



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

Date: Monday, 11 April 2016

Committee:
North Planning Committee

Date: Tuesday, 19 April 2016

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

Arthur Walpole (Chairman)
Paul Wynn (Vice Chairman)
Joyce Barrow
John Cadwallader
Gerald Dakin
Steve Davenport
Pauline Dee
Roger Hughes
Vince Hunt
David Lloyd
Peggy Mullock

Substitute Members of the Committee

Nicholas Bardsley
Karen Calder
Steve Charmley
Peter Cherrington
Andrew Davies
Ann Hartley
Simon Jones
Brian Williams
Thomas Biggins
Vacancy

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes

To confirm the Minutes of the meeting of the North Planning Committee held on 22nd March 2016, attached, marked 2. **(To Follow)**

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting Thursday, 14th April 2016

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 The Grocott Medical Centre, Whitchurch Road, Prees, Shropshire, SY13 2DG (16/00179/FUL) (Pages 1 - 12)

Erection of 8 no. single bedroom non-market supported dwellings.

6 Lower Heath Farm, Lower Heath, Prees, Whitchurch, Shropshire (15/05563/FUL) (Pages 13 - 38)

Installation of an on farm Anaerobic Digestion plant and associated infrastructure, for the production of both renewable heat and electricity.

7 Little Acorn Farm, Dobsons Bridge, Whixall, Whitchurch, Shropshire (14/00834/FUL) (Pages 39 - 68)

Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track.

8 Appeals and Appeal Decisions (Pages 69 - 76)

9 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 17th May 2016, in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

North Planning Committee

19th April 2016

Item

5

Public

Development Management Report

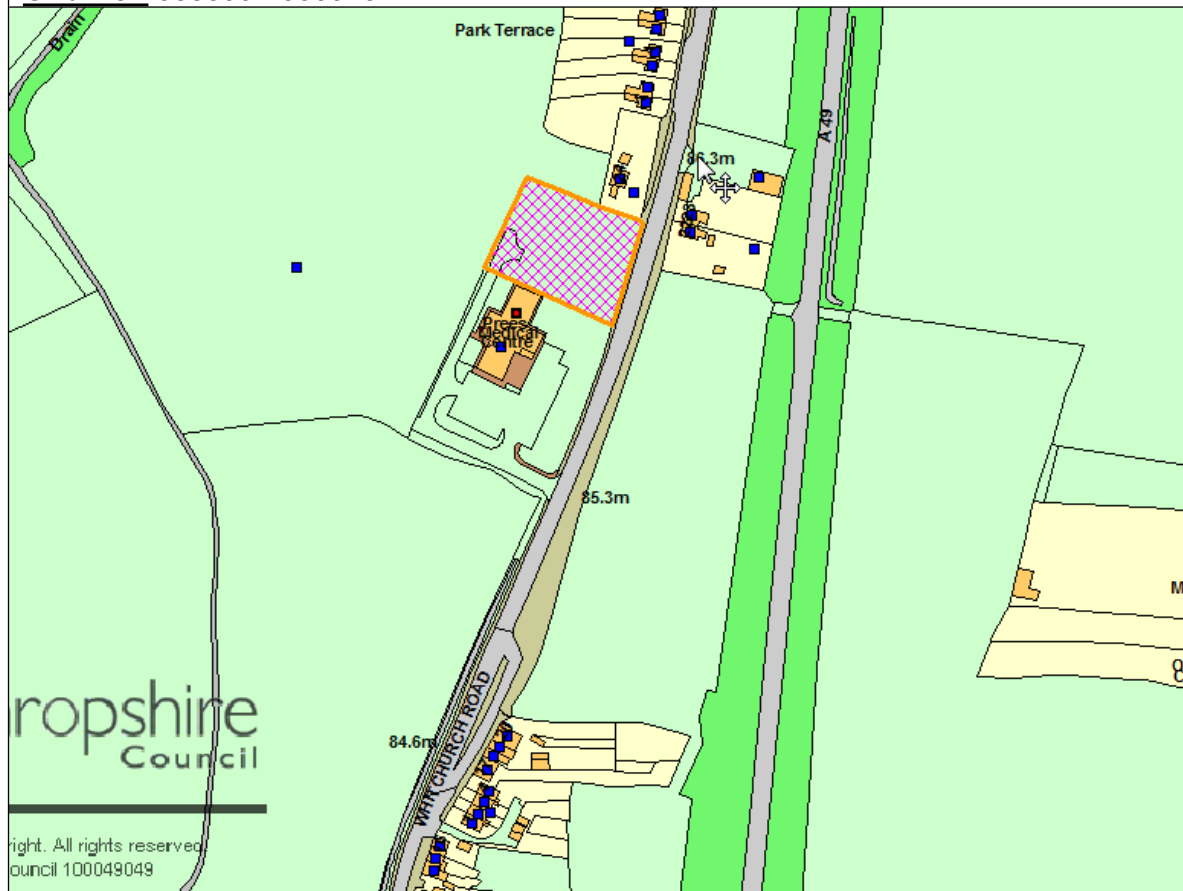
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 16/00179/FUL	Parish: Prees
Proposal: Erection of 8 no. single bedroom non-market supported dwellings	
Site Address: The Grocott Medical Centre Whitchurch Road Prees Shropshire SY13 2DG	
Applicant: Mr R Grocott/The Grocott Family Charitable Trust	
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk

Grid Ref: 355399 - 333923



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the erection of eight single bedroom bungalows, constructed as four pairs of semi-detached properties around a central courtyard. To the north west of the site a parking area will be provided. It is proposed that these are to be non-market dwellings rented on an affordable basis

2.0 SITE LOCATION/DESCRIPTION

2.1 The land is located between the new medical centre and houses to the north. There are also a group of dwellings on the opposite side of Whitchurch Road and the site is identified as open countryside within SAMDev.

2.2 Access to the site is via the existing access serving the medical centre off Whitchurch Road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have objected to the proposed development which is a view contrary to the recommendation of Officers. Following discussions with the Local Member, the Chair of the Planning Committee and the Principal Planning Officer it was agreed that in this case the application should be presented to the Planning Committee for determination.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online.**4.1 Consultee Comments****4.1.1 Parish Council:**Response Received 17.02.16

Prees Parish Council has considered this application and is currently unable to support it. The Parish Council accepts that there are community benefits from the development of the site in this way. However it remains that this is development in the open countryside outside the development boundary for Prees and as such outside SAMdev.

Given the community benefits and the type of housing proposed the Council would welcome the resubmission of the application under the exemption site policies with housing to fulfil a local need.

Response Received 16.03.16

Prees Parish Council has reconsidered this application following an email from the Planning officer. The council has voted to continue to object to the application. The site is out side the development boundary for Prees and is not part of the SAMdev allocation for the parish. The Council do not want to see residential development take place outside these policies and wrote to the developers when asked to support the Medical Centre stating that it was only supported provided there was no attempt to include or develop the site further for residential use. Copy of the letter sent to the Planning officer.

4.1.2 Affordable Housing Officer:Response dated 12.02.16

To be deemed affordable the units would need to be let at no more than 80% of the open market rent (or local housing allowance whichever the lower) and be available for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. As the potential occupiers have already been identified then this will not be possible. The units will need to be assessed on an open market basis.

As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

Response dated 31.03.16

It is confirmed that the applicant is proposing to charge an affordable rent on all 8 units and as our policy requires it, 1 of the units must be let to someone from our housing waiting list. This unit can be retained by the trust and not transferred to a Housing Association. There is some need in Prees with at least 2 of them requiring level access accommodation, which will provide the required local letting unit with a tenant. The rest are being let to identified tenants of the trust.

4.1.3 Highways: No objection subject to the inclusion of the recommended conditions and informatives on any planning permission that may be granted.

4.1.4 SUDS: No objection subject to the submission of further details. This can be the subject of a condition attached to any planning permission that may be granted.

4.1.5 Ecology: No objection subject to the inclusion of the recommended conditions and informatives on any planning permission that may be granted.

4.2 Public Comments

4.2.1 No letters of representation have been received.

5.0 THE MAIN ISSUES

- Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology
- Drainage

6.0 OFFICER APPRAISAL**6.1 Policy & 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 consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that 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 Parish Council has objected to the proposal as the site lies outside the development boundary for Prees.
- 6.1.3 The NPPF has at its core, the principle that housing applications should be considered in the context of the presumption in favour of sustainable development. It also supports the principle of providing a mixture of housing size, design and tenure in order to meet the requirements of different sections of the community.
- 6.1.4 Policy CS5 of the Shropshire Core Strategy deals with development in the countryside. This sets out that new development in these areas would be strictly controlled and gives limited exceptions. This policy encourages refusal of proposals that would result in isolated, sporadic, out of scale, and otherwise unacceptable development or which may erode the character of the countryside.
- 6.1.5 CS11 of the Shropshire Core Strategy also sets out the requirement for creating mixed, balanced and inclusive communities. This seeks development that will provide a balance to the local housing stock; seeks to meet local needs affordable housing; and supporting the provision of housing for vulnerable people including specialist housing provision.
- 6.1.5 MD7a of SAMDev supports the provision of suitably designed and located exception site dwellings where they meet evidenced local housing needs and other relevant policies.
- 6.1.6 The SPD on the Type and Affordability of Housing (SPD) requires the consideration of a mix of types and sizes of homes. The policy also encourages provision of housing for elderly and vulnerable people to enable people to live independently in their own homes. Each proposal will be considered on its own merits on a site by site basis with negotiations with the Housing Enabling Officers. There is no restriction on the provision of this whether it be by general stewardship, a housing association or land trust.
- 6.1.7 The Agent has confirmed to the Case Officer that the applicant is willing to enter into a S106 Legal Agreement to ensure the units remain affordable in perpetuity. The Housing Enabling Officer has confirmed that provided at least 1 dwelling accommodates a person from the Council's Housing Waiting List the proposal would comply with policy. They have indicated that there a need for housing in Prees with at least 2 on the list requiring level access accommodation.
- 6.1.8 Whilst the site is located in an area of open countryside, it is not in isolation

given the buildings to the north, south and east of the site. Also being in close proximity to the Medical Centre would be of use to residents as by their very nature they are likely to be dependent on this service. So not only would the visual impact be reduced by its close proximity to other development it would also be of benefit to residents in this location in terms of their health. For the more able, there is a footpath connection to the village with its associated shops and facilities.

6.1.9 Therefore in view of the above it is considered by officers that on balance the proposed development is acceptable in principle. This is subject to the applicant entering into a S106 Legal Agreement to ensure the future affordability of the dwellings and that at least one residential unit accommodates a person from the Council's Housing Waiting List.

6.2 **Design, Scale and Character**

6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.2.2 In addition policy MD2 of SAMDev also deals with the issue of sustainable design.

6.2.3 This is a rare opportunity for the provision of one bedroom bungalows primarily aimed as accommodation for the elderly. Each unit will have a living room, kitchen, bedroom and bathroom. Each will have access to the communal garden area with parking located to the west.

6.2.4 The pairs of bungalows will be approximately 16.5 metres long by 8.3 metres wide with a height of approximately 5.5 metres. As there is a very slight difference in ground levels, the blocks will appear at slightly different heights in relation to one another but no more than 1 metre. This will provide a character to the site with the varying roof heights rather than appearing as all one level.

