specialist beetle or proprietary control agent, and compliance is subject to regular inspection. The beetle is introduced into the waste pit (having been collected in a trap from an existing Unit elsewhere).
- 6.19 The Unit would be professionally baited and regularly inspected for rodents under a formal control contract. Problems are not allowed to occur on these Units as any droppings or taint found on the eggs will lead to the whole batch of production being rejected at the packing station, at considerable financial loss to the producer. The birds would be secure in the building, which prevents problems from foxes, feral cats, etc.

Natural and Historic Environment:

- 6.20 Policy CS17 states that “development will identify, protect, enhance, expand and connect Shropshire’s environmental assets, to create a multifunctional network of natural and historic resources, and should not adversely affect visual, ecological ... heritage or recreational assets.
- 6.18 Ecology: An ecological report assesses the potential impacts of the proposed poultry farm on protected species and their habitats. Habitats on-site are generally of low value given the intensive use of the site for agriculture and the value of the site as habitat for protected species was found to be limited. The site does not support or adjoin any statutory ecological designations such as Sites of Special Scientific Interest (SSSI) and there are no statutory ecological designations within 3km of the site. The closest non statutory ecological designation is Walcot Park Lake Local Wildlife Site that is located 200 metres to the north west of the site. There are no records for specially

protected species in the 1km surrounding the site. No significant negative impacts are anticipated on the nearby non statutory ecological designations.

- 6.19 The proposed development has been screened for ammonia and nitrogen deposition impacts using SCAIL (Simple Calculation of Ammonia Impact Limits). The results of the screening confirm that the proposal falls under the screening thresholds for significant effects of 4% process contribution for a Special Area of Conservation and 20% process contribution for a SSSI. The applicant has proposed measures to ensure that the level of ammonia emissions remains within recommended tolerances and this would be delivered as part of a legal agreement (Unilateral Undertaking). This includes removing an adjacent 6ha field area from arable production. The effect of this, when coupled with the other proposed ecological mitigation measures is to reduce the overall level of ammonia / nitrate emission into the ecologically sensitive Clun catchment to below current levels.
- 6.20 The Council's Ecology section have not objected on this basis and have included a Habitat Risk Appraisal – HRA (Appendix 2) which supports this conclusion. Natural England has been consulted on the HRA. Their comments are outstanding and will be reported verbally. The landscaping proposals overall would result in ecological improvements relative to the current situation. Conditions and notes covering ecological matters have been included in Appendix 1. It is considered that the proposals would not impact adversely on ecological interests and the proposed landscaping measures are capable of delivering ecological enhancements in accordance with Policy CS17.



Landscaping

- 6.21 Visual impact: Landscape quality is an important consideration within the AONB. The application site is a gently sloping valley bottom arable field adjacent to an existing farm yard and existing farm buildings. The site is screened to the south and west by rising land and existing woodland, to the north and north east by multiple existing

mature hedgerows and to the south east by the existing built development at Walcott Farm. Long distance views of the application site may possible. However, these would be mitigated through intermittent tree planting, the low eaves and ridge heights of the building, the proposed dark green cladding and the backdrop of the existing farm buildings. The proposal to plant a woodland shelter belt to the north of the buildings would provide additional screening over time. It is concluded that the proposals would not give rise to an unacceptable visual impacts on the landscape within the AONB provided they are subject to appropriate landscaping and surface treatment conditions. It is considered that any residual visual effects after the proposed landscaping is taken into account would be limited and outweighed by the benefits of the scheme to agriculture and the rural economy.

- 6.22 Cultural Heritage: An archaeological assessment concludes that the potential for encountering archaeological remains at the site is Low to Moderate. This assessment primarily reflects the overall lack of recorded archaeology in close proximity to the site; however it does also take into account the significant evidence for late prehistoric occupation in the wider locality of the site as well as the possibility of encountering early to mid-19th century land drainage features within the field containing the proposed site. The assessment advises that appropriate mitigation in the form of an archaeological inspection following the topsoil strip over the site in order to record any archaeological evidence or artefacts revealed may be a suitable response to the application, in accordance with NNPF (2012). The Council's Archaeology section supports this conclusion and has recommended an appropriate condition.
- 6.23 The Shropshire Parks & Gardens Trust has objected on the basis that the proposals would result in an adverse impact to the setting of the nearby Grade II listed Walcot Park and associated listed structures. This concern has been reiterated by the AONB Partnership and the National Trust. In response to this the applicant has undertaken a visual appraisal which confirms that there would be no significant inter-visibility between the listed park and the proposed development. The Council's Conservation section has inspected the site and supports this conclusion. It is not considered that refusal on grounds of effects on the setting of Walcott Park would be justified on this basis. (Core Strategy Policy CS17)
- 6.24 Water resources: Core Strategy Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. The applicant states that the proposal accords with Policy CS18 as it will not give rise to significant adverse effects on water or flooding. The proposed Sustainable Urban Drainage System (SuDS)) will prevent any risk of flooding. The Council's Drainage section has not objected but has recommended appropriate conditions and advisory notes which are included in Appendix 1.
- 6.25 Pollution: Manure from the site would be stored in in-field stores before being applied to the land as organic fertilizer. No manure would be stored on site, even for a short period. The applicant farms sufficient land area to spread the poultry manure within its own ownership and suitable storage locations are available away from ground and surface water sources. None of the land that the applicant farms falls within an Nitrate Vulnerable Zone. The clean-out period would involve removal of poultry litter during just one day per year. This operation would be undertaken under careful control due to the stringent biosecurity issues which apply to the industry. A condition to cover management and containment of dirty water within the yard area has been

recommended. Subject to this it is considered that the proposals would not pose any significant risk to ground or surface water quality. Core Strategy Policy CS18

6.26 Material balance: The proposals would be likely to require some limited excavation works in order to create a level development platform. No bunding is shown in the submitted plans so any surplus excavated material would need to be removed off-site.

## 7. CONCLUSION

7.1 It is considered that the proposals represent an appropriate form of expansion for the existing farm business. It will assist in ensuring the future profitability / robustness of the business whilst continuing to contribute to the local economy and employment. It will also provide locally sourced food as part of a key industry in Shropshire, supplying a strong national demand for poultry meat. The proposals therefore comply with Core Strategy policies CS1(sustainability), CS5 (Countryside) and CS13 (economy).

7.2 It is considered that the information accompanying the application demonstrates that the environmental impacts of the proposed development are not significant and are capable of being effectively controlled and mitigated. Hence, the proposals are capable of meeting the third test of NPPF 116 relating to environmental sustainability of major development within AONBs. The design of the scheme incorporates sustainable features such as biomass heating, SuDS and landscaping. The recommended conditions would provide further reassurance regarding the ability to satisfactorily control any potential impacts. It is concluded on balance that the proposals are capable being accepted in relation to relevant development plan policies and guidance.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than three months 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.

### Human Rights

Article 8 give 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.

### 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 1970.

## 9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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:

#### 10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

## 10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to 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 to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, *to respond to the challenge of climate change* and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in

accordance with the objectives of Policy CS8. *Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

ii. CS13: Economic Development, Enterprise and Employment:

Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities.* In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them.* Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, recognising the continued importance of farming for food production and *supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains.* Development proposals must accord with Policy CS5.

v. CS17: Environmental Networks

*Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.* Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not

create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.

10.3 Saved Local Plan Policies:

10.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;

10.3.2 The South Shropshire Local Plan The site is not affected by any specific designations in the Plan. Previously relevant policies have now been replaced by the policies in the Core Strategy.

10.4 Emerging planning policy documents and guidance

10.4.1 Site Management and Allocation of Development Document (SAMDEV) – The site falls within the Much Wenlock area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDEV acknowledges that ‘Shropshire must play its part in providing energy from renewable sources. We want to encourage renewable energy developments but we also need to conserve Shropshire’s high quality environment. Current Government guidance suggests we should develop criteria to enable low carbon and renewable energy development to proceed when there are no significant adverse effects on recognised environmental assets’.

10.4.2 Draft policy directions for the SAMDEV have been published and indicate the direction of future policy change. The most relevant directions for the current proposals are:

- MD9 – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD14 – Protecting and enhancing Shropshire’s natural environment (seeks to ensure that biodiversity sites, habitats and species of recognised value are protected and enhanced).

It is considered that the proposals are in broad compliance with these policy directions.

11. RELEVANT PLANNING HISTORY:

11.1 The application site is located mainly on an agricultural field which has no prior planning history but part of the site occupies an existing building currently used for pig rearing.



List of Background Papers: Application 14/05323/FUL and supporting documents and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Charlotte Barnes (Bishops Castle)

Appendices: APPENDIX 1 - Conditions

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NFLZPMTDGS00>

## **APPENDIX 1**

### **Conditions**

- 1a. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.
- b. Not less than 7 days advanced notice shall be given in writing to the Local Planning Authority of the intended date for the commencement of operations under the terms of this permission. Such date shall be referred to as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a) and to define and give appropriate advanced notice of the Commencement Date (1b).

2. The development shall be carried out strictly in accordance with the approved plans and drawings numbers:
  - IP/JE/01 (Location Plan );
  - IP/JE/02 (Site Plan );
  - IP/JE/04 (Visibility Spay Improvement);
  - IP/JE/04 (Proposed Landscaping).

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

#### Landscaping

3. No development shall be commenced until full details of landscape works have been approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - i. Planting plans;
  - ii. Written specifications (including cultivation and other operations associated with plant and grass establishment);
  - iii. Schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate; and
  - iv. Implementation timetables.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable approved in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting,

are removed die or become, in the opinion of the Local Planning Authority, 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.

Ecology:

5a. A total of 5 woodcrete artificial nests suitable for small birds such as sparrow, wren and swallow shall be erected on the site as shown on a site plan prior to first occupation of the buildings hereby permitted.

b. 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 as shown on a site plan. 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 nesting opportunities for wild birds

Reason: To ensure the provision of roosting opportunities for birds and bats.

6. 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.

7. Prior to the commencement of work on site a 10m 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. The fencing shall be as shown on a site plan.

Reason: To protect features of recognised nature conservation importance.

Advisory notes:

*i. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice. 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. On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.*

- ii. 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.*
- iii. 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. 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.*

8. A Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The plan shall detail measures for managing construction traffic and control of noise, dust and pollution during the construction phase and shall be implemented fully in accordance with the approved details.

Reason: In the interests of highway safety.

9. Construction works shall not take place outside 06:30 to 19:00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area.

10. No development shall commence on site in connection with the approval until samples of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate in the landscape.

11. No development shall commence on site in connection with this approval until the applicant (or agent acting on his behalf) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: Earthwork remains of ridge and furrow of probable medieval date survive within the field through which the new access road would cross and the programme of archaeological work would be appropriate to mitigate the archaeological impact.

12. Prior to the first use of the development hereby approved 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.

Drainage:

- 13a. A drainage scheme including details, plan and calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate shall be submitted for approval of the Local Planning Authority prior to the Commencement Date. The attenuation drainage system shall be designed to accommodate storm events of up to 1 in 100 year plus 20% for climate change.
- b. The drainage scheme shall incorporate controls to ensure that the overflow does not flow greater than the existing greenfield runoff rate. Sufficient freeboard shall be available to retain a storm event of 1 in 100 year plus 20% above the overflow control level.
- c. The scheme shall be implemented in accordance with the approved details prior to the bringing into use of the buildings hereby approved.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

14. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant shall submit proposals for a drainage system to intercept water prior to flowing on to the public highway for the approval of the Local Planning Authority prior to the Commencement Date. The scheme shall be implemented in accordance with the approved details prior to the bringing into use of the buildings hereby approved.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

15. A scheme detailing how the contaminated water in the yard from spillages or cleaning of sheds will be managed / isolated from the main surface water system shall be submitted for the approval of the Local Planning Authority prior to the Commencement Date. The scheme shall be implemented in accordance with the approved details prior to the bringing into use of the buildings hereby approved.

Reason: To ensure that polluted water does not enter the water table or watercourse

16. A scheme provide details of how groundwater will be managed in the event of groundwater flooding shall be submitted for the approval of the Local Planning Authority prior to the Commencement Date. The level of water table shall be determined if the use of infiltration techniques are being proposed. The scheme shall be implemented in accordance with the approved details prior to the bringing into use of the buildings hereby approved.

Reason: The site is identified as being at risk of groundwater flooding. Details are required of how this risk will be minimised.

Advisory notes:

- i. *The drainage scheme required by Condition 13a should provide confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.*
  - ii. *The applicant should consider employing measures such as the following:*
    - *Water Butts*
    - *Rainwater harvesting system*
    - *Permeable surfacing on any new driveway, parking area/ paved area*
    - *Greywater recycling system*
  - xi. *Ordinary Watercourse Consent is required from Shropshire Council for any works within the channel of the watercourse that will obstruct/ affect the flow of the watercourse including temporary works. Ordinary Watercourse Consent Application Form and Guidance Notes are on the Council's website: [www.shropshire.gov.uk/flooding](http://www.shropshire.gov.uk/flooding) This is to ensure that the development complies with the Land Drainage Act 1991*
17. The removal of poultry manure shall not take place outside the hours of 07.00 to 18.00 hours Monday to Friday, Saturday 08.00 to 13.00 hours and at no times during Sundays and bank or public holidays.

Reason: In the interests of residential amenity.

Note: *It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of each building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5 provides details of typical fire service appliance specifications.*

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order

with or without modification), no development shall be carried out under Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority.

Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.

19. Prior to the bringing into use of the development the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
- i. Investigation of the complaint;
  - ii. Reporting the results of the investigation to the Local Planning Authority;
  - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

## APPENDIX 2



### Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

<p>14/05323/FUL Walcot Farm Lydbury North Shropshire SY7 8AA Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement.</p>
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Date of completion for the HRA screening matrix:

<p>13<sup>th</sup> August 2015</p>
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HRA screening matrix completed by:

<p>Nicola Stone Planning Ecologist 01743-252556</p>
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Table 1: Details of project or plan

Name of plan or project	<p>14/05323/FUL Walcot Farm Lydbury North Shropshire SY7 8AA Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement.</p>
Name and description of Natura 2000 site	<p>River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>. The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area. Annex II Species that are a primary reason for selection of site:</p> <ul style="list-style-type: none"> <li>• Freshwater pearl mussel <i>Margaritifera margaritifera</i></li> </ul>
Description of the plan or project	<p>Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement. The proposed application will house 35,000 birds.</p> <p>SC Ecology has identified the following potential effect pathways which have been addressed by the applicant with appropriate supporting documents:</p> <ol style="list-style-type: none"> <li>1. Possible impact of ammonia emissions on the River Clun SAC.</li> </ol>



	<p>2. <i>Possible increase in sediment in.</i></p> <p>3. <i>Run-off from fields surrounding the Clun SAC leading to a potential increase in phosphate and nitrogen deposition.</i></p> <p>4. <i>Increase on phosphate/nitrogen from spreading additional digestate on the land.</i></p>
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<p>Applications for dwellings or employment projects generating waste water are being assessed against an interim guidance note agreed with NE and EA – these types of applications have not been considered in combination with application reference 14/05323/FUL.</p> <p>Planning proposal 14/05323/FUL has demonstrated that, providing the application is granted permission, there will be a reduction in 1320kg/y of fertiliser applied to 6 hectares of the applicants land next to the proposed unit. In the modelled area (3km x 3km) this would result in a net reduction of 718.8kg/y of nitrogen being added to the modelling domain area each year.</p> <p>The mitigation and compensatory measures included within the proposal has led SC Ecology to conclude that the proposal will not adversely affect the integrity of the site providing appropriate conditions are on the decision notice.</p> <p>Please refer to reasoned statement below.</p>

Detailed Modelling of dispersion and deposition of ammonia in relation to the River Clun SAC has been provided by the applicant in a report conducted by Steve Smith, April 2015. The modelling has predicted the annual mean nitrogen deposition rate summed over a 3 km x 3 km (900 hectares) modelling domain. The total predicted average nitrogen deposition over the 3 km x 3 km modelling domain is 601.2 kg/y.