6.2.5 Externally it is proposed to clad the building in brick with slate clad roofs. The design of the hipped roofs will minimise the visual impact of the dwellings, which when taken with the development either side will reduce the impact further.

6.2.6 The block plan indicates that a series of paths will provide access from the parking area to the buildings and connect to the footpath along the public highway. This will ensure free access through the communal landscaped gardens to the village. By the use of the proposed layout it will enable the residents to feel part of the community and not isolated as they will have connections to other residents.

6.2.7 Officers are of the opinion that the proposed design is appropriate for the

intended use of the dwellings and that the layout and the provision of the communal gardens will be of benefit to the intended residents. As such the proposal would be in accordance with policy CS5 and CS6 of the Shropshire Core Strategy and policy MD2 of SAMDev.

6.3 **Impact on Residential Amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.3.2 There is one dwelling adjacent to the site and located to the North. The layout plan shows the side elevation of one of the dwellings facing this property which has no windows. Whilst there is a rear elevation of a pair of dwellings facing north these face towards agricultural land and as such would not cause any overlooking. It should also be noted that the boundary would restrict any views from the ground floor windows. Whilst there are openings in the rear wall elevation there are none in the side wall. In addition all the openings will be at ground floor level and therefore any potential loss of privacy from these would be mitigated through the boundary treatment.

6.3.3 With regards to the height of the dwellings although these are located to the south of the neighbouring property, their limited height together with the hipped roof and the layout of the site would not cause any loss of light to the neighbouring property.

6.3.4 Overall officers consider that the proposal will not have a detrimental impact on the residential amenities of the neighbouring property. Therefore the proposal will be in accordance with policy CS6 of the Shropshire Core Strategy.

6.4 **Highways**

6.4.1 It is noted that the development is to be served off the previously approved access and internal drive serving the adjoining medical centre. Having regard to the scale and context of the 'supported living' accommodation for elderly people; the Highway Authority is of the view that the proposal is unlikely to result in adverse highway implications and raises no objection to the development as submitted.

6.5 **Ecology**

6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Policy MD12 of SAMDev further supports the principle of protecting and enhancing the natural environment. Therefore the application has been considered by the Council's Ecologist.

6.5.2 No objection has been received. However it has been recommended by the Council's Ecologist that conditions and informatives be included on any planning permission that may be granted. These will improve and protect the existing biodiversity of the area.

6.5.3 In view of the above the proposed development will not have a detrimental

impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev

6.6 **Drainage**

6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.6.2 The Council's Drainage Engineer has raised no objection to the proposal. However he does require further information is provided for approval in connection with the disposal of surface water. This can be carried out through the inclusion of a condition attached to any planning permission that may be granted. The approved system should then be installed prior to the use of the dwellings commencing.

6.6.3 In view of the above it is considered by officers that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

7.0 **CONCLUSION**

7.1 From the above information it is the opinion of officers that this provides an opportunity for the philanthropic provision for affordable housing within close proximity of appropriate facilities. The design and scale of the proposal is appropriate for its intended use and location, and will not result in the isolated provision of housing development. Therefore in this case and in view of the exceptions, and subject to the applicant entering into a S106 Legal Agreement in order to ensure the development as a whole is for the provision of affordable housing that meets the requirements for this form of housing, that planning permission be granted. The proposal would be considered to be in accordance with the NPPF, policies CS5, CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy, policies MD2, MD7a and MD12 of SAMDev and the SPD on the Type and Affordability of Housing.

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.

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 - 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 six weeks after the grounds to make the claim first arose 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 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.

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 1970.

9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if 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

National Planning Policy Framework
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing

CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the Countryside
 MD12 - Natural Environment
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Paul Wynn

Appendices APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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

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

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

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

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. No construction (and/or demolition) works shall take place before 07:30 am on weekdays and 08:00 am on Saturdays nor after 18:00 pm on weekdays and 13:00 pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. No development shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

6. The development hereby permitted shall not be brought into use until the areas shown on the approved plan 1730 D02 for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

7. Prior to the first occupation of the dwellings hereby approved the footway link shown on drawing 1730D02 received on 15th January 2016 shall be implemented in accordance with the

engineering details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory access to the site.

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

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

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

9. 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B, C, D and E shall be erected, constructed or carried out.

Reason: To ensure that the dwelling remains of a size which is "affordable" to local people in housing need in accordance with the Council's adopted affordable housing policy

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Committee and Date
 North Planning Committee
 19th April 2016

Item
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 Public

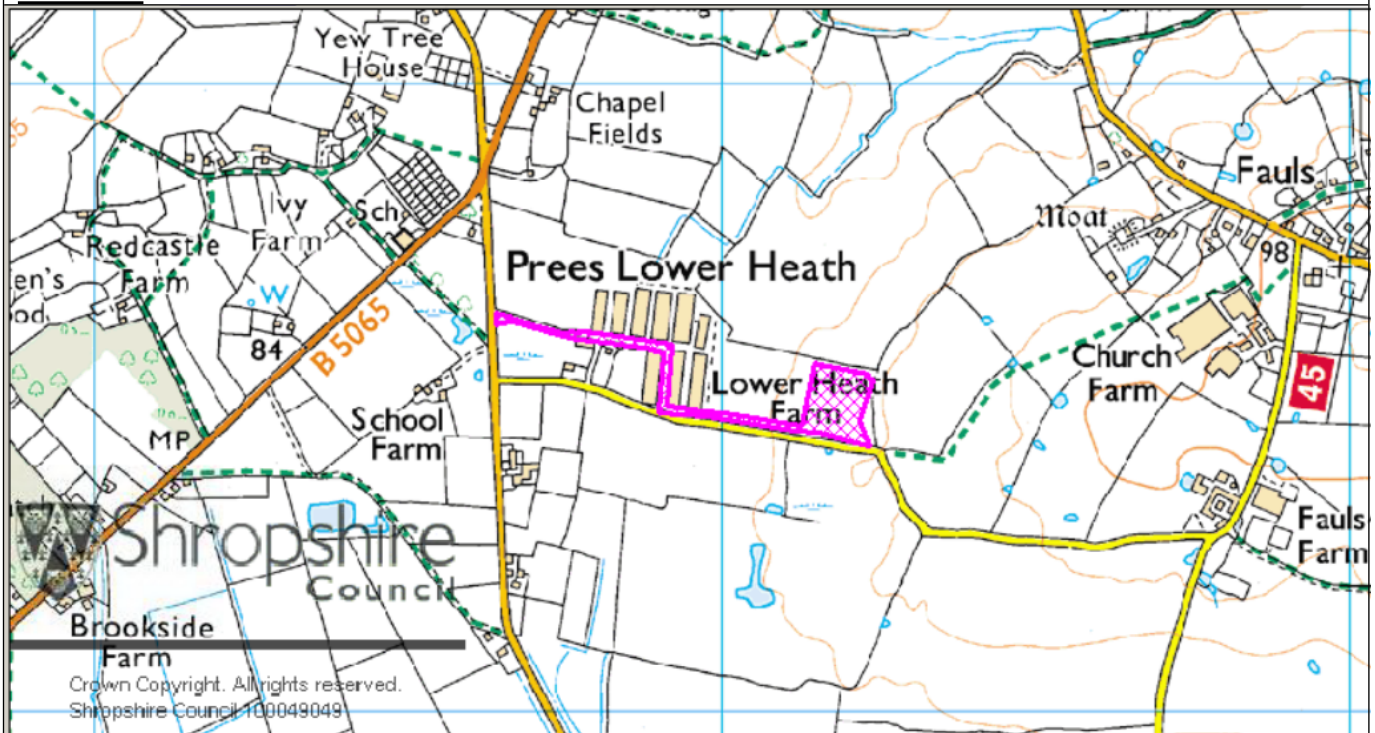
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/05563/FUL	Parish: Prees
Proposal: Installation of an on farm Anaerobic Digestion plant and associated infrastructure, for the production of both renewable heat and electricity	
Site Address: Lower Heath Farm Lower Heath Prees Whitchurch Shropshire	
Applicant: Thornfield 002 Ltd	
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk

Grid Ref: 357841 - 332582



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Recommendation:- That Members grant planning permission for the proposed development subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for an on-farm anaerobic digestion (AD) plant on land adjacent to the poultry units at Lower Heath Farm. The plant would utilise poultry manure produced at the farm, together with agricultural feedstock such as crop residues. The AD process would generate biogas, heat and digestate. The biogas would be converted into electricity by a 750kWe combined heat and power (CHP) unit. The electricity would be used on site when a demand exists, with surplus being fed into the national grid. Part of the heat generated would be recirculated through the system to heat the primary digester. The remaining heat would be utilised to dry the fuel for the biomass boilers which heat the existing poultry units onsite. The process would produce digestate in both fibrous and liquid form. The fibrous fraction would be passed through the drying operation. The liquid fraction would be spread on surrounding farmland as a replacement for conventional fertilisers.
- 1.2 A flarestack would be on site to ensure that any biogas can be combusted safely in the event that it cannot be used within the CHP, eg. in the event of emergencies. The plant would be connected to the National Grid by underground means.
- 1.3 It is proposed that the AD plant would process up to 15,250 tonnes of feedstock per annum. This would principally be a mixture of poultry manure arising at the farm, and material derived from agricultural, forestry and biomass processing residues. The applicant has confirmed that the use of purpose grown energy crops would only be processed if it meet specific criteria that regulate the subsidies that support AD schemes. All feedstock would be derived from agricultural or forestry operations, and it is not proposed to import food waste to the facility.
- 1.4 The proposed AD plant would include the following:
- Primary digestion tank: measuring approximately 25.4 metres x 6.5 metres high, with a dome of 5.8 metres giving a total height of 12.3 metres; materials: dark green coloured metal sheeting with flexible membrane above
 - Secondary digestion/storage tank: measuring approximately 25.4 metres x 6.5 metres high, with a dome of 5.8 metres giving a total height of 12.3 metres; materials: dark green coloured metal sheeting with flexible membrane above
 - Feedstock hopper: approximately 10 metres x 3 metres x 4 metres high
 - Pre-digester tank: cylindrical tank approximately 6 metres diameter x 8 metres high, dark green in colour
 - CHP plant: shipping container in design, measuring approximately 12 metres x 3 metres x 3 metres high, with cooling equipment and exhaust stacks to a maximum height of 10 metres
 - Feedstock clamps: concrete construction, 3 metres high
 - Poultry litter store: to be installed within the feedstock clamp area, with an area of 450m²
 - Drying facilities: these would be accommodated within a container,

approximately 13 metres x 5 metres x 3 metres high, with exhaust features extending a further 2 metres. Dark green in colour

- DNO transformer: to DNO specification, measuring 4 metres x 3 metres x 3 metres high, dark green-coloured glass reinforced plastic
- Private substation: measuring 4.5 metres x 3.5 metres x 3 metres high; dark green-coloured glass reinforced plastic
- Flare unit: approximately 5 metres high, on a concrete plinth of 2 metres x 2 metres
- Control system: to house the electrical infrastructure; approximately 12 metres x 3 metres x 3 metres high, coloured dark green
- Retaining bund: up to 3 metres high, of earth construction with landscaping on top
- Detention basin: to provide attenuation of clean surface water runoff from the site; depth to 0.4 metres.

Welfare facilities and staff parking would be provided at the adjacent farm.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The application site is located directly to the east of existing farm and poultry units at Lower Heath Farm, approximately 2.5km to the south-east of Prees. The site area is approximately 0.87 hectares and comprises uneven ground and dense undergrowth. The existing poultry development includes 12 large poultry sheds together with a number of associated feed silos and other plant and buildings. Other land surrounding the site comprises agricultural fields, with an unclassified public highway running adjacent to its southern boundary. The nearest residential property is the farmhouse, approximately 290 metres to the west. Access to the site from the public highway to the west would be gained via the existing access road to the poultry units.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The views of the Parish Council are contrary to the Officer recommendation. The Principal Planning Officer, in consultation with the Chairman of the Planning Committee has agreed that the Parish Council has raised material planning concerns and that the application should be determined by Planning Committee.

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments**

4.1.1 **Prees Parish Council** Objects.

The Council's primary reason for objecting is the increase in traffic movements caused by the amount of materials that will have to be brought onto the farm in order to feed the Digester. It is currently proposed that only 10 - 30% of the material used in the digester will come from the farm in the form of chicken manure the remainder will have to be brought in. This will increase the traffic flow to and from the farm and although the traffic survey indicates 8 extra vehicle movements per day in reality this will be concentrated into a few months of the growing/harvest season. This will have a huge impact on the local road network, local residents and safety of the children at Lower Heath School, there is little benefit to the local

community from this scheme but it will bear the brunt of the impact from the additional traffic movements. The Council ask that the application is sent to Committee where the full impact of the increase in Traffic, visual impact, smell, high water table, and overflow of gas can be assessed.

If approved there should be conditions, one of which is a Traffic management plan to reduce the impact on the school, steer the traffic away from it, particularly during its operating times in the day. To reduce the impact on the local community the applicant should be asked to provide Vehicle Activated Signs with data collection for the routes either side of the farm to help ensure the traffic adheres to the speed limits and is aware of safety hazards such as the sharp bends.

Lastly the Bund round the site should be increased to the maximum height and planted to provide the best possible screening. The site should be returned to agriculture in the event the plant is no longer required.

4.1.2 **Environment Agency** No objections.

Controlled water impacts: The site is located upon a ‘Secondary B’ Aquifer – Bollin Mudstone formation, adjacent to a ‘Secondary A’ Aquifer – Devensian Glacio-fluvial (sand and gravel) deposits. An ordinary watercourse issues around 300 metres to the north west of the site and there are some ponds nearby, the closest being within 120 metres to the south of the proposal.

Based on our records, there is one (Environment Agency regulated) abstraction within 250 metres of the site. This is approximately 200 metres from the site, registered to ‘Alan Simpson Farming’ as a general farming and domestic water supply (ref. 18/54/04/1388). There may be other private water supply records. The applicant should confirm that there are no wells, springs or boreholes used for domestic purposes within 50 metres of the site (installation boundary). This should be based on information from your Public Protection Team and British Geological Survey (BGS).

The site is not located within a Source Protection Zone and there are no watercourses, ditches or land drains/culverts within 10 metres, or running through the site boundary, based on our records.

Water Framework Directive (WFD): The site is located within two WFD catchment areas (the boundaries cross through the development site). These are the Bailey Brook ‘source to confluence of the River Tern’, which is classified as ‘moderate’ ecological status, and the Soulton Brook which is also classified as ‘moderate’. The aim is to achieve good ecological status by 2027.

‘Groundwater’ – sub water table impacts: The planning application shows that all tanks will be set ‘above ground’, thus avoiding any impact upon groundwater. We therefore have no objection on this basis, noting some minor foundation works may be below ground. This proposal avoids the need for any depth to groundwater assessment etc.

Environmental Permit: From the information provided, without prejudice, it appears that the applicant could design the plant for a SR2012No10 ‘On-farm anaerobic

digestion facility including use of the resultant biogas' (New Standard Rules Permit - SRP), or vary the existing poultry permit. This is on the basis that the site capacity is less than 100 tonnes of waste (including process water) per day.

Based on the further information and looking through the potential constraints which might affect the appropriateness of the land use, we do not anticipate any significant cause for concern, at this stage.

SRP controls: We can confirm that the EP would regulate and control matters such as the following: - general management of the site; Permitted activities e.g. operations; waste acceptance (quantity and type of waste); emissions to land, water and air (including odour, noise and vibration relevant to the 'operational area'); monitoring, records and reporting.

Odour and Noise: With regard to odour and noise, the proposal should incorporate measures to avoid and minimise potential impacts on local air quality and noise. The nearest 'sensitive receptor' appears to be the Lower Heath Farmhouse at just over 200 metres from the proposed installation. Other receptors are present much beyond 200 metres. The noise assessment suggests that noise is unlikely to be a constraint.

The supporting statement suggests the introduction of the AD plant will offer benefit to the local area in terms of odour containment, primarily through the processing of farmyard manure, slurry and poultry litter.

The Permit will control appropriate mitigation and management measures should these emissions pose a nuisance. It should be noted that the above Standard Rules Permit will normally only require a detailed Odour Management Plan and Noise Management Plan, as a reactive measure, if the activities give risk to pollution etc.

Air Quality: We note that a gas flare will be present on site to dispose of un-burnt biogas in the event of the engine failing/maintenance. Monitoring data is likely to be required as part of permit compliance. To avoid adverse air quality impacts, the gas engine stack should be more than 200 metres from the farmhouse. This appears to be the case looking at the plans submitted. Should it need to be closer, then the applicant will need to ensure an effective stack height of 3 metres or more, or the stack should be set above 7 metres in height.

Secondary Containment: The information submitted, including drawing no. 1508/D001, confirms appropriate secondary containment measures in the form of an earth bund structure, to protect controlled waters. The applicant should ensure that the area around the tanks will be lined with an impermeable membrane and stoned on the surface. This area should be enclosed by the bund. The containment structures associated with the proposed AD plant will need to be compliant with CIRIA 736 (July 2014). The hydraulic permeability testing and construction detail will be controlled as part of the permit in this instance.

Note - All storage and process tanks shall be located on an impermeable surface (a hydraulic permeability of not greater than 1×10^{-9} m/s) with sealed construction joints within the bunded area.

‘Engineering’ – advisory comments: The proposal suggests the creation of level platforms. As part of any ‘cut and fill’ exercise it is important for the entire platform to be structurally stable and sufficient to take the loading of the proposed AD plant. The stability of the secondary bund is also essential to the pollution prevention measures. Again, it is noted that there is to be no below ground digester tank. The applicant must demonstrate that the above issues are addressed in their EP application. A full engineering report (undertaken by appropriately qualified persons) is likely to be required at the EP application stage. This will need to demonstrate appropriate secondary containment, construction practices, stability assessments etc. A follow up Construction Quality Assurance (CQA) report will also be required. The works must be in accordance with CIRIA 736 and appropriate standard referenced within.

For completeness, we would not object to grass seeding or suitable wildflower/landscaping mix being incorporated into a containment bund. This helps to maintain some soil integrity. However, we would not wish to see any deep rooted trees planted on the bund, or other pipework etc being proposed through the bund, which could breach the integrity of the structure.

Surface Water (Flood Risk Assessment): The site is located within Flood Zone 1 (low probability of fluvial risk) based on our indicative Flood Map for Planning. We would draw your attention to our Area ‘Flood Risk Standing Advice’; for your consideration in consultation with your Flood and Water Management team (Lead Local Flood Authority).

4.1.3 **SC Public Protection** No objections.

Having considered the noise assessment and likely impact of any noise from operations on site having an impact on nearest receptors I do not consider it likely that noise will have a significant impact on nearby receptors. Odour is not considered likely to have any impact on the surrounding area as the only odour comes from feedstock bays and in this instance there is already odour from existing operations on site which would mask any odour associated with the anaerobic digester. In addition the digestate when spread on any agricultural land is far less malodorous than chicken manure and therefore a betterment in odour is anticipated during spreading.

It is confirmed that there are no private water supplies within 300 meters of Lower Heath Farm buildings according to our records.

4.1.4 **SC Highways** No objections subject to conditions requiring approval and implementation of site access improvements and a Traffic Management Plan.

It is considered that the submitted Transport Statement is acceptable in general transportation terms. However, the applicant’s conclusion that a proposed 70% increase in daily traffic flows is insignificant is somewhat optimistic. An increase of nearly 8 trips a day from a site, already generating an average of 10 trips a day, is considered significant in the context of the development. In addition, the averaging of vehicle movements can be somewhat misleading rather than the profiling of hgv movements which can indicate peaks and troughs in connection with the poultry unit and associated AD Plant. The difficulty in the traffic assessment is the certainty

of the direction of travel of hgv movements dependent upon the source material being brought in and subsequently taken out.

That being said above, it is acknowledged that the local public highway network is of a standard which could adequately cope with this increase in traffic. Therefore, it is not considered that any specific road improvement mitigation measures would be necessary.

However, where there is no clarity in the application submission is the capacity of the facility long term and therefore the resultant HGV traffic generation. As I understand it from the application, whilst the facility is predicated upon specific tonnage figure at this stage, any permission granted would be restricted by virtue of the Permit Licence and not by the planning consent. This needs clarifying and the highway authority would suggest that a restriction based upon tonnages and input/outputs would be reasonable in order to control the development. The highway authority would advise therefore that the development is controlled in terms of its scale of operation.

Notwithstanding the above, concerns have been raised regarding the local school and the movement of HGV traffic during the morning and afternoon peak school dropping off and picking up periods. Clearly there are no restrictions currently in place which prevent HGV movements on the local highway network. It is considered however that the applicant should attempt to manage the development traffic movements, particularly the large vehicles, through the implementation of an appropriate Travel (Transport Management) Plan, in order to reduce the incidents of conflicting large vehicles, associated with the site operation, on the local network and at peak times in connection with the school opening and closing.

It is also apparent that turning vehicles, at the site access at Shrewsbury Road (B5065) are over-running and damaging the adjacent highway verges, despite the submitted track plots indicating the contrary. Therefore, it is considered that the applicant should undertake further improvements to the existing access to mitigate the adverse effects of overrunning the highway verge. The access details could therefore be amended accordingly to condition a plan or be the subject of a planning condition.

- 4.1.5 **SC Drainage** No objections. Drainage details need to be submitted for approval and this can be dealt with by planning condition.
- 4.1.6 **SC Ecologist** Recommends informatives'. Ponds within 250m of the proposed development have low potential to support great crested newts. There are no designated sites within 500m of the proposed development. No further survey work is required to support this application.
- 4.1.7 **SC Archaeology** No further archaeological mitigation required.

The proposed development comprises an anaerobic digestion plant and associated infrastructure to be located immediately adjacent to and to the east of the existing Lower Heath poultry farm. At present the Shropshire Historic Environment Record (HER) contains no records of any heritage assets with archaeological interest either on, or within the vicinity of, the proposed development site. A number of dispersed

metalwork finds dating from the Roman to the post-medieval period have been found by metal detectorists on the arable land to the north and north-west of the site. Historic editions of the Ordnance Survey map indicates that two small field ponds, possibly representing flooded marl pits, previously existed on the site and have now been infilled. It was also crossed by a former field boundary of likely post-medieval date. The Historic Environment Desk Based Assessment that has been submitted with the application concludes that there is low potential for prehistoric and post-medieval remains of low significance to be found on the proposed development site.