Predicted annual mean nitrogen deposition rates from the existing agricultural use of the land and the proposed poultry scenario have been summed over the modelling domain. Deposition to land over the parts of the River Clun catchment area outside the modelling domain is likely to be insignificant. Nitrogen application rates to arable land may be as high as 220 kg/ha/y. The proposal will add a significant amount of deposition of ammonia (601.2kg/y over 900 hectares modelling domain or 0.67kg/ha/y) however the applicant has agreed to enter into a unilateral undertaking (legal agreement) which will revert 6 hectares of agricultural land into arable reversion (as shown on plan Arable Reversion Plan April 2015). Therefore, based on current agricultural practices, removing 6 hectares from fertiliser application may lead to 1320 kg/y of nitrogen being removed from the pool of nitrogen that could potentially reach the river system. This would offset the additional 601.2kg/y over the modelling domain by a reduction of 718.8kg/y.

In relation to dirty water/sediment from the site, the proposed poultry units are more than 10km from the River Clun SAC. At the end of each cycle the building will be cleaned and the manure removed. During the cleanout process the apron is drained into the dirty water containment tank which will be constructed to appropriate standards. Attenuation pond and drainage conditions proposed by SC Drainage will ensure that run-off from the site will not contaminate any existing watercourse. Manure will be stored in covered field heaps and will be used on the farm, replacing the need for imported manure. A silt fence will be constructed adjacent to the

watercourse prior to construction. The silt fence will remain until the re-seeding of the site following construction has been undertaken.

### Conclusion

Providing appropriate conditions regarding drainage and arable land reversion are on the decision notice and are appropriately enforced SC Ecology has concluded that the proposed development will not impact on the integrity of the River Clun SAC.

### The Significance test

The proposed works under application No 14/05323/FUL, Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement, will have a likely significant effect on the River Clun SAC based on the above points listed under 'Description of the plan or project' column above. An Appropriate Assessment has been undertaken.

### The Integrity test

It was concluded that the proposed works under planning application No. 14/05323/FUL for the Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement, will not adversely affect the integrity of the European Designated Site at the River Clun SAC providing the development is implemented in accordance with the comments submitted by SC Ecology on 13<sup>th</sup> August 2015 (word document titled; 'WalcotFarm(3)14. 05323' and the submitted documents.

### Conclusions

Natural England should be provided with SC Ecologist HRA and the planning case documents and formal comments should be received prior to a planning decision being granted.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
  - (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

#### Habitat Regulation Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

#### Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

## **APPENDIX 3**

### **Schedule of ecological mitigation documents referred to in Legal Agreement:**

#### **The Clun Catchment Mitigation Scheme**

The scheme comprises the following documents:

- Simple Calculation of Atmospheric Impact Limits (SCAIL) 19/11/2014;
- Simple Calculation of Atmospheric Impact Limits (SCAIL) 23/02/2015
- Surface Water Management Scheme – Hydro-Logic Services 14/01/15;
- Ecology Survey – Ecology Services – November 2014;
- Nutri Management Plan – Agri Intelligence;
- NVZ Risk Map – Agri Intelligence;
- Hydrological Assessment of the River Kemp Catchment (Appeal document against designation of Notrate Vulnerable Zone) – February 2009;
- Letter from Ian Pick Associates – 23/02/2015;
- Map of proposed manure storage location;
- Arable reversion land – Drawing IP/JE/10 - Ian Pick Associates, April 2015;
- Report on the Modelling of the Dispersion and Deposition of Ammonia - AS Modelling & Data Ltd – 19/05/15 (revised);
- Methodology for the collection of soil data, its interpretation and application (received 06/07/15);
- Nutrient Management Plan - Cropping Walcot 14/15 (received 06/07/15);
- J.W.Evans, Walcot Farm, Phosphate Index (received 06/07/15);
- Soil Zoning Report for J.W.Evans, Walcot Farm (received 06/07/15).



Committee and date

South Planning Committee

8 September 2015

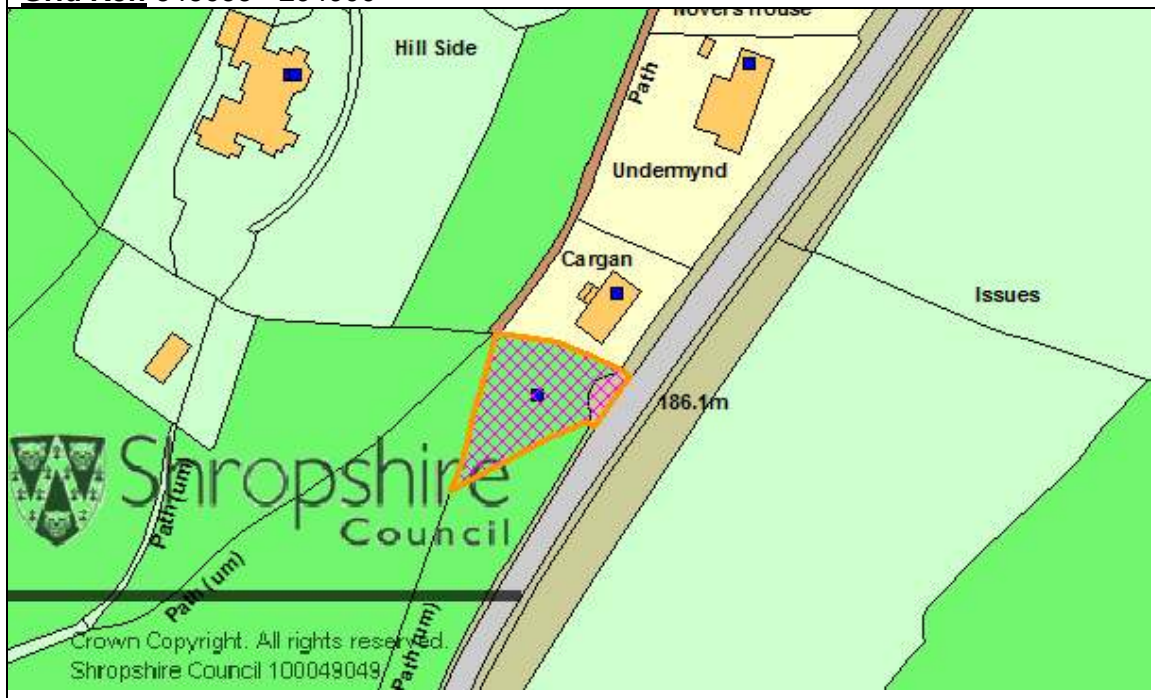
## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 14/05689/FUL	<b>Parish:</b>	Church Stretton
<b>Proposal:</b> Erection of one dwelling and car port; alteration to existing access		
<b>Site Address:</b> Land South Of Cargan All Stretton Shropshire		
<b>Applicant:</b> Mr & Mrs C Stratton		
<b>Case Officer:</b> Emily Napier	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 345633 - 294900



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**Recommendation:- Refuse subject to the conditions set out in Appendix 1.**

## Recommended Reason for refusal

1. The application site occupies in policy terms, a countryside location, where open market housing provision is not supported in principle by existing and emerging development plan policies. The development is not considered to represent sustainable development in accordance with the three dimensions of sustainable development as referred to in the National Planning Policy Framework. (Economic, social and environmental). It is further considered that the benefits of developing the site for housing are outweighed by the impact on local visual amenities, given the unsustainable location within the Shropshire Hills Area of Outstanding Natural Beauty and the social harm from departing from the the Local Planning Policy.

As such the proposal is considered contrary to Shropshire Core Strategy policies CS1, CS4, CS5, CS6, CS9, CS11, CS17 and CS18; emerging Site Allocation and Management of Development (SAMDev) , Policy S1 of the South Shropshire District Local Plan and the overall aims and objectives of the National Planning Policy Framework.

**REPORT****1.0 THE PROPOSAL**

- 1.1 The application proposes the erection of a single dwelling, with a carport to include alterations to existing access.
- 1.2 The proposed dwelling is a single detached four bedroomed one and a half storey dwelling, with the use of dormer windows to reduce the prominence of the building. The property will measure approximately 7.6 metres in total height to the ridge, with 11 metres in width and 7.5 metres in depth.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site related to this application is situated on the periphery of All Stretton, situated to the South West of the dwelling known as Cargan. The site is currently occupied as garden land serving Cargan. Cargan is a detached one and a half storey property; with a single window on the front elevation the property appears from the street scene to be more single storey in form.
- 2.2 The site sits in an elevated position from the main road frontage, which whilst being a common form along Shrewsbury Road, the site and adjoining Cargan appear more elevated.

**3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

- 3.1 The Parish Council has submitted a view contrary to the Officer recommendation and the Local Member has requested that this application be determined by Committee. The Committee Chairman in consultation with The Area Planning Manager has agreed that the application is one to be determined by Committee.

## **4.0 Community Representations**

### **4.1 - Consultee Comments**

#### **4.1.1 Shropshire Council Drainage –**

The proposed surface water soakaway design is acceptable.

Informative: Consent is required from the service provider to connect into the foul main sewer.

#### **4.1.2 Shropshire Council Affordable Housing –**

The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

#### **4.1.3 Shropshire Council Public Rights of Way –**

Footpath 83 Church Stretton runs along the western boundary of the development site but does not appear to be affected by the proposal. However the developer must be aware of the following:

- ☐ The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- ☐ Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- ☐ Building materials, debris, etc must not be stored or deposited on the right of way.
- ☐ There must be no reduction of the width of the right of way.
- ☐ The alignment of the right of way must not be altered.
- ☐ The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- ☐ No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

#### **4.1.4 Shropshire Council Ecology-**

No objections conditions and informative advised.

#### **4.1.5 Shropshire Hills Area of Natural Beauty Partnership –**

When determining the application the local planning authority has a statutory duty to take into account the AONB designation, and in particular National Planning Policy Framework (NPPF) policies which give the highest level of protection to AONBs. The application will also need to conform to the Council's own Core Strategy policies and emerging Site Allocations and Management of Development (SAMDev) plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the AONB Partnership should not be interpreted as suggesting that the application raises no landscape issues.

#### **4.1.6 Church Stretton Town Council - SUPPORT**

No reasons given

**4.2 Public comments –****4.2.1** Five letters of representation received, one detailing OBJECTION and four SUPPORT, one letter of support come from the applicant Mr C Stratton.

Full details of the representations are available on the planning file, however, a summary is provided as follows;

## Objections:

- ☐ Would extend ribbon development along west of B5477.
- ☐ Would reduce area of green space between All Stretton and Church Stretton.
- ☐ Site very prominent and highly visible
- ☐ A large four bedroom house on a restricted site, would be an over intensive development in a sensitive landscape.
- ☐ Would be too high on its elevated site and would be out of keeping with less prominent Cargan.

## Support (three public representations):

- ☐ Small scale single plots can be accommodated within this landscape with ease.
- ☐ Development will finance an improved access onto the highway, which is in the interest of highway users.
- ☐ Planning permission has been granted for small scale development elsewhere in All Stretton
- ☐ People find it hard to upkeep large gardens
- ☐ Estates of similar houses are boring.
- ☐ The traditional 4 bedroom double storey house like one two doors along creates a diversity of character along the line of bungalows and houses on the road.
- ☐ Being in a garden does not pose a threat to lengthening the village, unlike potential estate of Church Stretton School Playing fields.
- ☐ The house will no more block the view of the hill behind that the tall leylandii hedging that used to grow there.
- ☐ Proposal is quite well shielded from the road by hedging and being no taller than Cargan would not appear over imposing.

## Applicant comments:

- ☐ The hillside will remain highly visible
- ☐ The current site will not be extended
- ☐ Cargan is a two storey house 14m wide 12m deep
- ☐ Proposal is 11m x 7.5m
- ☐ Both sites will have good sized patios and gardens

**5.0 THE MAIN ISSUES**

Principle of development  
Siting, scale and design of structure  
Visual impact and landscaping



## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material planning consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The NPPF sets a presumption in favour of sustainable development, and this must be applied as a material planning consideration throughout decision making. It is widely accepted that the NPPF has a specific aim to 'boost significantly the supply of housing', with the requirement for Local Planning Authorities to evidence a five year housing land supply in order to achieve the aims of the NPPF. It is therefore considered that where a proposed development will work towards achieving this objective that a degree of weight should be afforded to this aspect of achieving sustainable development.
- 6.1.3 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position (as published in an amended Five Year Housing Land Supply Statement on 12/08/14) is that it has identified a housing supply of 5.47 years for Shropshire which is sufficient to address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.
- 6.1.4 Shropshire Core Strategy is an up to date development plan document. Policy CS6, amongst a range of other considerations, requires proposals likely to generate significant levels of traffic to 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 can be reduced.