It is advised that the Historic Environment Desk Based Assessment by Ecus Environmental Consultants that has been submitted with the application satisfies the requirements set out in Paragraph 128 of the NPPF, and Policy MD13 of the SAMDev component of the Local Plan, with regard to the archaeological interest of the proposed development site.

In broad terms we would concur with the conclusions contained within this Assessment in respect of the archaeological potential of the proposed development site. However, we would further observed, on the basis of recent digital vertical aerial photographs held by Shropshire Council and Plate 1 and 5 of the assessment, that the site has previously been subject to extensive dumping/levelling activities and at least some intrusive groundworks. This appears to have occurred in associated with the construction with the last phase of the poultry farm in c.2012 – 13. In our opinion these works will have had the effect of reducing the archaeological potential to negligible.

- 4.1.8 **SC Conservation** The application is a further intensification of the use of this site as a poultry unit upon which pre-application comment was made by the HE Team. This advice requested that both designated and non-designated heritage assets should be assessed with regard to impact of the proposed development on their significance.

In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012 and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Having reviewed the Heritage Assessment it would appear that the requirements of para 128 of the NPPF have been partially fulfilled. However, little actual assessment of non-designated heritage assets and the potential impacts of the proposal on them has been made and this should form part of the overall assessment when looking to the SAMDev policy MD13. Also, no assessment with regard to the impact on the significance of the Grade I Obelisk, which is mentioned within the Grade I Historic Park assessment, but nothing more. The obelisk is some 30 metres tall and therefore an assessment would have been expected, especially with regard to the elevated position of the obelisk and the greater part of the Grade I parkland, as identified on the Topography and National Character Areas plan Ref: 1195/01a. The relationship of the Obelisk with Hawkstone Hall and how the whole composition of the of the Park, which contains many designated and

non-designated heritage assets, is assessed in the wider landscape and the cumulative impact of yet another phase of the development on this site. A development which is yet taller than many structures already on the site and how this is justified as having no further harmful impact on the significance of the whole park and structures.

It would appear that there are photos of the site from indicated view points as existing but I could not find any as proposed i.e. photomontage of the digesters in position in relation to the site and its setting. Some view points from the higher ground, even though they may be outside the 2 km zone, have also not been submitted for consideration with associated photomontages, nor some of the closest designated heritage assets, Manor House, Vale Farm etc. being required too to justify the that there is no harm to the significance through this proposed development.

It is recommended, therefore, that should decision takers be minded to approve this application it will be necessary to address the short comings as noted above so as to comply with the requirements of MD13 and when considering the requirements of paras 128, 134, 135 and 137 of the NPPF together with Section 66 (1) of the above Act, 1990. It is also considered necessary to ensure that planting is not only carried out on the site of the digesters and associated structures but also to the existing site boundary. The existing site boundary to the immediate west of the application site would appear to have had a bund to the southern road boundary approved under the 2012 application for one additional poultry building and feed bins, which under this application (if approved) will be removed, or indeed does not exist and was never implemented as part of that 2012 application approval. It should also be investigated as to whether other screen planting could be accommodated in other further hedgerows although I have been able to find a blue line to indicate other ownership.

It would appear that no consultation with Historic England has been carried out in relation to any perceived impact on significance through development within the setting of Grade I listed structures, buildings and the Historic Park and Garden.

4.2 **Public Comments**

4.2.1 The application has been advertised at the site boundary. In addition nine residential properties in the area have been individually notified. Objections from 14 households have been received. There have been four letters of support.

4.2.2 Objections:

- bad smells, including hydrogen sulphide smell
- attraction to vermin
- substantial increase in HGVs leading to Increased risk of accidents
- traffic impact on two well supported schools nearby from extra 32 tonnes HGVs
- increase in day and night traffic
- impact on residents using local lanes to transport children to school, walk dogs, ride horses etc.
- bad accident record of public highway
- traffic routing would not be adhered to; query over who would police it
- health problems due to vermin and smell
- noise 24 hours per day

- light pollution
- dust
- flies
- potential contamination
- concern over ability of earth bunds to contain spillages
- no economic benefit to local community
- safety concerns with reference to the explosion at Harper Adams AD plant
- uncertainty over type and source of feedstock; could be open to waste food or maize (which Defra controls as it ruins arable land) coming from anywhere in the country, and being taken anywhere after processing
- query whether we should be using agricultural land for growing fuel instead of food
- submitted reports are dismissive of the cares of residents and pupils
- independent reports should be produced on sustainability, safety, noise, visual impact, environmental effects
- concern over rural setting of the round the clock industrial facility
- disturbance due to night-time activities
- concern that waste would not be taken away
- Inefficient, unnecessary and unwanted scheme
- not green energy as the bulk material has to be brought to the site and away again after processing
- not carbon neutral due to HGV traffic impacts
- not sustainable energy, not good for the environment or residents of Lower Heath
- solar panels should be added to rooves of existing buildings for a sustainable energy solution
- farm will supply only 15% of the feedstock; manure and digestate will still require removing from the farm
- size of plant far exceeds the average farm installation
- local area cannot supply the maize tonnage required, there will need to be brought from a longer distance
- impact from growing maize as a feedstock: the least friendly of crops, requiring more fertiliser, causing greater ground compaction, greater erosion and increased run-off into water courses
- impact on land prices
- 450-500ha of land required for maize for one MW biogas plant
- visual impact; out of scale
- neither the farmer nor the applicant would be the owner responsible for the site; would be a financial backer/group
- carbon footprint of all the concrete and steel to build the plant

4.2.3 Objections from Lower Heath Primary School

- Increased traffic on the B5065
- Impact on safety of children and parents
- Noise and vibrations from vehicles passing school impacting on building foundations and distracting children
- Detrimental to health of children through additional vehicle emissions
- Increased smells
- Dangers from gas escape
- Concern over potential for food waste to be used, resulting in further problems with smell, vermin etc.

- Concern over who would be accountable for the venture should problems arise
- A Traffic Management Plan is required

4.2.4 Support:

- Siting is well thought out, away from the main road and from other properties
- Applicant has sought to disguise farm buildings
- Traffic has never been a problem
- No existing dust, smell or fly issues
- Farm is kept to a very high standard; owner seeks to utilise sustainable energy and efficient processing, minimising the impact on the environment and surroundings
- Business is good for local employment
- Farmer has won awards
- Owner has planted a hedge to make a screen and a more sympathetic view
- Will make the country more eco-friendly by generating electricity and being self-sufficient
- Added bonus that the farm can supply electricity to the grid
- Will create additional employment
- Would be less smell as less manure would be taken off site
- Vehicle movements would largely counter balance each other so will be relatively little additional traffic

5.0 **THE MAIN ISSUES**

- Environmental Impact Assessment considerations
- Principle of development
- Siting, scale and design
- Residential and local amenity considerations
- Historic environment considerations
- Traffic and access considerations
- Drainage and pollution considerations
- Ecological considerations

6.0 **OFFICER APPRAISAL**

6.1 **Environmental Impact Assessment considerations**

6.1.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 specify that development comprising industrial installations for the production of electricity, steam and hot water where the area is greater than 0.5 hectares is Schedule 2 development. Shropshire Council adopted a Screening Opinion in September 2015 (ref. 15/03898/SCR) advising that the proposed development was not likely to have a significant effect on the environment by virtue of factors such as its nature, size or location. As such no Environmental Impact Assessment is required for the proposed development.

6.2 **Principle of development**

6.2.1 Applications need to be determined in accordance with the Development Plan unless material considerations indicate otherwise. National planning policy is provided by the National Planning Policy Framework (NPPF) and is a material consideration. One of the core planning principles of the NPPF is to encourage the use of renewable resources, for example by the development of renewable energy.

It advises that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy. It also states that such applications should be approved if its impact are (or can be made) acceptable.

- 6.2.2 Anaerobic digestion (AD) technology has central government support as a means of producing electricity through renewable means. The government has advised that it is the best environmental option currently available to deal with unavoidable farm waste. The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 9), and that renewable energy generation is improved where possible (Policy CS6). The site lies within an area defined as countryside for planning policy purposes. Core Strategy policy CS5 states that applicants for developments in the countryside which include small-scale new economic development, including farm diversification, should demonstrate the need and benefit of the proposal.
- 6.2.3 The proposal would allow the use of poultry manure as an energy resource, allowing this to be used in conjunction with agricultural crop residues and crops, to generate a renewable form of electricity. It would also produce a nutrient rich digestate to be spread on farmland, thereby reducing the use of conventional fossil fuel derived fertilisers. The proposed AD plant would have a peak electrical generating capacity of 750kW. Based on the UK average household consumption the proposal would produce the equivalent to the annual electricity usage of 1,453 homes. The proposal would provide significant environmental benefits and as such is supported in principle by national policy guidance and local planning policies.
- 6.2.4 The proposed development is a recognised form of farm diversification. It would provide an additional income stream for the farm, and reduce the cost of farm waste management. In terms of need and benefits Officers conclude that in principle the proposal is acceptable in this rural, farm-based location.
- 6.2.5 The proposal would involve the processing of agricultural and related wastes only. Nevertheless in terms of national and local waste policies SAMDev Plan policy MD14 (Waste management facilities) supports new AD facilities in appropriate locations. This policy also supports the recovery of energy from waste subject to this not undermining the provision of waste management facilities further up the waste hierarchy. Given that the proposal would utilise principally poultry manure from the adjacent chicken sheds, and locally derived crop residues, Officers do not consider that the proposal would adversely affect other waste management facilities.
- 6.3 **Siting, scale and design**
- 6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also sees to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that developments contribute to and respect locally valued character and existing amenity value through design. SAMDev Plan policy MD7b supports agricultural development which is of a size/scale consistent with its agricultural

purpose and nature of enterprise it is intended to serve, and is well designed and sited so that it is functionally and physically closed related to existing farm buildings.

- 6.3.2 The proposed AD plant would be located adjacent to the existing poultry development, which includes 12 large poultry sheds that cover an area in excess of 5 hectares. The principal structures of the AD facility, including the cylindrical steel tanks and concrete clamps, would be agricultural in appearance and therefore not out of keeping with the adjacent buildings. The proposed development would be constructed at the same level as the adjacent poultry units, and this would ensure that the ground level of the facility would be lower than surrounding levels. This, together with the retention of the existing embanked hedgerow and other hedgerow around the site perimeter, would reduce the visibility of the development within the landscape. The proposed planted bund around the development, a total of 358 metres, would provide additional screening. Although the tallest structures would be higher than the poultry sheds and feed silos, the development itself would occupy a significantly smaller footprint.
- 6.3.3 The application is accompanied by a Landscape and Visual Impact Report undertaken by chartered landscape architects. This states that the well vegetated boundaries surrounding the site, and the existing land-use pattern, means that the landscape has the capacity to accommodate the proposal. The proposed bunds around the site would be planted with trees and shrubs and this would mitigate the scheme's visual effects and strengthen the character of the landscape in the longer term. The report states that the long-term effects on landscape character within 0.6km of the site would be negligible/slight to slight adverse significance. The report concludes that, although the proposal would bring about changes to the local landscape, it would not be out of scale with, nor substantially alter, local landscape character.
- 6.3.4 Views of the higher elements of the development from properties surrounding the site would be possible, including those at Darliston to the north (740 metres away), Fauls to the north-east (520 metres away), and properties to the south-west (440 metres away). These views would be seen in the context of the existing large poultry development, and it is not considered that they would be significant given the distances involved and the existing and proposed screening.
- 6.3.5 The proposed development would also be visible from the public footpath which runs east from close to the south-east corner of the development, and the unclassified public highway which runs adjacent to the southern boundary. These views would reduce with time as boundary planting establishes. In the context of the existing large poultry development to the west, it is not considered that the visual effects of the proposal would be significant in relation to existing public viewpoints.
- 6.3.6 The proposal would bring about significant environmental benefits in terms of the generation of renewable energy. In addition it is considered that the location is justified in that it would be able to utilise agricultural crop residues and poultry manure from the local area, and use the resulting digestate on the nearby agricultural land. It is not considered that the proposal would have an unacceptable impact upon the landscape character of the area, or on visual receptors, particularly

when considered against the wider benefits of the proposal. It is therefore acceptable in relation to Core Strategy policies CS6 and CS17, and SAMDev Plan policies MD2 and MD7a regarding design and protection of the visual environment.

6.4 **Residential and local amenity considerations**

6.4.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b supports agricultural development where, amongst other matters, there would be no unacceptable impacts on existing residential amenity.

6.4.2 Controls can be imposed through planning conditions to restrict the type of material proposed to be processed through the AD plant. The applicant has advised that central Government is proposing changes to the subsidy arrangements for these types of renewable energy developments, and that this would be likely to restrict the use of agricultural/energy crops to no more than 50% of feedstock. It is therefore anticipated that feedstock would be derived principally from poultry manure and from agricultural, forestry and biomass processing residues. The use of purpose grown energy crops would be likely to make up a smaller proportion of overall inputs. A condition restricting the type of feedstock to be used would reflect this.

6.4.3 Noise: The noise report submitted with the planning application has been based upon a background noise survey at the nearest noise sensitive receptors. The report has estimated likely noise levels based upon the sound power levels of the proposed processes. It concludes that noise emissions from the proposed AD plant are likely to have a low impact at the nearest receptors. These findings have been accepted by the Council's Public Protection Officer.

6.4.4 Odour and flies: At present poultry manure produced at the adjacent farm is transported off site to an existing AD facility. The proposed development would result in this manure instead being stored within the proposed poultry litter store, before being fed into the proposed AD plant. The AD plant is sealed and as such it is not anticipated that adverse odours would arise. The Public Protection Officer has noted that the resulting digestate would be far less malodorous than chicken manure and as such there would be expected to be a reduction in odour levels during spreading.

6.4.5 It is considered that the proposal would be sited with an acceptable separation distance to residential properties, and that it is not anticipated that adverse impacts on local amenity due to noise, odour, flies or other impacts would arise. The proposal would require an Environmental Permit and the Environment Agency has confirmed that this would regulate and control matters such as odour, noise, and general site management measures. Overall it is considered that the proposal is in line with Core Strategy policy CS6 and SAMDev Plan policy MD7a.

6.5 **Historic environment considerations**

6.5.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 seeks to protect, conserve, sympathetically enhance and restore Shropshire's heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether

to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.

- 6.5.2 The submitted Heritage Assessment considers that there are three heritage assets that have the potential to receive effects from the proposed development. These are: Hawkstone Park, a Registered Park and Garden approximately 1.1km to the south; Moat House, a Grade II Listed Building approximately 450 metres to the east; Laburnum Cottage, a Grade II Listed Building approximately 660 metres to the north-west. The Assessment concludes that the key aspects that are considered to contribute towards the significance of these heritage assets would remain unaffected. In terms of Hawkstone Park the Assessment considers that the character of its setting would be preserved due to the distance involved. In terms of Moat House it considers that there would be a slight change to the setting of the listed building. For Laburnum Cottage it states that whilst the development would not be visible from the house or immediate farmstead setting, the development would be situated within the wider agricultural context of the building. However it concludes that, for both of the listed buildings, any effects would be of less than substantial harm.
- 6.5.3 The Council's Historic Environment Officer has noted that the submitted Heritage Assessment does not provide an assessment of the impact on the significance of the Grade I Listed Obelisk which is located within Hawkstone Park. It is noted that this structure is 30 metres high. However it should also be noted that the obelisk is located some 3.2km (2 miles) from the proposed development, and falls outside of the Background Zone of Theoretical Visibility included within the Landscape and Visual Report. It is considered that these factors limit the extent to which the proposed development would impact upon the setting of the obelisk, including its relationship with the wider setting of Hawkstone Park.
- 6.5.4 The Historic Environment Officer has also advised that the submitted Heritage Assessment provides little assessment of the potential impacts of the proposal on non-designated heritage assets. The applicant's assessment notes that the development has the potential to affect non-designated heritage assets, including of as yet unknown non-designated archaeological remains, comprising prehistoric activity and medieval to post-medieval agricultural activity. Officers acknowledge that the submitted Heritage Assessment does not include detailed assessment of the impacts of the proposal on such non-designated assets.
- 6.5.5 It is acknowledged that the Council's Historic Environment Officer considers that the requirements of para. 128 of the NPPF, i.e. for applicants to describe the significance of any heritage asset affected including any contribution made by their setting, have been partially fulfilled. Nevertheless based upon factors such as distance, visibility, the existing context of the adjacent poultry farm, and existing and proposed planting, it is considered that the proposed development would be likely to lead to less than substantial harm. In such circumstances the NPPF requires that this should be weighed against the public benefits of the proposal. It is considered that these benefits are significant, as set out in section 6.2 above. In view of this, it is your Officer's opinion that potential impacts on the surrounding historic environment would not be sufficient to outweigh the public benefits of the proposal, or warrant a recommendation of refusal. It is also considered that further

landscaping and planting will help mitigate the development to an acceptable level in relationship to the surrounding landscape and historic environment. This can be addressed via the attachment of a condition to any approval notice issued.

6.6 **Traffic and access considerations**

- 6.6.1 Access to the proposed AD facility from the public highway would utilise the existing site access that serves the poultry units. The Council's Highways Officer has advised that some improvements should be made to the existing access to address the damage to the highway verge due to overrunning of vehicles. The applicant has confirmed that this can be done, and a condition can be imposed to require this.
- 6.6.2 The Transport Statement that has been submitted with the planning application sets out existing traffic movements associated with the poultry operation, and an assessment of proposed traffic that would be generated by the proposed AD facility. This states that at present the poultry operation generates 1,666 vehicle loads (3,332 movements/trips) per annum.
- 6.6.3 Traffic generated by the proposed development would comprise tractor/trailers associated with the delivery of feedstock and tankers removing digestate. As poultry litter arising at the farm would be used in the AD process, the proposed development would result in a reduction in the amount of vehicle movements required for the export of this material. Taking this into account the Transport Statement advises that the proposal would result in 1,217 additional loads (2,434 movements/trips) per annum. This equates to an average of around 8 additional HGV trips per day.
- 6.6.4 The Highways Officer has confirmed that the local public highway network is of a standard which could adequately cope with this increase in traffic. Nevertheless local objections regarding traffic impacts include concerns over safety implications of additional HGV traffic in the area, including impacts on the nearby school. It should be noted that the sources of feedstock would not be fixed. Therefore the additional HGVs would be likely to be split between different routes to and from the site. A Traffic Management Plan has now been submitted. This proposes that HGV traffic would avoid the route past the Lower Heath Primary School between 0800 and 0900, and between 1445 and 1630 to avoid peak school drop off and pick up times. These hours are in line with those set out in the objection letter from the School. It is considered that a restriction on the amount of material to be processed through the AD plant would provide further controls over HGV traffic to/from the site. The comments of the Parish Council that Vehicle Activated Signs should be provided are noted, however Officers do not consider that it would be reasonable to request these given the level of additional traffic concerned and the nature of the approach roads.
- 6.6.5 At the time of writing this report the comments of the Highways Officer on the submitted Traffic Management Plan were not available. Members can be updated on this matter prior to the Committee meeting. However it is considered that the submitted Plan does form the basis of an acceptable mechanism to avoid adverse highway safety on the local roads. As such it is considered that this matter can be dealt with by planning condition requiring approval of the Traffic Management Plan.

6.7 **Drainage and pollution considerations**

- 6.7.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Detailed matters relating to pollution prevention measures to be incorporated within the site design would be dealt with through the Environmental Permitting process, and it is noted that the Environment Agency have confirmed that they do not anticipate any particular concerns at this stage.
- 6.7.2 The application site lies within Flood Zone 1, signifying areas with the lowest probability of fluvial flooding. The proposed development is classed as 'less vulnerable' to flooding in the Technical Guidance to the NPPF, and such developments are considered to be appropriate within Flood Zone 1.
- 6.7.3 The application states that the preferred method of surface water management would be the use of soakaways. However at the present time soakaway testing has yet to be undertaken to determine the feasibility of this. If infiltration rates are found to be insufficient then it is proposed that runoff from the proposed development would be routed into a detention basin, to be located at the south-eastern side of the site, and then discharged at the equivalent greenfield runoff rates.
- 6.7.4 The Council's Drainage Officer has confirmed that drainage matters can be dealt with by planning condition. In principle it is considered that a satisfactory surface water management system for the site can be designed, and that this can be secured through an appropriate planning condition.

6.8 **Ecological considerations**

- 6.8.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. The proposed site is located on disturbed ground which is vegetated with common grasses and weeds. The submitted Great Crested Newt assessment concludes that all of the ponds within 500 metres of the proposed development have a poor suitability for GCN, and that there is a low risk of GCN being present within this area. The submitted Extended Phase 1 Habitat Survey does not identify any further ecological concerns, and the Council's Ecologist has not raised any specific issues. As such the proposal can be accepted in relation to Core Strategy Policy CS17.

7.0 **CONCLUSION**

- 7.1 The proposal to develop an anaerobic digestion facility at Lower Heath Farm would bring significant environmental and agricultural benefits by utilising existing agricultural wastes produced at the farm, and crop residues and crops from surrounding land for the production of a nutrient-rich fertilizer replacement and the generation of renewable energy and heat.
- 7.2 The proposed facility has been satisfactorily designed in terms of siting and layout to ensure that impacts on residential and local amenity can be controlled within acceptable limits, and further controls can be imposed through planning conditions to provide additional safeguards. The proposed buildings and plant would be generally agricultural in appearance, and the site design takes advantage of screening from adjacent farm buildings. Additional landscaping can be agreed to

help to integrate the development within the rural landscape.