- 6.1.5 The application site sits on land adjacent to the village of All Stretton, along the B4577 leading out of the town of Church Stretton. Within the Saved South Shropshire Local Plan (2004), All Stretton is not identified as a settlement with a designated development boundary where open market housing will be supported under policy S1. As such the application sites location is subsequently regarded as Open Countryside and the development of Open Market Housing in this location is deemed to be contrary to policy S1 of the Local Plan. Policy CS5 of the Shropshire Core Strategy limits the types of development that are permitted within the Open Countryside to those such as accommodation for essential countryside workers and other affordable housing.
- 6.1.6 The Shropshire Core Strategy was formally adopted by the Council on 24th February 2011 and is an additional document which must be considered in the assessment of a planning application; this document was submitted to the Secretary of State in July 2010 and underwent independent examination. All Stretton is not coming forward under policy CS4 of the Shropshire Core Strategy as a community hub or cluster where residential development would be supported as a means to encourage more sustainable communities in rural areas. Hub and Cluster settlements are set out in the Pre-Submission Draft Site Allocations and Management of Development (SAMDev) Plan, published 17th March 2014, which is currently undergoing independent examination. The SAMDev Plan Inspector has now confirmed the proposed main modifications to the plan following the examination sessions in November & December and these are being published for a 6 week consultation. This means that any plan content not included in the schedule of proposed main modifications may be considered to be sound in principle in accordance with NPPF paragraph 216. Therefore significant weight can now be given to SAMDev policies in planning decisions where these are not subject to modifications. Therefore it is likely that open market housing would not be supported under emerging policy and would be contrary to the local community's aspirations for development within this area. As such this can provide a strong indication that this area will remain to be considered as open countryside under emerging planning policy and will remain contrary to policy CS5 of the Shropshire Core Strategy. However, as full weight cannot be given to SAMDev it is considered that as a means to ensure reasonable and fair consideration applications which are otherwise considered sustainable in line with the NPPF should not solely be refused against the SAMDev. As a result the officer must give consideration to the three elements forming the NPPFs principle to identify whether the site is sustainable and whether there is any harm that would significantly and demonstrably outweigh the benefits of the development.
- 6.1.7 Reference has been made within letters of representation relating to the fact that other small scale dwellings have been approved within the settlement of All Stretton. The officer considers that, whilst no specific sites have been referred to, every application must be considered within it's own merits, and within this the material considerations taken into account are variable. The sites context, siting, location and the weighting afforded to relevant planning policies can significantly alter dependent on the location of an application and the time a development is considered. Within this regard, the officer subsequently considers that the past approval of dwellings within the settlement cannot be used as a material consideration in this respect.

## **6.2 Sustainability**

6.2.1 Sustainability objectives are formed of three principle elements, economic, social and environmental, consequently the assessment made into whether a site is sustainable cannot purely be judged on its distance and ease of access to key services and facilities. The NPPF advises that all three elements of sustainable development should be sought for and where a site fails to meet one or more of the objectives there is a case to support the argument that the site does not present a sustainable form of sustainable development, where the harm is considered to be demonstrable to outweigh the benefits. It must also be acknowledged that the National Planning Policy Framework, within its definition of the presumption in favour of sustainable development the NPPF sets out that Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications are determined in accordance with the development plan, unless material considerations indicate otherwise. Within this it is set out that the NPPF does not change the statutory status of the development plan, and development that conflicts with an up-to-date Local plan should be refused. Subsequently the sites location outside of a designated development boundary or a hub and cluster settlement must be given weight in the sustainability criterion.

6.2.2 Furthermore, as set out in Paragraph 17 of the NPPF, one of the core planning principles is that planning should be genuinely plan-led, empowering local people to shape their surroundings. In this regard, the existing, and emerging local plan should be factored in as a social sustainability consideration in that it is reflective of the wider aspirations of the County.

### **6.2.3 Economic –**

6.2.4 It is accepted that there may be some economic benefits amounting from the delivery of open market housing this would be achievable in any location close to or within an identified settlement for open market housing. A windfall site within the confines of the nearby town of Church Stretton would likely achieve greater benefits than a site detached from the settlement, which is also on the outer edge of the settlement of All Stretton and subsequently little weight is afforded to the economic benefits of the scheme.

### **6.2.4 Social –**

6.2.5 In considering the Councils current housing land supply position, it is not considered that the development is necessary to meet the needs of the County or wider community, and therefore should not be given significant weight in terms of social sustainability. Furthermore, in considering the aspirations of the Shropshire Core Strategy and the Shropshire Local Development Framework SAMDev, the settlement of All Stretton is not designated as a hub or cluster settlement to provide open market housing in smaller rural communities. It is subsequently considered that the development would not contribute to social sustainability in that it would not be delivering open market housing in a settlement which meets the wider community aspirations of Shropshire as set out within the SAMDev.

### **6.2.6 Environmental –**

- 6.2.7 The site is located on the Southern periphery of All Stretton, a short distance from the Northern boundary of Church Stretton. There is a footpath linking All Stretton to Church Stretton which is served by street lamps, which measures approximately 0.6 miles to the central area of Church Stretton. Within this respect the officer considers that the location is sustainable in the ideology that the dwelling would be located in a location that could reasonably be served by the variety of facilities and services that are required for day to day living.
- 6.2.8 The site is located within the Shropshire Hills Area of Natural Beauty. The impact upon the character and appearance of the Shropshire Hills Area of Natural Beauty is an important consideration when assessing the environmental implications of the scheme. It is accepted that the site would be situated adjacent to an existing form of development, and subsequently the isolation could not largely be argued as being isolated. However, in considering the general form of development, which has clearly begun to form in a ribbon like form of development along the main roads leading out of All Stretton and Church Stretton, significant consideration must be given to whether this form of development has an impact visually, and its wider impact on the character and appearance of the AONB. Whilst this form of development is occurring in an area where development exists, the officer does not consider that this alone can weigh in favour that the site would be environmentally sustainable with regards to the impact on the AONB.

### **6.3 Siting, Scale, Design and Visual Impact**

- 6.3.1 The site related to this application forms the garden of an existing dwelling. The site is situated to the south of the existing dwelling and is relatively triangular in shape, with the site being wider to the north than to the south. The site is situated in a relatively elevated position, although this is the character of many properties leading out of All Stretton along the B4577.
- 6.3.2 The dwelling itself will be a two storey dwelling, although not full height due to the dropped height of the eaves it will still appear significantly larger than the neighbouring dormer bungalow.
- 6.3.3 The site sits at the southern perimeter of the village of All Stretton which has, overtime, encroached towards the northern perimeter of development forming Church Stretton. The officer considers that development encroaching towards Church Stretton in this nature should be resisted, in order to safeguard the distinguishable relationship between the two settlements. Development of this site would further erode the gap between the two distinctive settlements and lead to a coalescence of the two distinct settlements. This would be at odds with the intrinsic character of the Shropshire Hills Area of Outstanding Natural Beauty and the remaining open appearance of the countryside in this location. It is subsequently considered that the proposals are contrary to policy CS6 and CS17 of the Shropshire Core Strategy.

## 7.0 CONCLUSION

7.1 In view of the above it is considered that the proposals are contrary to south Shropshire Local Plan, the Shropshire Core Strategy and the Emerging SAMDev, in that the settlement of All Stretton is not a settlement identified for the development of Open Market housing, and will subsequently conflict with policy CS5 of the Shropshire Core Strategy. Furthermore, having undertaken a sustainability assessment it is considered that the proposals present a limited sustainability benefit with respect to the economic outcomes of developing a dwelling, it is considered to be a sustainable location with reasonable access to services, facilities and public transport, however it is not considered that this outweighs the harm from departing from the aspirations of wider Local Planning Policies.

7.2 The site, by way of its location at the south of All Stretton would encroach towards the nearby settlement of Church Stretton, it is considered that the visual harm amounting from this erosion of the gap between the two settlements would have a detrimental impact upon the intrinsic character of the Shropshire Hills Area of Outstanding Natural Beauty. The proposals are subsequently considered to conflict with the principles of policy CS17 of the Shropshire Core Strategy.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS8 - Facilities, Services and Infrastructure Provision  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
National Planning Policy Framework

**RELEVANT PLANNING HISTORY:**

14/05689/FUL Erection of one dwelling and car port; alteration to existing access PDE

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NGSM9RTDHC800>

**List of Background Papers** (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member(s)**

Cllr. Lee Chapman

Cllr David Evans

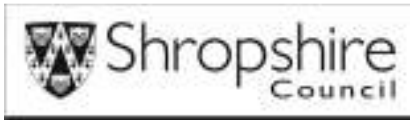
**Appendices**

APPENDIX 1 - Conditions

**APPENDIX 1****Informatives**

1. The Council seeks to work with applicants in a positive and proactive manner as required in Paragraph 187 of the National Planning Policy Framework and subsequently offers a pre-application advice service to ensure that applicants are informed of likely opportunities and constraints prior to the submission of a full planning application. In this instance the applicant unfortunately did not take up the opportunity and subsequently the Council has been restricted in its ability to work positive and proactively. Despite the Council wishing to work with the applicant in a positive and proactive manner as required, the proposed development is contrary to the policies set out in the officer report and referred to in the reasons for refusal, and as such it has not been possible to reach an agreed solution in this case.





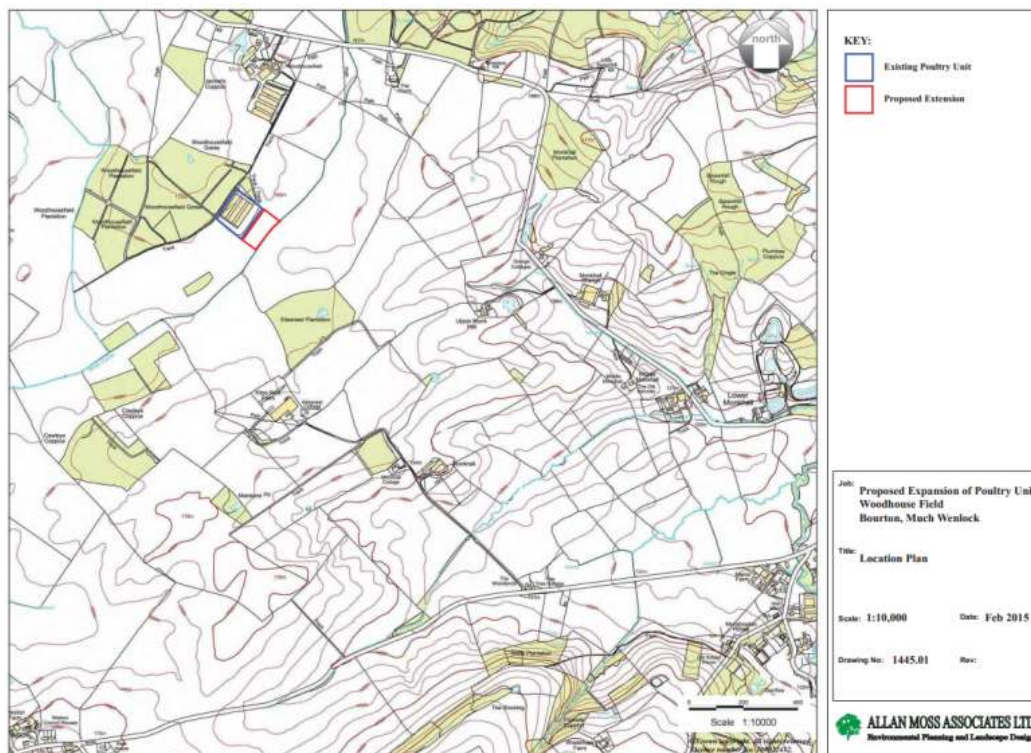
Committee and date

South Planning Committee

8 September 2015

## Development Management Report

<b><u>Application Number:</u></b> 15/01808/EIA	<b><u>Parish:</u></b> Much Wenlock
<b><u>Proposal:</u></b> Erection of 2 no. agricultural buildings for rearing livestock (table fowl); biomass boiler building; 5 no. feed bins and associated hardstanding and landscaping.	
<b><u>Site Address:</u></b> Wheatlands Site, Woodhouse Fields, Bourton, Much Wenlock, TF13 6QN	
<b><u>Applicant:</u></b> Corve Poultry Ltd	
<b><u>Case Officer:</u></b> Grahame French	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

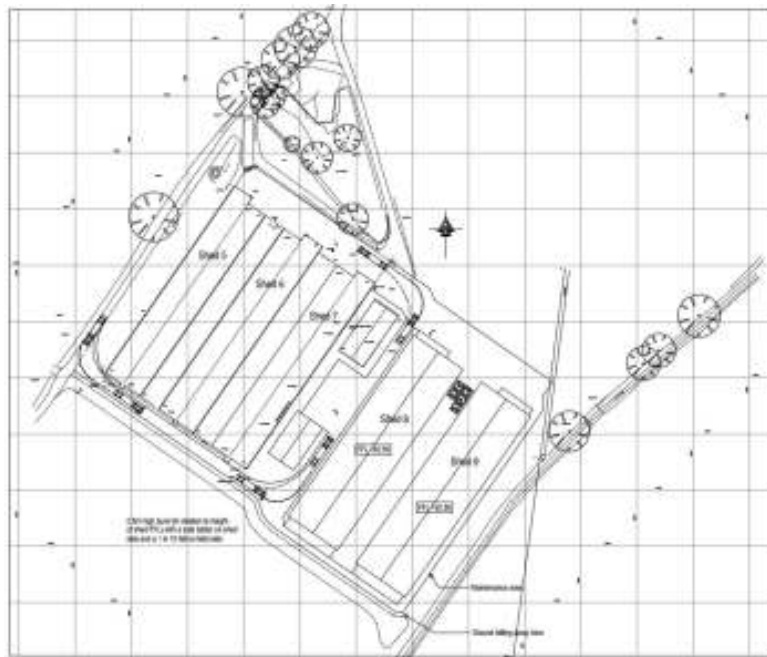


**Recommendation:- Approve subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposal is to erect two poultry sheds to extend the 'Wheatlands site' located to the south west of the main farm complex at Woodhouse Fields. The new sheds would have associated feed bins and service yard area. The proposals would expand the site from the existing 7 houses with 249,900 bird places to 9 houses with 330,000 birds. There will be 7.6 bird crop cycles per year. A scheme of landscaping is included to support the existing landscaping measures on site.



- 1.2 The two proposed poultry buildings would measure 97.99 metres long and 24.69 metres wide and 4.84 metres to ridge as compared with the existing buildings which are approximately 100.8m x 18.4m x 5.75m high. Each unit would have a fan canopy and baffle area extending from the rear of the shed by 4.85m. The control rooms for each unit will be at the front of the building. The buildings would be fitted with roof extraction and rear gable end extraction fans. The roof extraction will be via outlets along the roof that are staggered either side of the ridge line with the finished height of the outlets being 5.75 metres high. Each shed would be fitted with 6 roof outlets. The finished floor level of the new buildings would be 162.5m AOD which is approximately 1-1.5m lower than the existing buildings.
- 1.3 An associated biomass building would be 22.8 metres long, 13.7 metres wide and 7.4 metres to ridge (164.00m AOD). There would be 5 feed bins of 8.59 metres in height x 3.37m diameter. The existing concrete hardstanding would be extended along the front of the new buildings (12m wide). The existing perimeter bund around Sheds 5, 6 & 7 (south east edge) would need to be moved in order to accommodate the new biomass building. This would be repositioned and remodelled along the south-western edge of the development. Any surplus material arising from the excavations for Sheds

8 & 9 will be added to the bund. New hedgerows with inter-planted trees and adjoining biodiverse grassland belts would be provided along the south west, south east and north-east margins. The application also includes an associated attenuation pond. All new buildings and feed bins would be finished in a Moorland Green colour (BS12B21) to match the existing structures.