- 7.3 Potential impacts resulting from the additional traffic on the local highway network that would be generated by the proposal can be adequately managed through the implementation of a Traffic Management Plan. The proposal incorporates satisfactory site management and engineering controls to minimise the risk of pollution, and further detailed controls would be imposed by planning conditions and through the Environmental Permit.
- 7.4 National and local planning policies provide strong support for renewable energy applications including anaerobic digestion proposals. The proposal would have some impact upon the local landscape character of the area however the site has been satisfactorily designed to ensure that this impact is mitigated to an acceptable degree. Notwithstanding the concerns raised by the Council's Historic Environment Officer regarding the scope of the Heritage Assessment, it is considered that the proposal would be likely to lead to less than substantial harm to designated heritage assets. It is not considered that this harm would outweigh the public benefits of the scheme. In this policy context, and given the controls and safeguards that can be incorporated into the design of the facility, it is considered that the proposal can be accepted in relation to Development Plan and other relevant policies. On this basis it is recommended that Members grant planning permission for the proposed development subject to the conditions as set out in Appendix 1.

8. 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 - 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 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 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.

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 1970.

9. Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if 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

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)

10.1.2 SAMDev Plan

- Policy MD2 (Sustainable Design)
- Policy MD8 (Infrastructure Provision)
- Policy MD12 (Natural Environment)
- Policy MD13 (Historic Environment)
- Policy MD14 (Waste management facilities)

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF)

10.3 Relevant Planning History:

NS/06/01072/OUT Erection of agricultural workers dwelling; formation of vehicular access; installation of septic tank drainage *WDN* 17th August 2006

NS/07/00892/OUT Outline application for the erection of 1no. agricultural workers dwelling; formation of new vehicular access and installation of septic tank drainage *CONAPP* 2nd August 2007

NS/07/01896/FUL Erection of an agricultural workers dwelling, detached double garage and formation of new vehicle access *CONAPP* 21st November 2007

09/01825/FUL Erection of two poultry buildings and eight feed silos; site road and pedestrian walkways *GRANT* 26th October 2009

10/01696/HAZ Installation of 7 liquid petroleum gas tanks *GRANT* 29th October 2010

10/01702/FUL Installation of 7 liquid petroleum gas tanks *GRANT* 29th October 2010

11/01314/FUL Installation of photovoltaic panels on the roofs of the existing poultry sheds *GRANT* 3rd May 2011

12/01885/FUL Erection of poultry building, four feed silos and associated hardstanding *GRANT* 16th August 2012

15/03898/SCR Environmental impact assessment screening opinion for 500kW anaerobic digestion plant *EAN* 30th September 2015

PREAPP/15/00427 500kw on farm anaerobic digestion facility *PREAMD* 10th December 2015

NS/81/00120/FUL Erection of broiler house *GRANT* 17th March 1981

NS/81/00868/FUL Use of land for the stationing of mobile home for farm manager and formation of vehicular and pedestrian access *REFUSE*

NS/83/00196/FUL Erection of agricultural workers dwelling and formation of vehicular and pedestrian access *REFUSE* 11th May 1983

NS/94/00349/FUL ERECTION OF TWO POULTRY HOUSES AND STORE WITH EXTENSION OF EXISTING CONCRETE HARDSTANDING *CONAPP* 29th March 1994

NS/94/00350/FUL ERECTION OF AN AGRICULTURAL IMPLEMENT SHED ALTERATION OF EXISTING VEHICULAR ACCESS AND FORMATION OF NEW FARM DRIVE *CONAPP* 6th February 1995

NS/96/00305/FUL ERECTION OF 4 NEW POULTRY HOUSES AND THE ERECTION OF 2 POULTRY HOUSES AS REPLACEMENTS FOR EXISTING BUILDINGS *CONAPP* 7th May 1996

APPENDIX 1 - Conditions**STANDARD CONDITION(S)**

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development hereby permitted shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.

Reason: To ensure an acceptable appearance to protect the visual qualities of the area, and as such these details need to be approved prior to the development proceeding in order to ensure a sustainable development.

4. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall upon written notification from the local planning authority 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.

5. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme should include information on the proposed maintenance regime for any sustainable drainage system proposed. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

6. No development shall take place until details of the access improvements have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is brought into use.

Reason: To ensure that the development will not cause damage to the integrity of the public highway which could prejudice the free flow of traffic and conditions of safety on the highway.

7. Prior to the development hereby permitted being first brought into use a Traffic Management Plan (TMP) shall be first submitted to and approved in writing by the local planning authority. The approved TMP shall be implemented in accordance with the approved details for the lifetime of the development. The TMP shall provide for the control of all vehicles associated with all site operations and visitors and appropriate routing & timing of HGV movements.

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

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

8. Prior to the commencement of construction works all trees, woody shrubs and hedges adjacent to the site shall be protected from damage in line with recommendations in British standard 5837: 2012 - Trees in Relation to Design, Demolition and Construction. Tree protection measures shall be retained in place for the duration of the construction works.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

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

9. (a) The maximum tonnage of materials processed in the anaerobic digester in any calendar year shall not exceed 15,250 tonnes. For the avoidance of doubt a calendar year shall comprise the period between 1st January and 31st December.

(b) The Site operator shall maintain a record of the tonnage and type of materials processed in the anaerobic digester. The record shall be made available to the Local Planning Authority upon prior written request.

Reason: To ensure that the development remains within the general levels of activity specified in the planning application in the interests of highway safety and general amenity, and facilitate monitoring of tonnages processed in the anaerobic digestion facility by the Local Planning Authority.

10. No construction works shall be undertaken outside of the following hours: 0800 and 1800 Monday to Friday; and 0800 to 1300 on Saturdays. No such works shall take place on Sundays or bank holidays.

Reason: To protect the amenities of the local area.

11. Vehicle movements associated with the delivery of feedstock to/from the site via the public highway shall not take place other than between the following hours: Monday to Friday: 07:30- 18:00, Saturdays: 08:00 - 13:00 and also in accordance with detail as set out in the traffic management plan. No such vehicle movements shall take place on Sundays or Bank Holidays.

Reason: To protect local amenity

12. The anaerobic digester shall not process feedstock material other than that derived from; agricultural, forestry and biomass processing residues and purpose grown energy crops. Purpose grown energy crops shall not be processed other than in line with the criteria set out in the Renewable Heat Incentive (RHI) scheme.

Reason: To control the type of feedstock and ensure sustainable development.

13. Food waste shall not be accepted at the site for processing.

Reason: The application does not propose the processing of food waste at the site and therefore the acceptability of such waste inputs has not been assessed; to protect local amenity and to avoid pollution.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy

- o Policy CS5 (Countryside and Green Belt)
- o Policy CS6 (Sustainable Design and Development Principles)
- o Policy CS13 (Economic Development, Enterprise and Employment)
- o Policy CS17 (Environmental Networks)
- o Policy CS18 (Sustainable Water Management)

SAMDev Plan

- o Policy MD2 (Sustainable Design)
- o Policy MD8 (Infrastructure Provision)
- o Policy MD12 (Natural Environment)
- o Policy MD13 (Historic Environment)
- o Policy MD14 (Waste management facilities)

3. Further advice regarding the surface water and dirty water scheme:

a. The proposed surface water drainage strategy in the FRA is technically acceptable, however full details, calculations and plan should be submitted for approval. This is to ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

b. The applicant should submit details and plan on how the dirty/ contaminated water will be managed/ isolated from the main surface water system. This is to ensure that polluted water does not enter the water table or watercourse.

c. Information should be provided on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility. This is to ensure that the drainage system remains in good working order throughout its lifetime.

4. Further advice from the Council's Ecologist:

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

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

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

Informative

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.

5. Advice from Environment Agency - Climate change allowances:

We are expecting revised climate change allowances to be published very soon. These will update the figures within Table 2 of the current 'Climate change allowances for planners' (September 2013) guide, as referenced in paragraph 7-068-20140306 of the National Planning Practice Guidance (NPPG) at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296964/LIT_8496_5306da.pdf

The table below is for 'peak river flows' within the Severn River Basin district, and for your information at this time in considering the impact upon (and of) proposed development and mitigation/resilience measures. ('Table 1' Rates of Sea level rise are not changed). For example residential would be 100 years (so 2070-2115).

Severn Peak River Flows:

Total potential change anticipated	2015-39	2040-2069	2070-2115
Upper end	25%	40%	70%
Higher central	15%	25%	35%
Central	10%	20%	25%

The following table is for 'peak rainfall intensity' allowance in small and urban catchments. Surface water (peak rainfall intensity) climate change allowances should be discussed with the LLFA.

Peak Rainfall Intensity -

Applies across all of England	Total potential change anticipated for 2010-2039			Total potential change anticipated for 2040-2059	Total potential change anticipated for 2060-2115		
Upper end	10%	20%	40%				
Central	5%	10%	20%				

Note to above: This table shows anticipated changes in extreme rainfall intensity in small and urban catchments. The peak rainfall intensity ranges are appropriate for small catchments and urban or local drainage sites. For river catchments around or over 5 square kilometres, the peak river flow allowances are appropriate.

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Committee and Date
 North Planning Committee
 19th April 2016

Item
7
 Public

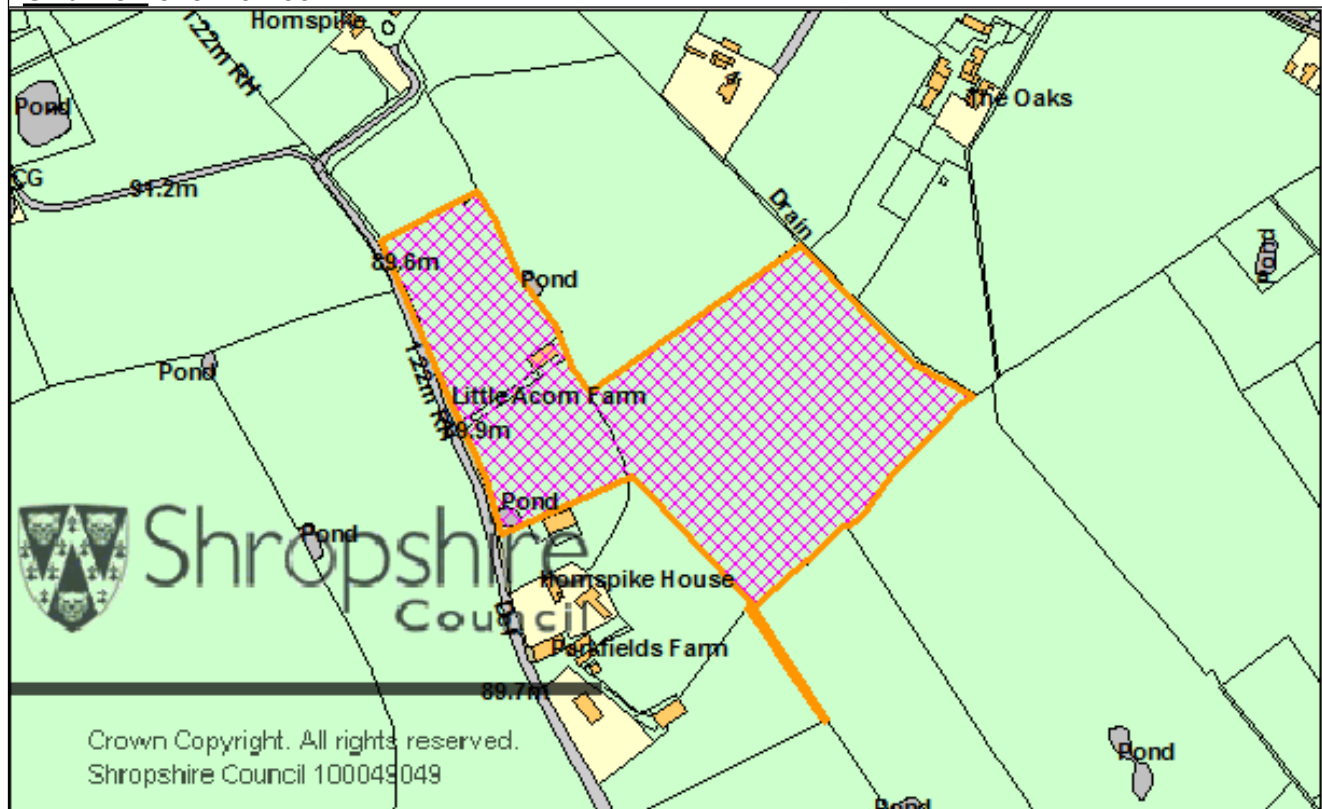
Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/00834/FUL	Parish:	Whixall
Proposal: Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track		
Site Address: Little Acorn Farm Dobsons Bridge Whixall Whitchurch Shropshire		
Applicant: Mr & Mrs M Caulfield		
Case Officer: Jane Preece	email: planningdmne@shropshire.gov.uk	

Grid Ref: 348129 - 334211



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Recommendation:- That planning permission be granted, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of two agricultural sheds; the siting of a temporary agricultural workers dwelling and an extension to an access track at Little Acorn Farm, Dobsons Bridge.
- 1.2 The proposed sheds are to be positioned adjacent to an existing building on the site. They will measure 36.57 m long x 15.24 m wide by 3.65 m high to the eaves and 4.6 m high to the apex. They will be finished externally with concrete panelling with timber boarding above and fibre cement roof sheets.
- 1.3 The buildings will be used to facilitate a new calf rearing enterprise. The applicants intend to rear batches of 120 calves in each shed, rearing on the calves from around 2 weeks old to approximately 12 weeks old. There would be seven batches a year, ie 840 calves per year. The calves would be supplied under contract by a national company (Blade Farming). Blade Farming would retain ownership of the stock and would provide feed and medicine.
- 1.4 The temporary dwelling is to be provided in the form of a static caravan. The static caravan is already on site in breach of a previously issued enforcement notice, upheld on appeal in September 2013. The applicants propose to relocate the unauthorised static caravan to a position next to the proposed calf sheds.
- 1.5 The extension to the access track will be formed off the existing access track serving the site. It will service the area between the new buildings and provide a turning area. It will be surfaced with MOT/stone.
- 1.6 Foul drainage from the temporary dwelling will be disposed of to a bio sewage treatment plant, with treated effluent being discharged into a high level mound soakaway. The drainage mound will be located to west of the new buildings.
- 1.7 Surface water from the temporary dwelling and buildings will be collected in rainwater harvesting tanks, with overflows discharging to drainage ditches.
- 1.8 An underground tank will be installed to collect dirty water used from cleaning the buildings before new calf batches. The tanks will be emptied regularly to NVZ guidelines. Soiled bedding from the calf sheds will be stored on the applicants' land and ready for spreading.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site is located along a narrow country lane approximately two kilometres to the north east of Northwood settlement and to the south of Whixall Moss and east of Wem Moss. The site is open countryside with agricultural fields in all directions, whilst the nearest residential property is Hornspike House which is approximately 80 metres

to the south. Hornspike House is a grade II listed farmhouse. Mature hedgerows and some trees are located around the boundaries of the fields.

- 2.2 The site falls within the parish of Whixall and is close to the parish boundary of Wem Rural.
- 2.3 A small holding has already been established on the land since 2012. The applicants have 6 hectares of land and some authorised development to support a small existing farming enterprise of mixed livestock. The proposed calf rearing enterprise is a new venture.
- 2.4 Authorised development at the site comprises an existing agricultural building (measuring 9.4 m wide x 18.5 m long with an eaves height of 3.5 m and a ridge height of 5.10 and a polytunnel (measuring 6m x 9m). The existing building and polytunnel was the subject of a prior notification in 2011 (ref: 11/04076/AGR). The building was required to provide a secure store for the storage of hay bales, feed and machinery in association with the rare breeds and the polytunnel for growing vegetables.
- 2.5 The site is accessed off the highway and across the field by an access track also authorised by virtue of a prior notification issued in 2011 (reference 11/04077/AGR).
- 2.6 A further prior notification for an agricultural storage building has also recently been considered by the Authority (ref: 03208/AGR). In August 2015 a decision was issued confirming prior approval was not required for a building measuring 27m x 5 m with a height of 2.7 m to the eaves and 3.9 m to the ridge at the site.
- 2.7 Unauthorised development at the site comprises the existing static caravan, which is the subject of an enforcement notice served on 30th January 2013. The enforcement notice took effect on 4th March 2013 and required the static caravan to be removed within 6 months of the notice - unless an appeal was made against beforehand. The applicants did appeal but the Enforcement Notice appeal was upheld on 17 September 2013. The applicant's proceeded to submit this current application in early 2014 and the enforcement matter is therefore held in abeyance until this application is decided.
- 3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**
- 3.1 Contrary views between the Parish Council and officers, plus the Chair and Vice Chair of the Northern Planning Committee in consultation with the Principal Planning Officer consider the application raises material planning considerations that warrant a committee decision.
- 4.0 **Community Representations**
- 4.1 **Consultee Comments**
- 4.1.2 **SC Highways – Original comments**: The property forms an access towards the end of the unclassified no through road, Hornspike Lane. Please refer to the Highway Authority's Standing Advice.

Re-consultation comments: No objection to the granting of consent.

The additional information whilst has not been presented on a first principles basis directly linking the number of animals controlled by the size of the proposed rearing

sheds has expanded upon the numbers and types of vehicular movements, given more background to the cyclical nature of the operation and background to the business agreement.

The approach road is a rural unclassified no through serving other land holdings. The Highway Authority is of the view that the proposed vehicular movements associated with the development will have some effect on other traffic using the no through road, but it is not considered that these associated movements will have such a material effect to sustain a highway objection to the proposal as submitted.

- 4.1.3 **SC Drainage** – Original comments: No objection. The drainage details, plan and calculations could be conditioned if planning permission were to be granted. Recommend conditions accordingly.

Re-consultation comments: The drainage details, plan and calculations could be conditioned if planning permission were to be granted. Recommend conditions and informative.

Further re-consultation comments: The proposed surface and foul water drainage are acceptable.

- 4.1.4 **Shropshire Fire and Rescue** – No objection. The sheds appear to be open sided.

- 4.1.5 **SC Ecology** – Original comments: Natural England must be consulted on this application.

A Habitats Regulation Assessment must be carried out. In order to do this the full information on the proposed septic tank including percolation tests for the drainage fields should be submitted as well as details of the proposed soakaways for surface water drainage.

A great crested newt survey must be submitted with the application to the methodology set out below.

In the absence of additional information recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

Re-consultation comments: Mark Latham has conducted an ecological assessment of the proposed development site. There are no trees with bat roost potential to be removed, no great crested newts were recorded during presence/absence survey work in 2015, and due to the potential of badgers to be moving across the site a suitable badger method statement has been proposed. Subject to imposing recommended conditions, no additional survey work will be required to support this application.

However, additional information is required relating to drainage. In the absence of this additional information recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

Further re-consultation comments: Natural England must be re-consulted on this

application with a copy of the attached Habitats Regulations Assessment matrix. A drainage condition is recommended in addition to the conditions and informatives recommended in previous ecology comments.

Protected sites

The application site is in the vicinity of the Fenn's, Whixall, Bettisfield, and Wem SSSI and SAC and Ramsar European sites. It also falls within the surface water catchment for the site.

Further information on drainage has now been submitted. A sewage treatment plant with high level mounded soakaway is proposed to serve the temporary dwelling. An underground dirty water tank is proposed for the calf rearing barns, which will be emptied under Nitrate Vulnerable Zone guidelines. A Habitats Regulations Assessment has been completed using the submitted drainage details, which concludes that with the following condition there will be no impact on the integrity of the designated site.

Condition - Prior to first occupation of the development hereby approved the foul and surface water drainage details as set out in the email dated 5th January 2016 shall be installed in compliance with The Building Regulations 2002 unless otherwise agreed in writing with the Local Planning Authority.

Reason: to prevent pollution of watercourses and designated sites.

A Habitats Regulations Assessment matrix is attached with this response. Natural England must be re-consulted on the application with a copy of the HRA. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented. Planning permission can only legally be granted where it can be concluded that the application will not have any adverse effects on the integrity of any European Designated site.

4.1.6 **Natural England** – Original comments:

Internationally and nationally designated sites

The application site is in close proximity to 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 application site is in close proximity to the Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Special Area of Conservation (SAC) which is a European site. The site is also listed as part of the Midlands Meres and Mosses Phase 2 Ramsar site¹ and also notified at a national level as Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

International Sites - 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.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment: Detailed drainage information relating to foul and surface water drainage. This should include details of any outflows, location and size of any soakaways and information to ensure that the soil at the location is capable of absorbing water rather than flowing overland towards the designated site.

SSSI - Objection

This application is in close proximity to Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses 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 t Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses SSSI has been notified. Our concerns are set out below.

The development proposed includes provision of a septic tank. However no detail has been provided as to what kind of outflow the tank will have. If the outflow is to watercourse the application should indicate which watercourse. Pollution of watercourses in this location could have an adverse effect on the SSSI if the watercourse enters the SSSI through nutrient enrichment.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

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.

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.

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'.

Re-consultation comments:

Internationally and nationally designated sites

The application site is in close proximity to 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 application site is in close proximity to the Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Special Area of Conservation (SAC) which is a European site. The site is also listed as part of the Midlands Meres and Mosses Phase 2 Ramsar site¹ and also notified at a national level as Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Site of Special Scientific Interest (SSSI).

Habitats Regulations Assessment - Further information / clarification required

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an appropriate assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard for Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that **it is not possible** to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the assessment currently does not provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required.

We note the applicant's foul drainage assessment form which states that the area for the proposed soakaway is very wet and that therefore infiltration methods are not appropriate and that a raised drainage mound will be installed. From the information submitted it does not appear that there is any assessment to provide certainty that this is an acceptable solution and will prevent treated effluent reaching the designated site at times of high water. The Appropriate Assessment refers to the acceptability of the proposals to Shropshire Council's drainage team but from their public comments it does not appear that an assessment has been undertaken, rather conditions have been requested. It may be possible to differ details to a condition however there should be a measure of certainty that the issue can be resolved later. We would seek clarification about the capacity of the mound and its ability to deal with long periods of high water.

Additionally, the applicant proposes to install underground storage tanks for foul water from the cattle rearing sheds, it is not clear if the development site is wet because of surface water flooding or a high water table. Details of this and the type and nature of the tanks should be submitted and an outline of the likely installation method and should refer to the hydrology in the area.

The assessment refers to the tanks being emptied in line with the Nitrate Vulnerable

Zone Guidelines. What this entails should be included within the planning information to allow them to be considered and enforced upon if necessary.