- 1.4 New external lighting will be kept to a minimum, similar to that provided for the existing poultry houses. The northern gable ends of each unit will be lit externally with a single 100w metal halide lamp. These will be downward facing and protected with a cowl to reduce light spillage. Lighting of the site will only be required during bird catching at night. There will be no round the clock external lighting of the site and no use of high intensity security lighting. It is anticipated that the construction period would last for approximately 4 months. During that period construction vehicles and machinery would be active on the site including excavators, dump trucks and haulage lorries.
- 1.5 The proposed poultry farm would operate under an environmental permit from the Environment Agency. This is based on the principle that operators should take all appropriate preventative measures against pollution, through the application of Best Available Technique (BAT) enabling improvements in environmental performance. The proposed development falls within schedule 1 of the Environmental Impact Assessment Regulations. Accordingly, the application is accompanied by an EIA.

## 2.0 SITE LOCATION / DESCRIPTION

- 2.1 The Wheatlands poultry site is located approximately 1.6km to the south of Bourton near Much Wenlock. The proposed site (2ha) comprises part of an arable field to the immediate south east of the existing poultry buildings at Wheatlands. The farm lies within an arable and livestock rearing farming unit. The farm is located at the northern end of the Corvedale valley and the site occupies a broad rolling valley bottom at levels ranging from 160m to 170m AOD. There is a large area of woodland called Woodhousefield plantation immediately to the north-west of the existing poultry buildings. The remainder of the farm, including the application site, is largely in arable use and comprises of a mix of medium to very large fields bounded by hedgerows.
- 2.2 Access to the farm is via a driveway from the Bourton to Monkhopton road to the east of the site. There are no dwellings other than the main farm house within 575m of the proposed site. The site is well screened by the existing topography, mixed hedgerows and deciduous tree plantations. The surrounding landscape is largely in arable use interspersed with woodland blocks. The current poultry farm operation the site has been operating as a 240,000 broiler operation since 2000. Another poultry farm has recently been built to the west of Woodhousefield Plantation at Bradeley Farm. However the plantation provides a substantial physical barrier between the two sites.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise schedule 1 EIA development so a committee decision is mandatory under the Council's Scheme of Delegation.

#### 4.0 COMMUNITY REPRESENTATIONS

4.1 Much Wenlock Town Council: No objection. The proposals support local food production therefore reducing the need to import, and they also conform to Objective 8 (The local landscape and wildlife) and Objective 9 (Sustainability and climate change) in the Neighbourhood Plan for Much Wenlock.

4.2i. Natural England: No objection – no conditions requested. This application is in close proximity to Wenlock Edge and Derrington Meadow Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that these SSSIs does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

ii. Other advice: We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

4.3. Environment Agency: No objection subject to the following comments:

i. Environmental Permitting Regulations: The proposed development will lead to a maximum of 330,000 birds on-site, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. For your information the applicant has applied for, and been granted, a variation to the existing EP (Ref: EPR/TP3736MW, dated 2 Dec 2014). For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

- ii. **Flood Risk:** The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.
  - iii. **Manure Management (storage/spreading):** Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. Information submitted within the Design, Access & Planning Statement proposes that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.
  - iv. **Pollution Prevention:** Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at:  
<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>  
The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.
- 4.4 **SC Conservation:** No objection. The application proposes erection of 2 agricultural buildings for the rearing of livestock measuring 97.99 metres long and 24.69 metres wide and 4.84 metres to ridge, associated biomass building of 22.8 metres long and 13.7 metres wide and 7.4 metres to ridge and 5 feed bins of 8.59 metres in height. The application also includes associated hardstanding, an attenuation pond and landscaping including the removal and installation of a bund. The site is 2ha in total and lies adjacent to an existing farm unit. The application has included a heritage impact assessment, although this hasn't gone into detail on the impact upon the setting of heritage assets, it is noted in this instance that due to the location of the proposed buildings adjacent to the existing development the overall impact on the setting of any nearby heritage assets will be minimal as the sites will be read as one. The site is some distance from the nearest designated heritage assets in Bourton which is screened by woodland. Other non-designated heritage assets are located closer to the site but already experience the existing farm buildings in the view and it is considered that while the additional buildings will increase the impact, this will not create substantial harm. Overall it is considered that the setting of heritage assets will be generally preserved in line with policies, guidance and legislation as outlined above.

4.5 SC Highways: No objections (verbal communication).

4.6 S.C.Ecology: No objections subject to conditions and informatives.  
Comments are based on a total of 330,000 birds.

i. Designated Sites: This application has been considered for its impact on any locally, nationally or European Designated Sites. The proposed development has been granted an environmental permit from the Environment Agency (EA). SC Ecology has received the ammonia screening modelling from the EA. The following sites have been assessed by the EA and SC;

- Hughley Brook (SSSI)
- Wenlock Edge (SSSI)
- Derrington Meadow (SSSI)
- Woodhousefield Gorse (Local Wildlife Site)
- Cawleys Coppice (Ancient Woodland)
- Novers Coppice (Ancient Woodland)
- Spoonhill Coppice (Ancient Woodland)
- Plumtree Coppice (Ancient Woodland)

The SSSIs screen out below the critical load threshold for ammonia (20%). Detailed modelling is not requested for these sites.

ii. The ammonia screening results highlighted the potential impact that this site may have on the following locally designated sites:

- Woodhouse Fields Gorse Local Wildlife Site.
- Cawleys Coppice ancient woodland
- Spoonhill Coppice ancient woodland

Cawleys Coppice and Spoonhill Coppice did screen out after an in-combination assessment was carried out. So ammonia modelling was not required for these sites (below 100% of the critical load for ammonia). As Woodhouse Fields Gorse was within 250 metres of the proposed permitted farm extension it was recommended by the EA that the applicant carry out ammonia modelling. This was not completed due to the proposed beneficial mitigation measures. The applicant has proposed fitting heat exchangers to each existing & proposed poultry house to reduce ammonia emissions;

iii. Mitigation Measures: The operator is proposing installing heat exchangers on the seven existing houses and also on the new proposed houses. These heat exchangers will be of the type that have BWL accreditation and will be of sufficient capacity to provide minimum ventilation requirements for the first 18 days of the bird cycle, well beyond the normal brooding period. Heat exchangers will be cleaned and serviced according to manufacturer's guidance. All condensate will be directed to dirty water tanks. The operator would like to expand the site from existing 7 houses with 249,900 bird places to 9 houses with 330,000 bird places. Existing bird places  $249900 \times 0.034\text{gms/bird place} = 8497\text{kg NH}_3$  produced. Proposed site with 330,000 bird places  $\times (0.034-35\%$  for heat exchangers on all bird places gives a bird place emission factor of  $0.0221/\text{bird}$ ). Therefore  $330,000 \times 0.0221\text{gms/bird place} = 7293 \text{ kg NH}_3$  produced. The above calculations demonstrate that the proposal will have a reduction in the existing

emissions by 1204kg NH<sub>3</sub> or 14%, this reduction would enable expansion without any additional loading whatsoever on the nearby non statutory sites. Natural England will be formally consulted on this planning application and the Local Planning Authority must have regard to their representations when making a planning decision. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European/Nationally Designated site.

- iv. Bats: The single tree in the boundary hedge has been assessed as having low potential for roosting bats. The site has the potential to be enhanced for bats by additional proposed hedge planting. There will be 1 no. 100w metal halide lamps above each main shed door; these will only be used during catching at night. They will face downwards and will be protected by a metal cowl. An informative is recommended.
  - v. Great Crested Newts: The proposed development is unlikely to impact upon GCN. An informative is recommended.
  - vi. Nesting birds: The site has the potential to support nesting birds. The additional landscaping will enhance the site for nesting birds.
  - vii. Landscape: The Churton Ecology report contains recommendations on how to enhance the site for biodiversity. New native hedgerows, with the inclusion of native hedgerow trees, a habitat bund and low intensity grassland will improve the ecological interests on site. A landscape plan has been submitted in support of this application and it should be conditioned on the decision notice to ensure the provision of amenity and biodiversity afforded by appropriate landscape design. A condition is recommended.
- 4.7 S.C.Drainage: No objection in principle. A Flood Risk Assessment is required as the area exceeds 1ha. The drainage strategy proposes to limit a discharge rate of 5l/s and the storage will be provided in the form of a pond and French drains is acceptable in principle. However, the use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 20% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. If soakaways are not feasible, detailed drainage calculations to limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 20% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity to ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design. The applicant should submit details on how the contaminated water in the yard from spillages or cleaning of agricultural buildings will be managed/ isolated from the main surface water system. The design and layout of the surface water drainage is acceptable. A condition

and informatives relating to foul water drainage are recommended and are included in Appendix 1.

Public representations:

4.8 The application has been advertised in accordance with relevant provisions and the nearest properties have been individually notified. Representations have been received from 7 local residents, 6 objecting and 1 in support. The comments can be summarised as follows:

4.9 Objectors:

i. Vaughan: This application indicates that no additional local employment would be generated. The local residents therefore gain nothing from the proposed expansion, except for noise, vibration, dust, damage and danger.. Chicken depopulation days are already a real nuisance, but the more frequent bulk food containers are a thundering menace. They vibrate windows of the roadside cottages of Shipton, Brockton and the conservation area of Bourton. Since the build of the first chicken unit by the applicant, there has been expansion here and a further chicken farm has been allowed at Bradley Farm in Bourton. Vehicles to all these locations use the B4378 (with permission), even though there is a weight restriction order (W.R.O.) in place. This W.R.O. was granted because the Shipton to Bourton road is single track for much of it's length and the large vehicles rarely give way (probably cannot!), forcing locals off the highway. It is inevitable that a serious accident involving these lorries will result and the building of two further poultry sheds and five food silos will add a far from insignificant amount of large traffic to the narrow local lanes and will increase the danger. I therefore request that this expansion be refused on safety grounds and because of the damaging effect on the conservation areas of the Corvedale.

I have sent in a report from 'Stoneycroft planning & development consultants'. This report shows that many relevant facts were omitted from the application. I would also like to know how the proposed biomass boiler is to be fuelled and whether in fact there are also many large woodchip transport lorries which also need to be taken into account?

ii. Stanley: Whilst we appreciate the need to make a living in the rural community, we are concerned that the expansion of the existing chicken farm will set a precedent for further expansion and lead to an industrial size scale chicken farm on the outskirts of our small village. Our concerns centre around the potential increase in heavy vehicles passing through the village, which they currently already do at speed and the environmental effects from practices such as the spreading of waste on the surrounding residents. We would ask that all the necessary impact reports are completed before any consideration is given, so that all concerned can truly understand the potential impact of this application.

iii. Lasance: This application would bring the total number of chicken sheds to 9 with a total capacity of 330,000 birds on site. It begs the question "When is enough - enough!". "Woodhouse Fields Farm is located...near to the river Corve. The farm, including the application site occupies a broad rolling valley bottom". The Development site adjoins the River Corve and any run off will be to the River Corve - It is left to the applicant to submit a risk assessment. It would therefore be in his own best interests not to acknowledge a risk. An application for a wind turbine was recently withdrawn by



this applicant when there were local concerns over the impact to the environment. This application refers to 5 "feed bins" which I take to be grain silos which also have significant visual impact. This application "will provide benefits to local ecological networks and habitats". What about the impact on the habitats of the residents nearby? "The ES is intended to enable stakeholders to understand the nature of the proposed development and to evaluate the likely significant environmental impacts. In the case of the local planning authority it will be used in the decision making process as the relevant planning policy supports large scale agricultural development only where there are no unacceptable environmental impacts." This is followed with "There will be no increase in vehicle movements outside the hours of 23 to 0700 and therefore there is no assessment of the noise impact of offsite vehicle movements at night." These lorries pass within feet of our house and are already rattling our windows disturbing our sleep. By the same token "due to the separation distance between the site and the places where people live no assessment has been made of the impact of particulate matter and odour on humans". The "Valuable crop fertilizer" can be an assault to the olfactory senses. Fields on which manure will be stored and spread will not be confined to the area of the application site but will be within the larger surrounding area in which we live. The manure is required to be removed in sheeted trailers for transport off site - this is not happening at present... It is incongruous in an area which is reliant on the tourism to disregard the impact this development will have on the unique nature of this environment - Bourton is frequently likened to The Cotswolds. Those of us living in the area are not "separated by distance", we are sharing the same roads and frequently pass this farm and by the same token, the farm vehicles must pass us. These vehicles were designed for use on motorways, not single track roads. The pot-holes and muddied verges will tell the tale. If you are unlucky enough to meet one of these towering vehicles in your car the only course of action is for YOU to back up. Doubly unlucky if another vehicle is behind you. You could be reversing for some considerable distance. If you happen to be on horseback and there is no nearby open gateway then you will undoubtedly be in danger. Transport via the B4378 has a HGV lorry ban. There are narrow pinch points, for instance near Bradely farm and at the descent into Much Wenlock where there are high banks which will not allow any vehicles to pass one another, much less HGVs. Yet this application will bring more lorries down these roads. It may be that some form of re-routing may be proposed by the applicant but in reality he has no control of vehicles travelling to his farm or any other vehicles sharing the roads. By virtue of the fact that so much is written in the application in order to create the comforting feeling that the applicant has spent time and money to cover every aspect of the proposal, and yet the words "no significant impact" appear time after time which negates in a few words all that goes before. The whole tenet of the arguments, brings to mind that phrase "Methinks thou dost protest too much".

- iv. Weaver: My family and I have lived in this area for many years, during that time farming has changed namely bigger machinery. This I accept being from a farming background, however residents and other road users opinions must now be considered for the following reasons: Extra buildings will mean more large vehicles on our road, namely HGV's, Tractors, Trailers laden and unladen. The road structure is deteriorating causing potholes, uneven camber and surface break up is happening, surely it will only worsen if more of these heavy vehicles and their loads are allowed to use it. A great concern is safety, the road is quite narrow in places and there are a few sharp corners, which when meeting these large vehicles can be a hair raising experience especially when there is no safe place to pull over. In conclusion I am worried my family,

neighbours and all who use this road regularly will if permission is granted have to suffer the consequences of the decision.

- v. Howell: The Bourton area is idyllic and benefits from being a quiet area. The lane and general area would be ruined by an increase in traffic flow, in particular, heavy industrial lorries on an already poorly maintained and small country lane. There are few passing points and there are already issues with large lorries (milk and feed suppliers) using this lane excessively and at ridiculous times of the day and night.
- vi. Birley: I object to this development on two grounds. Firstly because of the increased traffic on a very narrow country lane, where there are already plans to increase housing in the village of Bourton adding to more cars using the lane in both directions. Secondly the plans for the major expansion of this industrial farming do not appear to have any provision to hide the barns from the south or west, other chicken farms in the area have been landscaped with bunds or sunk into the ground. The site of these intensive factories from nearby footpaths and bridleways is not one that fits with the beautiful surroundings. The environmental impact documents also do not appear to be available in the application. On the 24th of June, at midday in very hot sun there were two lorries packed with live chickens on the lane to Monkhopton. The driver refused to let the post mistress get past and was pretty rude. We both had to reverse back downhill some distance. This sort of problem is going to get worse with three times the amount of traffic transporting live birds. It is also inaccurate to state that this application only affects one house, it affects the whole village of Bourton and Monkhopton, and two caravan parks.
- vii. Grosvenor: My objection is due to the increased amount of traffic on the Monkhopton to Bourton lane; there has already been an increase in traffic, especially large lorries, over the past few months, this will only compound the issue. The road surface is already damaged and full of pot-holes. My second objection is on an ethical ground that the birds will not be free roaming.

#### 4.10 Support:

Bason: I support this application provided better landscaping is done as these sheds are very visible from our property and the landscaping on the previous sheds was very poor.

#### 5.0 THE MAIN ISSUES

- Policy context and justification for the development;
- Environmental effects of the development (odour, noise, traffic, drainage, pollution, visual impact, heritage and ecology).

#### 6.0 OFFICER APPRAISAL

##### Policy context:

- 6.1 National Policy: The National Planning Policy Framework (“NPPF”) advises that the purpose of the planning system is to contribute to achieving sustainable development (para 6) and establishes a presumption in favour of sustainable development (para 14). This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth (para 18). There are three

dimensions to sustainable development: an economic role, a social role and an environmental role (para 7). Significant weight should be placed on the need to support economic growth through the planning system (para 19). Paragraph 28 states that “planning policies should support economic growth in rural areas in order to create jobs and prosperity...”.

- 6.2 The applicant considers that the proposals comply with all 3 dimensions of sustainability. It is stated that proposed development performs an economic role because it involves investment in an existing business which supports local rural jobs (NPPF Para 18, 19, 28). The development performs a social role because the jobs and investment would help to support the local economy and hence the rural community. The applicant considers that the development also performs an environmental role because it is an environmentally efficient system of farming and the proposed landscaping would protect the local environment and deliver biodiversity benefits (NPPF Section 7, 11, para 118). The Environmental Statement also concludes that there would be no significant adverse effects on health and quality of life due to the separation distance between the site and places where people live. Environmental issues are considered in succeeding sections.
- 6.3 Core Strategy: Policy CS1 of the Core Strategy sets out in general terms that Shropshire will support investment and new development and that in the rural areas outside of settlements this will primarily be for “economic diversification”. Policy CS5 (Countryside and Green Belt) supports agricultural development, provided the sustainability of rural communities is improved by bringing local economic and community benefits. Proposals should however be “on appropriate sites which maintain and enhance countryside vitality and character” and have “no unacceptable adverse environmental impact”. The policy recognises that “the countryside is a ‘living-working’ environment which requires support to maintain or enhance sustainability”. Paragraph 4.74 states that: “Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural ...related development, including ... poultry units ... can have significant impacts and will not be appropriate in all rural locations.”
- 6.4 The applicant states that the proposals conform with CS1 and CS5 because:
- Its primary purpose is economic diversification;
  - It will assist in providing balance to the rural community by encouraging local people to live and work in the community;
  - It assists in achieving the aim of local food production and also food traceability and security, reducing the UK’s reliance on imported food sources including poultry;
  - It will provide local employment and economic benefits;
  - The Environmental Impact Assessment demonstrates that the proposals have no unacceptable impact on the environment;
  - It will enhance the vitality and character of the living working countryside by sustaining the local community and bringing local economic benefits.
- 6.5 Policy CS6 advocated high standards of design and sustainability. The applicant states that the proposal incorporates sustainable design considerations including:

- Sustainable drainage, water efficiency and renewable energy generation systems, energy efficiency (appropriate insulation);
- Sustainable construction methods (modern poultry shed design).
- The proposal does not propose significant levels of traffic.
- The proposal does not adversely affect the natural and built environment and is appropriate in scale, density, pattern and design taking into account the local context and character.

6.7 Policy CS13 states that “Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth ... In so doing, particular emphasis will be placed on ... supporting the development and growth of Shropshire’s key business sectors ... particularly food and drink production ... [and] ... in the rural areas, recognising the continued importance of farming for food production”. The applicant states that the proposal accords with this Policy as it delivers economic growth within the rural economy and the food and drink industry, which is one of Shropshire’s key business sectors.

6.8 It is recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. To be sustainable however and therefore to benefit from the presumption in favour set out in the NPPF the proposals must also demonstrate acceptability in relation to environmental considerations and the policies which cover these matters. This includes CS7 (Transport), CS8 (local amenities), CS13 (economic development), CS17 (Environmental Networks) and CS18 (Water Resources).

#### Environmental implications of the proposals

6.9 Transport: Policy CS7 requires sustainable patterns of transport. In terms of transportation the Environmental Statement predicts that the proposals will generate a marginal change in vehicle movements on the bird depopulation days and a minimal change in vehicle traffic overall to the existing operation. The change in traffic to the farm is stated to be well within the day-to-day variation of flow on the adjacent highway network.

6.10 Delivery times vary in line with existing operations. Manure generated from the proposed development would be used on land farmed by the applicant and taken from the farm by tractor and trailer in line with existing farming practices. The existing farm access already accommodates all farm traffic (including HGV movements) to the farm, and benefits from good existing visibility splays of 2.4m by 90m in both directions. The farm implements a clockwise system for routing of HGV’s via the B4378 Much Wenlock road and the B4368 via Monkhopton to avoid the possibility of farm HGV’s meeting in opposing directions during busier periods.

6.11 There would continue to be 7.6 bird crop cycles per year and the depopulation process would continue to operate with a maximum of two movements per hour between the hours of 0200 and 0700. The applicant states that this approach minimises disturbance to residential properties on the clockwise HGV route to/from the site. It is stated that the level of two HGV movements/hour for depopulations between the hours of 0200 and 0700 has previously been accepted by the Council and the Planning Inspectorate on comparable consented schemes across Shropshire.

6.12 With the existing 240,000 bird operation on 25 days of the crop cycle there are no HGV movements. On a further 11 days of the crop cycle there is an average of only 1 HGV visiting the site each day. On 5 days of the crop cycle there are 2 HGV's visiting the site each day. On only 5 days of the whole crop cycle are there more than 3 HGV visits per day. The existing poultry operation generates a total of 156 HGV and Tractor and Trailer movements over its cycle, or 1,186 movements over the year (7.6 crop cycles). With the proposed 330,000 bird operation. On 24 days of the crop cycle there are no HGV movements to/from the site. On a further 8 days of the crop cycle there is an average of only 1 HGV visiting the site each day. On 8 days of the crop cycle there are 2 HGV's visiting the site each day. On only 6 days of the whole crop cycle are there more than 3 HGV visits per day. As with the existing poultry depopulation good practice and bird welfare standard will be followed and the depopulation will not start earlier than 0200; on the longest depopulation day is normally completed by 1400 hours. The crop clearance will take place over a two two-day periods separated by a week, and during the 0200 to 0700 period there will be typically no more than two HGV bird removal movements to/from the site per hour. Depopulation HGV movements and times during the night will not change from the existing situation; there will continue to be a maximum of ten HGV movements between 0200 and 0700 during the night for a maximum of 30 days during the year.

6.13 Objectors to the scheme cite concerns about vehicle movements as one of the main concerns. One objector has commissioned a consultant's report which raises the following highway concerns.

- 1) The width and alignment of the unclassified highway which is the sole means of access to Woodhouse Fields Farm;
- 2) The visibility available along that highway and at the Farm entrance is considered insufficient;
- 3) The farm traffic generation, it's routing and likely conflict with other road-users.
- 4) The methodology employed by the applicant's highway consultant is questioned. reliance is placed upon the continuance of the current voluntary traffic patterns, ie. over-night and specific routing.
- 5) The forecasts of traffic generation are questioned but even if they are accepted the consultant concludes that this will greatly exacerbate an already unsatisfactory and potentially dangerous highway situation. The EIA quotes 116 HGV's per cropping cycle but the consultant considers 197 HGV movements would be more likely based on the ratio for a much smaller site in Warwickshire.

The objector's consultant concludes that current traffic generations are inappropriate for the rural location and restricted access to the existing poultry establishment, even if the voluntary measures are fully honoured.

6.14 The following can be said with respect to the objections referred to above:

- 1) Unclassified road: Levels of traffic to the facility are low outside of depopulation periods and would not change. Depopulations would occur at night times between 2am and 7am when other road use is at its lowest and a one way system would continue to apply. The frequency of HGV movements during depopulations would not exceed the current rate of 2 return HGV movements (4 individual movements) per hour which has been considered an acceptable rate for night time depopulations at other Shropshire poultry sites. The facility would increase from 7

houses with 249,900 bird places to 9 houses with 330,000 birds and there would be a corresponding increase the length of HGV movements, but the frequency would not increase. The unclassified road is considered suitable to accommodate this additional 'out of hours' HGV traffic.

- 2) Visibility from farm entrance: This is considered sufficient and compliant with normal highway safety criteria for unclassified roads.
- 3) Conflict with other road users: The majority of the HGV traffic would take place during off-peak times for other road users and would be subject to a one-way routing system. Hence, the potential for conflict with other road users would be correspondingly reduced;
- 4) Methodology: The methodology of the applicant's highways report is considered acceptable and consistent with other highway reports on poultry units received by the Council. The pattern of over-night traffic and one-way vehicle routing forms an integral part of the existing and proposed operation and has been designed taking account of the local highway system. There is no proposal to change this system.
- 5) Forecast: The applicant's forecasts are considered to be credible and are consistent with other poultry units of similar size in Shropshire. The objector's consultant's report refers to a much smaller unit in Warwickshire. However, factors such as vehicle size and load characteristic will influence HGV numbers.

6.15 Highway officers have reviewed these comments but do not consider that a highway refusal could be substantiated. Given the absence of objection from Highway officers and the proposed traffic control measures it is concluded that the proposals are capable of complying on balance with relevant highway policy considerations. (Core Strategy Policy CS7).

6.16 Odour and noise: Core Strategy Policy CS8 seeks to maintain and enhance existing facilities, services and amenities and to contribute to the quality of life of residents and visitors. The proposals are considered unlikely to give rise to any significant additional effects on amenities of residents and visitors due to the separation distance between the site and places where people live. The Environment Agency regulates poultry units through the Environmental Permitting system, including odour control, and has not objected. Modern ridge extraction fan systems can significantly reduce the off-site odour concentrations. The proposals also involve the installation of heat exchangers in the existing and proposed poultry houses. This will reduce the moisture of poultry litter which will also likely result in odour reductions relative to the existing situation. The site is sufficiently far from private residential property for noise from the operations not to be an issue. It is concluded that refusal on grounds of odour or noise could not be justified and that the proposals are compliant on balance with relevant amenity policies including Core Strategy Policy CS8.

#### Natural and Historic Environment:

6.17 Policy CS17 states that "development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources, and should not adversely affect visual, ecological ... heritage or recreational assets.

6.18 Ecology: An ecological report assesses the potential impacts of the proposed poultry farm on protected species and their habitats. Habitats on-site are generally of low value given the intensive use of the site for agriculture and the value of the site as habitat for

protected species was found to be limited. There are no records for specially protected species in the 1km surrounding the site. The report concludes that the development, as a result of the proposed landscape enhancement measures will have a positive input on local species and habitats.

- 6.19 Natural England and the Council's Ecology section have not objected. The latter notes that there are a number of ecological designations in the area surrounding the site. However, the proposal to install heat exchangers in the existing and proposed poultry units will result in a significant reduction overall in the level of emissions from the facility. The landscaping proposals overall would result in ecological improvements relative to the current situation. Conditions and notes covering ecological matters have been included in Appendix 1. It is considered that the proposals would not impact adversely on ecological interests and the proposed landscaping measures are capable of delivering ecological enhancements in accordance with Policy CS17.
- 6.20 Visual impact: The proposed site is set down in a valley location at the northern end of the Corvedale and is remote from the nearest privately owned residential properties. The remainder of the farm is in arable use and comprises of a mix of medium, large and very large scale fields bounded by hedgerows or remnant hedges with occasional small woodlands. No public rights of way are directly affected by the proposed development, although there are rights of way 300m to the south west 600m to the south east with potential views of the site. The site is located 2.5km from the nearest part of the Shropshire Hills AONB and is not visible from the AONB due to distance and the intervening topography.
- 6.21 A Landscape and Visual Impact Assessment (LVIA) explains the potential impacts of the proposed poultry farm on the fabric of the landscape and the perception of landscape character of the area. It also considers the potential impacts of the proposed development on visual amenity, assessing individual views surrounding the site in accordance with established methodology. The site is located within the 'Riverside Meadows' landscape type at its interface with the 'Estate Farmlands' landscape type. The LVIA concludes that the development will have no significant effect on either landscape character or visual amenity. Whilst the proposed poultry units would be quite large structures they sheds would be of a 'low profile' design, would be located in a topographic depression adjacent to existing agricultural buildings, would generally be viewed only from a distance and the proposed landscaping measures would further assist in integrating the site into its surroundings.
- 6.22 The only public views identified in this assessment where the proposed development would have more than negligible significance are those of walkers/horse riders along the road from Bourton to Monkopton; along Footpaths 0133/29, 0131/17 & 0131/16; and along Bridleways 0133/13M & 0131/13. Whilst walkers and horse riders using these routes have been treated as having Medium/High susceptibility, the views from these routes are only of local level value. In each of these cases the scale of visual effect has been assessed as Low/Medium over geographical areas ranging from Low to Medium. In all these cases the duration of the effect would be Long Term. Whilst such effects may be raised as local issues the LVIA assessed them as being of Minor adverse significance. The LVIA considers all the other effects on identified public views to be of Negligible adverse significance only. Only 2 private dwellings would be affected: The Floors and the mobile home at Kitesnest Farm. Again, whilst the visual effects on these properties may be raised as local issues the

LVIA does not consider that these would comprise important considerations in the decision making process.

- 6.23 A consultant acting for an objector has questioned the conclusions of the LVIA, stating that the existing sheds are readily visible from the west down a wide shallow valley. A failure of tree planting on the existing grassed bund is noted. Other views from the nearest footpaths to the south and south-east are provided. It is accepted that localised views of the site would be possible from the surrounding area. However, it is not considered that the proposals would give rise to a degree of wider visual impact which would be unacceptable and sufficient to justify planning refusal when the benefits of local food production are taken into account. With the exception of these localised views acknowledged by the LVIA it is considered that the site is generally well screened from most viewpoints. The proposed sheds would be 1-1.5m lower than the existing sheds and would be contained by the proposed re-aligned bund and associated landscaping. It is unfortunate that tree planting on the bunds linked to the previous consent failed. It is important that the proposed planting succeeds and an appropriate condition with aftercare provisions has been recommended in Appendix 1.
- 6.24 Subject to this it is concluded that the proposals would not give rise to an unacceptable visual impacts on the landscape provided they are subject to appropriate landscaping and surface treatment conditions. It is considered that any residual visual effects after the proposed landscaping is taken into account would be limited and outweighed by the benefits of the scheme to agriculture and the rural economy.
- 6.25 Cultural Heritage: There are no known designated or un-designated heritage assets within the proposed development site boundary. However the surrounding area contains a number of non-designated heritage assets primarily relating to the Medieval period. The site is currently arable and has been consistently disturbed in the past as a result. In view of this, and the degree of disturbance undertaken during construction of the existing poultry shed unit and the creation of the screening bund, the assessment concludes that the proposed development site is of low archaeological potential. Nevertheless, a heritage assessment concludes that appropriate mitigation in the form of an archaeological inspection following the topsoil strip over the site in order to record any archaeological evidence or artefacts revealed may be a suitable response to the application, in accordance with NNPF (2012). The assessment concludes that the application will have minimal visual impact on the setting of any heritage assets. An archaeological watching brief condition has been recommended and is included in Appendix 1.
- 6.26 Water resources: Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. The applicant states that the proposal accords with Policy CS18 as it will not give rise to significant adverse effects on water or flooding. The proposed Sustainable Urban Drainage System (SuDS)) will prevent any risk of flooding. The Council's Drainage section has not objected. Appropriate conditions and advisory notes are recommended in Appendix 1.
- 6.27 Pollution: Manure from the site would be stored in in-field stores before being applied to the land as organic fertilizer. No manure would be stored on site, even for a short period. The applicant farms sufficient land area to spread the poultry manure within its own ownership and suitable storage locations are available away from ground and surface water sources. None of the land that the applicant farms falls within a Nitrate



Vulnerable Zone. It is considered that the proposals would not pose any significant risk to ground or surface water quality. The poultry units would be heated by a modern biomass boiler system which would be fully compliant with relevant air emission standards. Biomass boilers produce a drier heat than traditional gas fired boilers which reduces the moisture content of poultry litter. This in turn reduces ammonia emissions and has benefits for bird welfare. The renewable heat energy produced by biomass boilers also has benefits in terms of climate change by substituting for the greenhouse gases which would otherwise be emitted by a fossil fuel heating system.

- 6.28 Material balance: The proposals would require excavation works and removal of the existing bund in order to create a level development platform. The surplus excavated material would be accommodated within the proposed new bund, thereby eliminating the need for such material to be disposed of at a suitably licensed inert waste facility.
- 6.29 Consideration of alternatives: Alternatives were considered as part of the design process. The application site was preferred as it adjoins the existing buildings and farm driveway and also has easy connection to existing services. It is considered that this is preferable to establishing an isolated poultry site away from the main farmstead and that the proposed development represents an appropriate choice having regard to the potential alternatives.

## 7. CONCLUSION

- 7.1 It is considered that the proposals represent an appropriate form of expansion for the existing farm business. It will assist in ensuring the future profitability / robustness of the business whilst continuing to contribute to the local economy and employment. It will also provide locally sourced food as part of a key industry in Shropshire, supplying a strong national demand for poultry meat. The proposals therefore comply with Core Strategy policies CS1(sustainability), CS5 (Countryside) and CS13 (economy).
- 7.2 It is considered that the EIA accompanying the application demonstrates that the environmental impacts of the proposed development are not significant and are capable of being effectively controlled and mitigated. The design of the scheme incorporates sustainable features such as biomass heating, SuDS and landscaping. The proposal would accord with Core Strategy policies CS6 and CS17, and Much Wenlock Neighbourhood Plan policy GQD2 in terms of having regard to the local context and the character of the area. The recommended conditions would also be supplemented by detailed operational controls available under the Environment Agency's permitting regime. It is concluded that the proposals are capable being accepted in relation to relevant development plan policies and guidance.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 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 - written representations, a hearing or inquiry.

- The decision is 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 a) promptly and b) in any event not later than three months 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.

### Human Rights

Article 8 give 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.

### 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 1970.

## 9.0 FINANCIAL IMPLICATIONS

- 9.1 There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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:

#### 10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

- 10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in

favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to 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 to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, *to respond to the challenge of climate change* and, in relation to housing, adapt to changing lifestyle

needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

ii. CS13: Economic Development, Enterprise and Employment:

Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities*. In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them*. Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, recognising the continued importance of farming for food production and *supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains*. Development proposals must accord with Policy CS5.

v. CS17: Environmental Networks

*Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.* Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

## vii. Other relevant policies:

- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.

## 10.3 Saved Local Plan Policies:

10.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;

10.3.2 The Bridgnorth Local Plan The site is not affected by any specific designations in the Plan. Previously relevant policies have now been replaced by the policies in the Core Strategy.

10.4 Emerging planning policy documents and guidance

10.4.1 Site Management and Allocation of Development Document (SAMDEV) – The site falls within the Much Wenlock area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDEV acknowledges that 'Shropshire must play its part in providing energy from renewable sources. We want to encourage renewable energy developments but we also need to conserve Shropshire's high quality environment. Current Government guidance suggests we should develop criteria to enable low carbon and renewable energy development to proceed when there are no significant adverse effects on recognised environmental assets'.

10.4.2 Draft policy directions for the SAMDEV have been published and indicate the direction of future policy change. The most relevant directions for the current proposals are:

- MD9 – Managing development in the countryside (seeks to protect heritage,

landscape and biodiversity assets);

- MD14 – Protecting and enhancing Shropshire’s natural environment (seeks to ensure that biodiversity sites, habitats and species of recognised value are protected and enhanced).

It is considered that the proposals are in broad compliance with these policy directions.

Other relevant plans:

10.5.1 The Much Wenlock Neighbourhood Plan: Key objectives relevant to the current proposals include:

- i. Objective 1 - Local economy and jobs:  
The Neighbourhood Plan will facilitate opportunities for new and existing businesses to create employment growth and it will do this through:
  - the designation of additional land
  - the approval of new premises in appropriate location(s)
  - allowing new mixed-use development so appropriate businesses can operate from homes and dwellings and
  - by resisting the change of use of sites currently designated for employment purposes
- ii. Objective 6: Achieving a more sustainable community and addressing climate change:  
The Plan will encourage a move towards a low- carbon economy which includes local food production and the generation of renewable energy. We will do this through:
  - Permitting the allocation of land within the parish to support food production that meets local needs and the local market;
- iii. Objective 9: Improving and protecting the local landscape and wildlife:  
The Neighbourhood Plan will encourage sympathetic management of the countryside around Much Wenlock to enhance the high quality landscape, improve local biodiversity and other benefits to the community as part of our ‘green infrastructure’
- iv. Other relevant objectives include:
  - Objective 3: Traffic management and community well-being;
  - Objective 4: Community facilities;
  - Objective 7: Protecting our local environment through well-designed development;

11. RELEVANT PLANNING HISTORY:

11.1 The application site is located mainly on an agricultural field which has no prior planning history but part of the site occupies an existing building currently used for pig rearing.

<b>List of Background Papers:</b> Planning Application 15/1808/EIA and supporting documents and plans.
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<b>Cabinet Member (Portfolio Holder):</b> Cllr M. Price
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<b>Local Member:</b> Cllr David Turner
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<b>Appendices:</b> APPENDIX 1 - Conditions
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<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

## **APPENDIX 1**

### **Conditions**

- 1a. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.
- b. Not less than 7 days advanced notice shall be given in writing to the Local Planning Authority of the intended date for the commencement of operations under the terms of this permission. Such date shall be referred to as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a) and to define and give appropriate advanced notice of the Commencement Date (1b).

2. The development shall be carried out strictly in accordance with the approved plans and drawings numbers:
  - 46634-01 (Location Plan );
  - 46634-02 (Existing Site Plan );
  - 46634-03 (Proposed Layout );
  - 46634-04 (Plans And Elevations );
  - 46634-05 (Plans And Elevations );
  - 1445.03 (Landscape Plan).

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

- 3a. Tree, shrub hedge and other planting and subsequent management shall be carried out in accordance with the approved landscape plan (1445.03). All planting and seeding shall be carried out within twelve months of completion of development.
- b. Any tree, shrub or other planted material which dies or is otherwise lost during the first 5 years post-planting shall be replaced with a tree, shrub or other plant of similar size and species.

Reason: To ensure landscaping is carried out and managed in a way that will provide the best conditions for it to reach maturity and thereby provide the intended mitigation and amenity benefits in the long term.

#### Ecology:

4. Work shall be carried out strictly in accordance with the Appendix 8 Environmental Statement produced by Churton Ecology (March 2015) and as shown on the approved landscaping plan reference 1445.03.

Reason: to ensure the enhancement of the site for biodiversity (NPPF, CS17).

Notes:

- i. *Special consideration should be made to minimise the impact lighting may have on any foraging & commuting bats. Lighting should not shine on potential ecological corridors and should be in line with the advice available in the Bat Conservation Trust booklet Bats and Lighting in the UK.*
  - ii. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
  - iii. *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. 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.*
4. A Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The plan shall detail measures for managing construction traffic and control of noise, dust and pollution during the construction phase and shall be implemented fully in accordance with the approved details.

Reason: In the interests of highway safety.

5. Construction works shall not take place outside 06:30 to 19:00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area.

6. No development shall commence on site in connection with the approval until samples of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate in the landscape.

7. Full details, plan and sizing of any proposed septic tank including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment



Form (FDA1 Form). British Water Flows and Loads: 3 should be used to determine the number of persons for the proposed development and the sizing of the septic tank and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2 Paragraph 1.18. These documents should also be used if other form of treatment on site is proposed.

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

Notes:

- i. *Consent or an exemption certificate is required as appropriate from the Environment Agency for discharging treated foul effluent into the watercourse. However, if the ditch/watercourse is occasionally dry, the treated foul effluent should discharge into a drainage field.*
  - ii. *If using water butts on site these must be monitored to ensure they do not overflow. Opening the tap to allow water to drain freely from the water butt is acceptable as this will act as to attenuate the flow of the surface water collected. It is recommended that the flow route from the water butt is determined to ensure this does not cause issues elsewhere on site.*
8. No development shall commence on site in connection with this approval until the applicant (or agent acting on his behalf) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: Earthwork remains of ridge and furrow of probable medieval date survive within the field through which the new access road would cross and the programme of archaeological work would be appropriate to mitigate the archaeological impact.

9. Prior to the first use of the development hereby approved 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.

10. The proposed surface water drainage scheme shall be installed in accordance with the approved drainage details prior to the first occupation of any of the development hereby approved. Details of the flow control structure should be submitted for approval prior to the commencement of the works.

Reason: To ensure that the surface water drainage system is adequate and to minimize flood risk.

- 11a. Total lorry movements from the 9 unit poultry site when transporting birds during depopulation shall not exceed a maximum of ten HGV movements (5 return visits) between 0200hrs and 0700hrs.

- b. Depopulations under the terms of this permission shall not take place for more than a maximum of 30 days during a calendar year.

Reason: To minimise disturbance to neighbouring residents.

12. The removal of poultry manure shall not take place outside the hours of 07.00 to 18.00 hours Monday to Friday, Saturday 08.00 to 13.00 hours and at no times during Sundays and bank or public holidays.

Reason: In the interests of residential amenity.

*Note: It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of each building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5 provides details of typical fire service appliance specifications.*

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. Work shall thereafter proceed strictly in accordance with the strategy agreed.

Reason: For the protection of surface and groundwater resources.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification), no development shall be carried out under Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority.

Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.

15. All plant and machinery on site shall be installed as per the figures within the application and maintained thereafter in accordance with the manufacturer's recommendations.

Reason: To protect neighbouring properties.

16. Prior to the bringing into use of the development the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:

- i. Investigation of the complaint;
- ii. Reporting the results of the investigation to the Local Planning Authority;
- iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

Note:

*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. 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.*

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Committee and date

South Planning Committee

8 September 2015

## Development Management Report

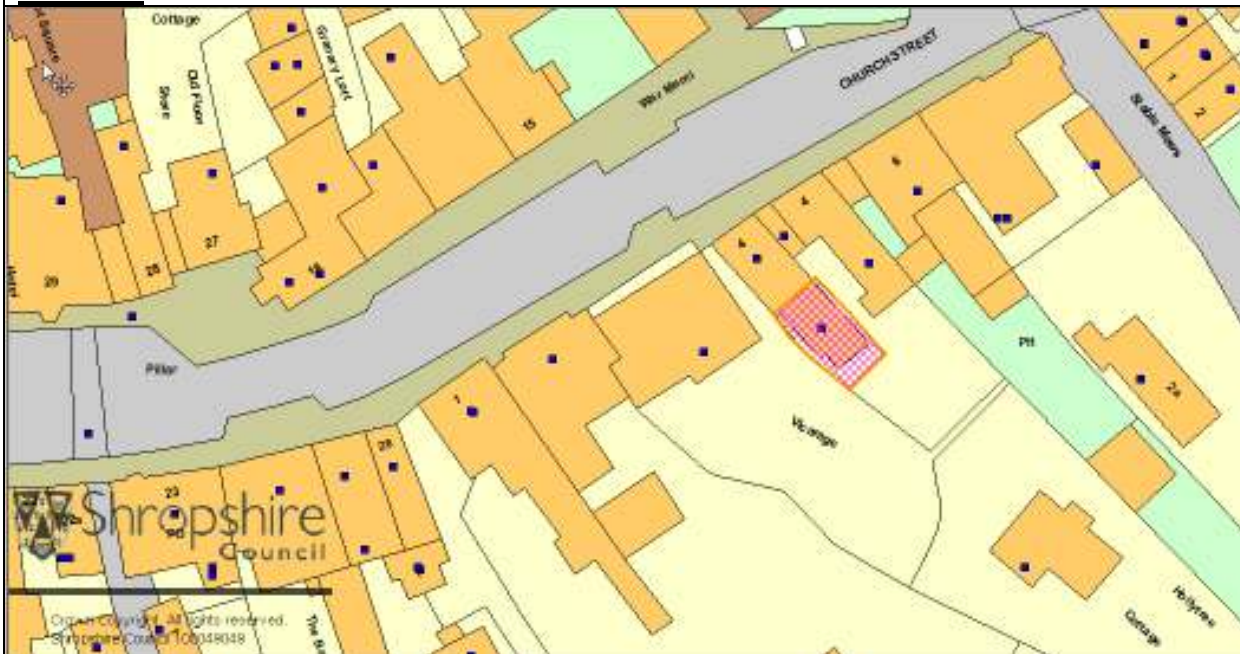
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 15/01976/FUL	<b>Parish:</b>	Cleobury Mortimer
<b>Proposal:</b> Conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse		
<b>Site Address:</b> Proposed Dwelling Rear Of 4 Church Street Cleobury Mortimer Shropshire		
<b>Applicant:</b> Mr Gwilym Butler		
<b>Case Officer:</b> Emily Napier	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 367390 - 275729



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

Recommended Reason for Approval

**REPORT****1.0 THE PROPOSAL**

- 1.1 Seeks the conversion of a redundant pharmacy store from Use Class A1 to Use Class C3 (Dwelling house)
- 1.2 Some modest works are proposed in order to facilitate the conversion; this is primarily the introduction of windows in place of doors. A porch was proposed however following objections from neighbours, the town council and Shropshire Councils Conservation team this was omitted from the plans.
- 1.3 This application was deferred from Committee in order for more information to be submitted with reference to the following considerations:
- A retail assessment confirming that loss of the retail storage facility would not impact on the ability of the remaining unit to accommodate a wide range of A1 uses in the future.
  - Detailed confirmation of areas owned by the applicant and / or within the 'communal' courtyard area.
  - Confirmation is required of the detailed separation distances between the facade of the site and the property to the north east.
  - Additional picture showing context of property.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The property to which this application relates is a modest structure forming a more recent addition to the rear on an existing A1 premise. The structure is a modest single storey extension at the rear of 4 Church Street. 4 Church is a grade II listed building occupying a prominent position on Church Street, within Cleobury Mortimer conservation area. The building is early C18 with later additions, and is constructed principally of brick under a tile roof with decorative ashlar details. The application concerns the single storey outbuilding attached to the rear of the building, previously used as a store room, which is accessed via a central passageway from the front of the building. The outbuilding is considered listed by virtue of being attached to the main listed building, although is a much later mid C20 structure, and does not in itself appear to be of any historic interest. However, works to this part of the building will result in an impact on the main listed building.
- 2.2 There are a number of residential units already accessed via the rear of 4 Church Street, there is one self contained flat adjacent to the building related to this application with a number of windows facing out towards to application building, the primary window that will most likely be visible from the application building serves kitchen/ living room area.

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

3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

### **4.0 Community Representations**

#### **4.1 Consultee comments**

##### **4.1.1 Shropshire Council Conservation – comments received 22<sup>nd</sup> June 2015**

From visiting the site, it does not appear that the conversion will involve any works to the historic fabric of the listed building, and will solely involve works to the mid C20 outbuilding to the rear. The materials and finishes of the building currently have little cohesion with the main listed building, and therefore conversion of the building may be a good opportunity to improve its visual appearance. Therefore, generally no objection is raised to the proposals; however we would recommend that the following amendments could be made:

-As part of the conservation, improvements could be made to the visual appearance of the building by replacing the existing roof covering with either slate or plain clay tiles. This would allow it to blend better with surrounding buildings in the conservation area.

-The existing brickwork is also of little merit; therefore the proposed rendered insulation coating should improve the appearance of the building, and is supported. We would recommend that a system is considered which has a traditional lime finish, which would be appropriate to the adjacent listed building. Details are required of the texture and colour, and also how the render will be finished at ground and eaves level- however this could be secured as a condition.

-It is considered that the proposed porch will be visually intrusive to the courtyard/ passageway area to the rear of the building, and could be omitted in order to retain the existing linear building line.

-The proposed alterations to window openings, and the installation of patio doors to the gable are considered acceptable. All new windows should be flush fitting timber casements (without trickle vents). Joinery details could be secured by condition.

-Further improvements could be made to the setting of the listed building by replacing the existing concrete courtyard/ passageway with appropriate paving or sets.

#### **Recommendation**

Overall, no objection is raised to the proposed conversion, and providing consideration is made to the above recommendations; it is felt that this should preserve and enhance the character of both the listed building and conservation area, in accordance with parts 66 and 72 of the Planning (Listed Buildings and

Conservation Areas act) 1990.

Case officer note: The comments were submitted prior to amendments and it is therefore considered that comments relating to the porch have been resolved.

**Suggested conditions:**

J5- Rainwater goods

J8- Roof details

C2- Material samples (for render coating)

J24-Joinery details

**4.1.2 Shropshire Council Archaeology – Comments received 12<sup>th</sup> June 2015**

The proposed development is located within the Medieval urban form of Cleobury Mortimer (HER PRN 05478) as defined by the Central Marches Historic Towns Survey, a group of tenement plots, south of Church Street (HER PRN 05473) and within a possible Anglo Saxon Minster enclosure tentatively based on stream and minor streets (HER PRN 05468). In light of this the proposed development site may have some archaeological potential and any below ground archaeological remains may be affected by the construction of the proposed entrance lobby.

**RECOMMENDATION:**

In view of the above it is recommend that an archaeological inspection of the ground works for the proposed entrance lobby be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be: -

**Suggested Conditions:**

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

Officer comments: The above condition was recommended prior to the omission of the porch from the proposals.

**4.1.3 Shropshire Council Affordable Housing – Comments received 28<sup>th</sup> May 2015**

Listed Buildings are noted as an exemption in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy. Therefore no contribution will be required in this instance.

**4.1.4 Shropshire Council Drainage – Comments received 27<sup>th</sup> May 2015**

No objection informative advised.



**4.1.5 Cleobury Mortimer Parish Council – Comments received 23<sup>rd</sup> June 2015**

Cleobury Mortimer Parish Council OBJECT to both these planning applications due to the impact, especially from the proposed entrance lobby, on the amenity of the neighbours. This lobby would severely reduce the light to the property opposite and is proposed to be built on the communal access area. There are some anomalies in the application paperwork ie the property opposite has windows which will be directly overlooked and there will be works affecting both the interior and exterior of the building which is not noted in the application form. Council is also concerned with the Change of Use which will remove a business property from the town.

**4.2 - Public Comments**

4.2.1 Two representations have been received in respect of the application, detailing OBJECTIONS to the proposals, full details are available on the planning file, a summary of the key material considerations raised is provided as follows:

- Impingement of light and privacy if porch and elevation is built by way of its height and proximity to adjacent dwelling.
- Former windows will be lowered, reducing privacy of opposite neighbour
- Bin stores not fundamentally necessary and will be a permanent intrusion into an area specifically designated in leases for an un-encumbered benefit of all occupiers.
- Building would be better used for the purpose it intended.
- Lack of amenity, parking will be exacerbated by the creation of a new dwelling.
- Three properties already occupied here, creation of an additional dwelling will be over crowding given limited access and number of inhabitants already occupying the dwelling space.
- Would have a marked effect on privacy, access for building operatives, emergency services and facilities in the Communal Area previously enjoyed by the present tenants which are included in the deeds to the property.
- Q10 applicant has answered no to works to interior/exterior when the formation of kitchen/ bathroom/ porch and doors and windows will involve such works.
- Q19 applicant has answered no to the question regarding the presence of trees when in fact there is a well established Perry Pear Tree which would affect the development.
- Design and Access Statement doesn't use plural for properties or gardens, could be taken to imply that existing premises are used by fewer people than they actually are.

## **5.0 THE MAIN ISSUES**

**Principle of development**

**Siting, scale and design of structure**

**Impact on amenity**

**Impact on character and appearance of Conservation Area**

**Parking**

**Trees**

**Archaeology**

**Additional information following deferral at Planning Committee**

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 The town of Cleobury Mortimer is a historic Market town, within the Shropshire Core Strategy. Policy CS3 advocates support for development within the town that balances environmental constraints whilst helping to meet local needs. The property is located within a central town centre location and subsequently is considered to be a sustainable location, where there is easy access to services, facilities and public transport to the wider County, it is therefore considered that residential development in this location would meet the principles of the NPPF in that the reliance upon private modes of transport for carrying out day to day activities would be reduced. In this regard it is considered that the principle of residential development within the town of Cleobury Mortimer is supported by the Council.

6.1.2 The Local Planning Authority in approving applications for change of use does not seek to encourage the loss of A1 space in a town centre location. However, the Design and Access statement sets out that the A1 space retained under the proposals will be 25.5sqm including 12.5sqm for storage and staff welfare provisions. The unit has been successfully let as a Barber Shop (A1) and subsequently it is considered acceptable for some storage provision to be lost without jeopardising future A1 facilities.

6.1.3 As the application site is within a designated Conservation Area proposals also need to meet policy CS17: Environmental Networks, which seeks to protect and enhance the historic environment and the character and appearance of the locality. Special regard has to be given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

6.2.1 The application originally proposed the addition of a porch to the exterior of the property; this was omitted from the proposals on grounds of the impact on the character and setting of the listed building. Subsequently there are minor alterations proposed to the exterior of the building, these include the addition of doors and windows to facilitate the conversion into a habitable dwelling. In considering the revised proposals it is considered that the alterations are

sympathetic to that character and appearance of the existing property and will not unacceptably impact upon the visual amenity of the area. In this regard the proposals are therefore considered acceptable under policy CS6 of the Shropshire Local Development Framework Core Strategy.

### 6.3 Impact on residential amenity

6.3.1 Concerns have been raised with regards to the impact on the amenity of neighbouring occupiers, a number of separate issues have been raised in this remit and for clarity each issue shall be assessed separately.

6.3.2 The representations made referred to the impact the proposed porch would have on the light available for the occupier of the opposite dwelling, having had this omitted from the proposals it is considered that given there will be no external additions to the building there will be no impact upon the light available to the occupier of the adjacent dwelling.

6.3.3 The representations made refer to the increased risk of overlooking. There will be three windows on the North Eastern elevation of the property facing towards The officer has considered the proposals and considers that the presence of windows and doors approximately 3.7 metres adjacent to the window on the South Western elevation of the neighbouring property elevation will already create an element of overlooking if the building was used for its lawful use. Notwithstanding this it is accepted that with a residential occupation it is likely that there may be greater likelihood of continued usage which may increase the amount of overlooking between the two properties. Subsequently the officer considers it appropriate to utilise a condition to ensure that the proposed door and window serving the lobby and window serving the kitchen area on the North Eastern elevation should be conditioned to remain obscure glazed. Given that the main living accommodation will likely gravitate towards the rear French doors it is not considered that the use of an obscure glazed window within this living area will unacceptably harm the amenity that should rightfully be expected to be enjoyed by future occupiers of the property. This condition will ensure that the overlooking between the two properties is reduced substantially to a level considered to be acceptable.

6.3.4 It is considered that the increased footfall using access to the proposed dwelling will be minimal given the dwelling will likely only be occupied by 1-2 people given its proposed size. It is therefore considered that this will have a minimal degree of disturbance to occupiers of dwellings who already utilise the access at 4 Church Street.

6.3.5 Reference has been made in representations to the deeds which allow right of access to all occupants. This is a civil matter and not one that can be taken as a material consideration. With regards to the impact of bin storage facilities, there already exists some form of external storage at the same point on the building, whilst the bin storage will be slightly larger it is not considered that this will create an obstruction that could be argued to unacceptably impact on the amenity of occupiers of dwelling within the vicinity of the site. Furthermore, the visual amenity may be improved by containing waste facilities in a less obvious and prominent manner. Having considered the existence of similar bins within the courtyard area

the officer considers that the waste facilities will provide some improvement upon existing.

#### **6.4 Impact on character and appearance of the Conservation Area**

6.4.1 Given the location of the property and modest external alterations proposed it is not considered that the proposals will alter significantly the character and appearance of the Conservation Area. In this regard it is considered that the proposals will accord with policy CS6 and CS17 of the Shropshire Core Strategy.

#### **6.5 Parking**

6.5.1 The proposals will create one additional dwelling in a central market town location which is considered to be sustainable in that it is in a well served location with access to key services, facilities and public transport that are required for day to day functioning. In this regard it is considered that the necessity of a car will be reduced. Notwithstanding this it is considered that the addition of a single bedroomed dwelling will not rise to such an increase in parking requirements that it could be considered unacceptable. Subsequently it is considered that the proposals will not increase substantially the parking issues that are believed to be prevalent in the locality to such a degree that it would be considered harmful to highway safety.

#### **6.6 Trees**

6.6.1 There is a tree located at the rear of the site, although this was not noted in the submitted application form it was visible on the Officers site visit and photos submitted by the agent clearly show this tree. It is not considered that the proposals will give rise to substantial harm to the tree, given that there will be no works taking place in the vicinity of the tree that would require disturbance to the tree root area. Furthermore, the tree, being located in a Conservation Area, would require a Tree Protection application in the event of ambitions to prune or remove this tree. It is subsequently considered that the proposals, being for change of use, will not unacceptable harm a protected tree and resultantly it is considered the proposals accord with policy CS17 of the Shropshire Core Strategy.

#### **6.7 Archaeology**

6.7.1 Archaeology requested conditions relating to an archaeological inspection prior to ground works commencing. Having had the porch omitted from the plans the officer has confirmed with Archaeology Officers that this condition is no longer required, it should subsequently be omitted from any decision.

#### **6.8 Additional Information requested by Councillors at South Shropshire Planning Committee**

##### **6.8.1 *Loss of retail space:***

Members requested further information to justify that there would remain sufficient space to support a range of future uses in the primary retail frontage. A Retail Assessment was submitted as an appendix to the Design and Access statement

setting out the existing mix of retail premises within Cleobury Mortimer. The officer has considered this information and considers that there is sufficient evidence to reflect that the loss of some retail storage space will not largely impact upon the marketability of the premises. As it stand the premises are currently let out to a barbers, the assessment sets out that in calculating the retail space rental amount this would increase from £425 to £725, would impact upon business rates paid and in considering that this space is not currently utilised by the existing occupier, would not create any further income for the tenant in order to justify this increased expense.

Furthermore, It has also been argued that during last marketing of the premise the majority of interest came from parties who required the showroom and a small storage area. The officer considers that there is insufficient information to indicate that the retail space provided in the event planning permission is granted would not be of detriment to the marketability of the premises and overall harm to the high street. This is further supported due to the current premises being occupied without the use of this storage area.

**6.8.2 Confirmation of areas owned by applicant or within the communal courtyard area:**

It must be noted that details relating to land ownership are not material considerations, whether the siting of bin storage and a disabled access ramp is included within the land ownership is not to be taken as a material consideration. The matters to be considered in this regard are whether the siting will be of detriment in planning terms.

The officer, having attended a site visit, considered that due to the existing siting of a storage facility adjoining the application property it could not be argued that the siting of bin storage facilities would amount to any increased detriment to the amenity of occupiers, as there will still remain sufficient and safe access to areas within and through the courtyard. Notwithstanding the above, with regards to the specific query raised in committee evidence, in the form of title deeds, has been submitted which indicates that all land as indicated on the submitted block plan and location plan is accurate and the land in question is within the ownership of the applicant. It stands that the matter of access rights is held as a civil matter and not one that can reasonably be considered within the planning remit and a material consideration.

**6.8.3 Confirmation of the detailed separation distances between the facade of the site and the property to the north east.**

Further drawings have been submitted which detail that the existing building which will change use is situated approximately 3.97metres at the greater and 2.82metres at the lesser. As set out in the officer report, the distance between windows, is not considered unacceptable given that this relationship exists already. In order to reduce any risk of overlooking, or perception of being overlooked obscure glazed windows have been conditioned to be included in the window most likely to overlook the neighbouring property.

#### **6.8.4 Additional picture showing context of property**

As requested an additional photograph has been submitted. The officer has considered the relationship between the two properties and considers that there may be a slight increase in footfall within the courtyard area, but it will not be significant to an extent that could reasonably be argued to detriment the amenity of the neighbouring occupier.

### **7.0 CONCLUSION**

7.1 It is considered that the proposals will still allow for provision of retail space in a key town centre area. The proposals will incur some increased footfall using the access via 4 Church Street, which is already utilised by a number of other dwellings, however, it is considered that given the dwelling proposed will provide the equivalent of one additional bedroom space the increase in footfall will not be to an extent that could be reasonably argued as being unacceptable. There will be some increased likelihood of overlooking into the neighbouring property given the change in use which would likely incur more frequent usage of space served by the two windows on the North Eastern elevation, however the officer considers that the use of obscure glazing would reduce this likelihood to an acceptable level.

7.2 Cleobury Mortimer is a sustainable settlement which can provide a relatively wide degree of services to cater for day to day living requirements, subsequently the reliance upon the private motor vehicle is reduced. Notwithstanding this it is considered that the increase in parking needed on street would be relatively minimal and could not be warranted as an unacceptable increase that would exacerbate current parking situations.

7.3 The proposals will not harm the character or appearance of the conservation area and will provide low cost residential accommodation in a sustainable settlement. It is therefore recommended that the application be APPROVED subject to conditions.

### **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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

National Planning Policy Framework

**RELEVANT PLANNING HISTORY:**

15/01976/FUL Conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse PDE

15/01977/LBC Listed Building Consent for works to facilitate the conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse PDE

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NNW22HTDK8Q00>

<b>List of Background Papers</b> (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member(s)</b> Cllr Gwilym Butler Cllr Madge Shineton
<b>Appendices</b> 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 amended plans and drawings L (\_\_\_) 001 REV B, L (\_\_\_) 002 REV B, L (90) 000 REV D as received on 26th June 2015.

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

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

3. The external materials (for render coating) shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

4. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

Reason: To safeguard the architectural and historic interest and character of the Listed Building.

5. The windows in the North Eastern elevation, with the exception of the window serving the bedroom accommodation shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

Reason: To preserve the amenity and privacy of adjoining properties.

**Informatives**

1. The applicant should consider employing measures such as the following:  
Water Butts  
Rainwater harvesting system  
Permeable surfacing on any new driveway, parking area/ paved area  
Attenuation  
Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

2. This planning permission should be read in conjunction with Listed Building Consent No. 15/01977/LBC, to which further/alternative conditions may be attached.
3. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.



Committee and date

South Planning Committee

8 September 2015

## Development Management Report

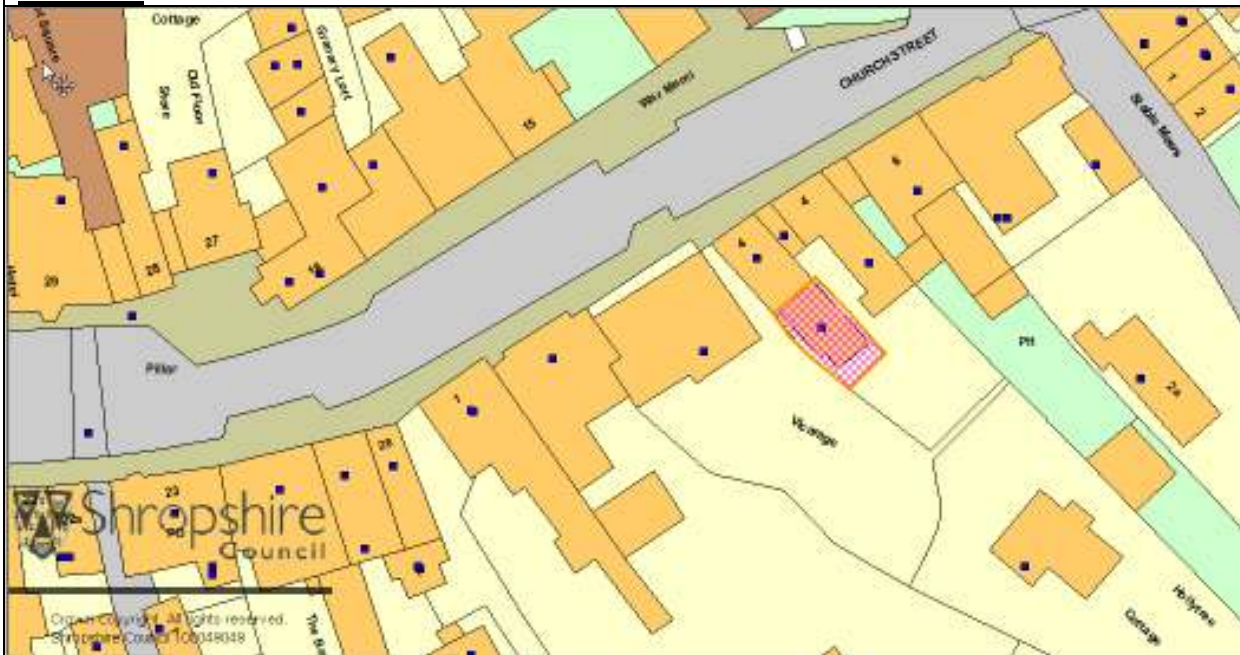
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 15/01977/LBC	<b>Parish:</b>	Cleobury Mortimer
<b>Proposal:</b> Listed Building Consent for works to facilitate the conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse		
<b>Site Address:</b> Proposed Dwelling Rear Of 4 Church Street Cleobury Mortimer Shropshire		
<b>Applicant:</b> Mr Gwilym Butler		
<b>Case Officer:</b> Emily Napier	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 367390 - 275729



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

Recommended Reason for Approval

**REPORT****1.0 THE PROPOSAL**

- 1.1 Seeks the conversion of a redundant pharmacy store from Use Class A1 to Use Class C3 (Dwelling house)
- 1.2 Some modest works are proposed in order to facilitate the conversion; this is primarily the introduction of windows in place of doors. A porch was proposed however following objections from neighbours, the town council and Shropshire Councils Conservation team this was omitted from the plans.
- 1.3 The proposals related to this application also require full planning permission related to the change of use of the building, this assessment is made in a separate application under 14/01976/FUL.
- 1.4 The planning application was deferred from planning committee, however no grounds for deferral were related to the impact upon the character and appearance of the Listed Building.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The property to which this application relates is a modest structure forming a more recent addition to the rear on an existing A1 premise. The structure is a modest single storey extension at the rear of 4 Church Street. 4 Church is a grade II listed building occupying a prominent position on Church Street, within Cleobury Mortimer conservation area. The building is early C18 with later additions, and is constructed principally of brick under a tile roof with decorative ashlar details. The application concerns the single storey outbuilding attached to the rear of the building, previously used as a store room, which is accessed via a central passageway from the front of the building. The outbuilding is considered listed by virtue of being attached to the main listed building, although is a much later mid C20 structure, and does not in itself appear to be of any historic interest. However, works to this part of the building will result in an impact on the main listed building.
- 2.2 There are a number of residential units already accessed via the rear of 4 Church Street, there is one self contained flat adjacent to the building related to this application with a number of windows facing out towards to application building, the primary window that will most likely be visible from the application building serves kitchen/ living room area.

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

3.1 Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

### **4.0 Community Representations**

#### **4.1 Consultee Comments**

##### **4.1.1 Shropshire Council Conservation – comments received 22<sup>nd</sup> June 2015**

From visiting the site, it does not appear that the conversion will involve any works to the historic fabric of the listed building, and will solely involve works to the mid C20 outbuilding to the rear. The materials and finishes of the building currently have little cohesion with the main listed building, and therefore conversion of the building may be a good opportunity to improve its visual appearance. Therefore, generally no objection is raised to the proposals; however we would recommend that the following amendments could be made:

-As part of the conservation, improvements could be made to the visual appearance of the building by replacing the existing roof covering with either slate or plain clay tiles. This would allow it to blend better with surrounding buildings in the conservation area.

-The existing brickwork is also of little merit; therefore the proposed rendered insulation coating should improve the appearance of the building, and is supported. We would recommend that a system is considered which has a traditional lime finish, which would be appropriate to the adjacent listed building. Details are required of the texture and colour, and also how the render will be finished at ground and eaves level- however this could be secured as a condition.

-It is considered that the proposed porch will be visually intrusive to the courtyard/ passageway area to the rear of the building, and could be omitted in order to retain the existing linear building line.

-The proposed alterations to window openings, and the installation of patio doors to the gable are considered acceptable. All new windows should be flush fitting timber casements (without trickle vents). Joinery details could be secured by condition.

-Further improvements could be made to the setting of the listed building by replacing the existing concrete courtyard/ passageway with appropriate paving or sets.

#### **Recommendation**

Overall, no objection is raised to the proposed conversion, and providing consideration is made to the above recommendations; it is felt that this should preserve and enhance the character of both the listed building and conservation area, in accordance with parts 66 and 72 of the Planning (Listed Buildings and Conservation Areas act) 1990.

Case officer note: The comments were submitted prior to amendments and it is therefore considered that comments relating to the porch have been resolved.

**Suggested conditions:**

J5- Rainwater goods  
J8- Roof details  
C2- Material samples (for render coating)  
J24-Joinery details

**4.1.2 Shropshire Council Archaeology – Comments received 12<sup>th</sup> June 2015**

The proposed development is located within the Medieval urban form of Cleobury Mortimer (HER PRN 05478) as defined by the Central Marches Historic Towns Survey, a group of tenement plots, south of Church Street (HER PRN 05473) and within a possible Anglo Saxon Minster enclosure tentatively based on stream and minor streets (HER PRN 05468). In light of this the proposed development site may have some archaeological potential and any below ground archaeological remains may to be affected by the construction of the proposed entrance lobby.

**RECOMMENDATION:**

In view of the above it is recommend that an archaeological inspection of the ground works for the proposed entrance lobby be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be: -

**Suggested Conditions:**

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

Officer comments: The above condition was recommended prior to the omission of the porch from the proposals.

**4.1.3 Shropshire Council Affordable Housing – Comments received 28<sup>th</sup> May 2015**

Listed Buildings are noted as an exemption in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy. Therefore no contribution will be required in this instance.

**4.1.4 Shropshire Council Drainage – Comments received 27<sup>th</sup> May 2015**

No objection informative advised.

#### 4.1.5 Cleobury Mortimer Parish Council – Comments received 23<sup>rd</sup> June 2015

Cleobury Mortimer Parish Council OBJECT to both these planning applications due to the impact, especially from the proposed entrance lobby, on the amenity of the neighbours. This lobby would severely reduce the light to the property opposite and is proposed to be built on the communal access area. There are some anomalies in the application paperwork ie the property opposite has windows which will be directly overlooked and there will be works affecting both the interior and exterior of the building which is not noted in the application form. Council is also concerned with the Change of Use which will remove a business property from the town.

## 4.2 Public Comments

**4.2.1** Two representations have been received in respect of the application, detailing OBJECTIONS to the proposals, full details are available on the planning file, a summary of the key material considerations raised is provided as follows:

- ❑ Impingement of light and privacy if porch and elevation is built by way of its height and proximity to adjacent dwelling.
- ❑ Former windows will be lowered, reducing privacy of opposite neighbour
- ❑ Bin stores not fundamentally necessary and will be a permanent intrusion into an area specifically designated in leases for an un-encumbered benefit of all occupiers.
- ❑ Building would be better used for the purpose it intended.
- ❑ Lack of amenity, parking will be exacerbated by the creation of a new dwelling.
- ❑ Three properties already occupied here, creation of an additional dwelling will be over crowding given limited access and number of inhabitants already occupying the dwelling space.
- ❑ Would have a marked effect on privacy, access for building operatives, emergency services and facilities in the Communal Area previously enjoyed by the present tenants which are included in the deeds to the property.
- ❑ Q10 applicant has answered no to works to interior/exterior when the formation of kitchen/ bathroom/ porch and doors and windows will involve such works.
- ❑ Q19 applicant has answered no to the question regarding the presence of trees when in fact there is a well established Perry Pear Tree which would affect the development.
- ❑ Design and Access Statement doesn't use plural for properties or gardens, could be taken to imply that existing premises are used by fewer people than they actually are.

## 5.0 THE MAIN ISSUES

### Impact on the character and appearance of the Listed Building

## 6.0 OFFICER APPRAISAL

### 6.1 Impact on the character and appearance of the Listed Building

6.1.1 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, when considering whether to grant listed building consent for any works, or whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this context, "preserving", means doing no harm.

6.1.2 The proposals for this building provide necessary works which will improve the buildings function and provide for the use of the building as a residential dwelling which will safeguard the continued use and maintenance of a heritage asset in accordance with policy CS17 of the Shropshire core Strategy and Section 12 of the National Planning Policy Framework. Furthermore it does not appear that the conversion will involve any works to the historic fabric of the listed building, and will solely involve works to the mid C20 outbuilding to the rear. The proposed alterations are considered minor, and will provide necessary improvements to the building, through sympathetic installation of windows and doors, use of render and use of metal rainwater goods which will ensure the building has a more sympathetic appearance and one which is more in keeping with that of the Listed Building.

## 7.0 CONCLUSION

7.1 Overall it is considered that the proposed conversion should preserve and enhance the character of both the listed building and conservation area, in accordance with parts 66 and 72 of the Planning (Listed Buildings and Conservation Areas act) 1990. It is subsequently recommended that the application be **APPROVED**.

## 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

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Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

15/01976/FUL Conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse PDE

15/01977/LBC Listed Building Consent for works to facilitate the conversion of redundant Pharmacy Store once associated with a former Pharmacy from Use Class A1 to Use Class C3 Dwellinghouse PDE

11. Additional Information

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<b>List of Background Papers</b> (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
<b>Cabinet Member (Portfolio Holder)</b> Cllr M. Price
<b>Local Member(s)</b> Cllr Gwilym Butler Cllr Madge Shineton
<b>Appendices</b> 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

2. The development shall be carried out strictly in accordance with the approved amended plans and drawings L (\_\_\_) 001 REV B, L (\_\_\_) 002 REV B, L (90) 000 REV D as received on 26th June 2015.

Reason: To ensure the satisfactory preservation of the Listed Building.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. **Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.**

**Reason: To safeguard the architectural and historic interest and character of the Listed Building.**

4. **Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.**

**Reason: To safeguard the architectural and historic interest and character of the Listed Building.**

**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT****CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

5. The external materials (for render coating) shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

**Informatives**

1. This planning permission should be read in conjunction with planning application No. 15/01976/FUL, to which further/alternative conditions may be attached.
2. 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.



Committee and date

South Planning Committee

8 September 2015

## Development Management Report

### SCHEDULE OF APPEALS AND APPEAL DECISIONS

<b>LPA reference</b>	14/03940/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Mr & Mrs D. Nichols
<b>Proposal</b>	Erection of dwelling
<b>Location</b>	Hillrise Hazler Road Church Stretton Shropshire SY6 7AQ
<b>Date of appeal</b>	10.07.2015
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	27.08.2015
<b>Costs awarded</b>	
<b>Appeal decision</b>	Appeal withdrawn

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