The Assessment refers to overflow of roof water to adjacent drainage ditches, this is likely to be clean so we would concur that this element is acceptable even if there is a pathway to the designated site

Notwithstanding the above, we note the following statement in the HRA ... “With this condition attached there is no risk of foul or polluted water entering the designated site and therefore the integrity test is passed.”

As part of the Habitats Regulations Assessment process, if mitigation removes the pathway to between the development site and the designated site, the Likely Significant Effect (LSE) is removed, the integrity test refers to an assessment of the remaining impacts after mitigation. It would be useful if the wording in this part of the assessment is clarified.

If you are satisfied that the pathway is removed and there is therefore no LSE, there is no further requirement to consult Natural England, if not then the above clarifications should be addressed. We would be happy to help refine your HRA should it be necessary.

Further re-consultation comments: Internationally and nationally designated sites The application site in close proximity to 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 application site is in close proximity to the Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Special Area of Conservation (SAC) which is a European site. The site is also listed as part of the Midlands Meres and Mosses Phase 2 Ramsar site¹ and also notified at a national level as Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Site of Special Scientific Interest (SSSI).

In considering the European site interest, 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. 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.

Habitats Regulations Assessment (HRA)

Natural England previously sought further information with regard to the drainage proposed for this development and clarification around the wording within your HRA. Having received further information and clarification Natural England is able to amend its position.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination due to mitigation measures built into the proposal. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts which should be secured as appropriate in any permission granted. On the basis of information provided, Natural England concurs with this view.

- 4.1.7 **Shropshire Wildlife Trust** – Original comments: Object. Appears to have been no ecological assessment of the site, the immediately surrounding area, or of impacts on

nearby designated sites.

In order to make an informed planning decision and to ensure that the requirements of the Habitats Regulations are met further information is required. We would recommend that an extended Phase 1 survey is undertaken; this should give particular attention to possible impacts on species such as great crested newts, water vole, etc.

As the site drains directly towards Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses (NNR, RAMSAR, SAC and SSSI) a Habitats Regulation Assessment should be undertaken and greater detail provided on both surface and foul drainage as well as potential impacts from manure storage and spreading.

Re-consultation comments: No comments received.

4.2 Public Comments

- 4.2.1 **Whixall Parish Council – Original comments received 16.04.2014:** The Parish Council feel that the application is totally unacceptable and out of keeping in the proposed location. Previously this land was sold as pasture with no agricultural buildings on site; furthermore, we are not aware this land has an agricultural holding number.

With regard to the calf rearing sheds-

- It is felt that there is inadequate provision for dealing with waste products and foul and surface water.
- It is not felt that the proposed business will be sustainable.
- The site is only accessible down a single track country lane with a ditch down one side and, in places, down both sides. The road is no more than approximately 10 feet wide approaching the gateway of the site. The Parish Council acknowledge the access considerations described in the applicants' Design and Access Statement but disagree with its assertions and feel that this single carriageway cannot support the extra traffic associated with this application; feed lorries, cattle lorries and other vehicles will have a detrimental effect on the road surface and the ditches either side. It is also a no through road.

With regard to the temporary dwelling-

- As it is felt that the calf rearing sheds are an unsuitable proposal there is, therefore, no need for a temporary dwelling.
- It is strongly felt that the site is not suitable for a permanent dwelling and on that basis it is not appropriate to site a temporary dwelling.

Re-consultation comment received: 15.01.2015 The Parish Council's previous comments in objection to this application still stand. The Parish Council have considered the additional/ new information associated with the application and wish to state their concern that the high yield operations proposed will have a serious impact on the level and type of traffic and feel that this has been understated in the application.

The council also has serious concern about the waste disposal and drainage outfall from the domestic septic tank, due to the high water table and the close proximity to The Moss this could cause potential contamination of this SSSI site.

Re-consultation comment received: 16.03.2015 Whixall Parish Council's previous comments made on the application still stand and councillors remain unconvinced that traffic, drainage and viability of the business have been correctly established nor justify a temporary dwelling.

Furthermore, there are concerns about foul water from the septic tank being discharged into the ditch at the side of the road which, it is believed, does not flow all year round, therefore will lay stagnant in summer months producing a foul smell and would possibly pollute the adjacent SSSI.

Re-consultation comment received: 12.11.2015 Whixall Parish Council wish to state that their position has not changed in light of the new information (ecology report) available in connection to this application, in fact, it reinforces concerns about the impact on adjacent sites.

Furthermore, the Parish Council has concerns about the impact of the current use of Little Acorn farm on the adjacent sites.

Re-consultation comment received: 22.01.2016 With reference to previous comments- Whixall Parish Council's stance is 'object' not 'neutral'.

Re-consultation comment received: 14.01.2016 Whixall Parish Council feel that the waste disposal system for the animals seems acceptable. However, the council does not wish to comment on drainage proposals for the caravan because it does not believe that the caravan should be on site. Furthermore, Whixall Parish Council is concerned that the caravan has been on site for 3 years without permission and in breach of an enforcement order.

4.2.2 **Wem Rural Parish Council – Original comments:** Wem Rural Parish Council had been consulted by Shropshire Council regarding this application due to close proximity of the site to the Parish Boundary. At the meeting of Wem Rural Parish Council held on 1 April 2014 it was resolved to object to the application. The Council considered the proposed enterprise was not appropriate on this site.

Re-consultation comments: No comments received.

4.2.3 **Contributors/neighbours** – Representations of objection have been received from two local residencies. The main objections relate to:

- There are already agricultural sheds that could be used for calf rearing. Why are additional barns required.
- As there is no calving on site and feeding is automated do not see the need to live on site.
- Not convinced business is viable and dwelling justified, particularly due to investment costs. Business plan is vague with unsubstantiated or missing figures.
- There is already a mobile home on site, which was due to be removed by March 17th 2014 under an enforcement order. Are in breach of this enforcement order.
- Request is for temporary workers accommodation. What would prevent them from using it permanently. Seem to be living there permanently already.

- Are other suitable houses available locally.
- More buildings will make the area more of an eyesore. Development is already a visible blot on the landscape.
- Unsuitable access and traffic generation. Site is down a single track lane, already deteriorating and proposal will deteriorate it further.
- Do not see need for extension to access track.
- Question how will foul drainage be disposed of and land will absorb water run-off. The suitability of the site for a septic tank should be investigated due to poor drainage locally and the high water table. Land is susceptible to flooding. A 6 person sewerage treatment plant and mound is not required for the proposed 1 to 2 man operation.
- Waste management. Do not have enough land to dispose of animal waste/ non-sustainable management/disposal scheme. Risk of pollution.
- Site is close to a listed building.
- Site is close to the Wildlife Trust site at Wem Moss. Loss of wildlife habitat.
- Whilst we object to the proposal, if the planning authority chooses to approve it, we ask that:
 - Conditions be attached to the permission stipulating that any dwellings or buildings are for the proposed agricultural use (calf rearing) only and are to be removed if the proposed use (calf rearing) ceases.
 - A Section 106 or other appropriate agreement or condition be imposed to improve the lane surface before any additional agricultural traffic uses it and to ensure that it is maintained in future.

4.3 The full content of all consultee responses and public comments/objections are available to view on line.

5.0 THE MAIN ISSUES

- Principle of development
- Siting and visual impact
- Drainage and waste
- Highways
- Ecology

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 Enforcement: There is a static caravan on site the subject of an Enforcement Notice (upheld on appeal) that should have been removed by September 2013. The applicant's intention is to relocate the static caravan to provide the temporary dwelling proposed under this current application. As such any enforcement proceedings have been held in abeyance until this planning application is decided.

6.1.2 The design and access statement states that the '*... static caravan was moved onto the site during the winter of 2012/2013 for use as welfare unit*' and then later '*... utilised by the applicants as temporary accommodation whilst engaged in building and engineering works in connection with the permitted development permissions.*' Currently, officers

understand that the static caravan is in full residential occupation.

- 6.1.3 The application/proposal: The applicant's (Mr & Mrs Caulfield) have 6 hectares of land, an additional (adjoining) 1.5 hectares having been purchased since the application was originally submitted. There is existing agricultural development on the land in the form of the authorised agricultural storage building and polytunnel describe in section 1 above. The applicant's currently operate a mixed livestock farming enterprise from the land and buildings, comprising rare breed cattle, pigs and sheep and also have poultry reared for meat and eggs. The produce is sold at occasional local markets, via the internet and to friends and family. Presently, both Mr & Mrs Caulfield are otherwise employed and the enterprise does not generate a fulltime requirement. Existing stocking level details submitted with the application include: six suckler cows; four weaned calves; three breeding ewes; two breeding sows and a boar; 30 finishing pigs and 100 free range poultry. The land has a holding number which is required for the keeping of livestock.
- 6.1.4 The calf rearing enterprise is a new venture, which would run alongside the existing agricultural activities. The proposal is to erect two new agricultural buildings to rear calves on contract from Blade Farming and to re-locate the existing (unauthorised) static caravan to provide a temporary agricultural workers dwelling in connection with the agricultural enterprise. The applicant's calculate the enterprise would warrant approximately 1.4 full time workers and would justify on-site accommodation . If approved, the intention is for Mr Caulfield to work full-time on the holding, with Mrs Caulfield providing some part-time assistance and both of whom would live on-site.

6.2 **Principle of development**

- 6.2.1 Under present development plan policy, the site is located in an area defined as countryside.
- 6.2.2 The National Planning Policy Framework: The NPPF generally supports the principle of economic and agricultural development in the countryside. In respect of new dwellings the NPPF indicates that new isolated occupational dwellings in the countryside should be avoided unless there is an "essential need for a rural worker to live permanently at or near their place of work in the countryside" (paragraph 55, NPPF). Applicants will be required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at business for the majority of the time ("time" being 24 hours a day, 7 days a week). ...'
- 6.2.3 Core Strategy CS5 – Countryside and Greenbelt: Under Core Strategy policy CS5, development proposals on appropriate sites relating to agricultural development and new dwellings to house essential agricultural workers are considered acceptable in principle – subject to satisfying general development control criteria and environmental expectations and compliance with national planning policies and the Council's adopted Supplementary Planning Document (SPD) on the Type and Affordability of Housing.
- 6.2.5 SPD on The Type and Affordability of Housing: This adopted policy document sets out detailed requirements relating to agricultural workers dwellings; business case requirements; occupancy and size restrictions. At para. 3.3 the SPD also states that:

'Strategic Objective 7 of the Core Strategy aims to support rural enterprise and diversification of the rural economy. In accordance with this objective, where a

business case is shown, the Council will support applications for temporary dwellings. This accords with Policy CS13 of the Core Strategy (Economic Development, Enterprise and Employment). At the end of the temporary period a reassessment of the functional need would be required.'

6.2.6 SAMDev MD7a – Managing Housing Development in the Countryside: Policy MD7a (2) states that:

'Dwellings to house essential rural workers will be permitted if:-

- a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business; and,*
- b. in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; ...*

... Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural business may also be subject to occupancy restrictions, where appropriate. ...'

6.2.7 SAMDev MD7b – General Management of Development in the Countryside: Policy MD7b (3) states that further to considerations set out by CS5 '*Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:*

- (a) Of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve;*
- (b) Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and*
- (c) There will be no unacceptable impacts on environmental quality and existing residential amenity.'*

6.2.8 Having regard to the above suite of national and local planning policies it is acknowledged that there is policy support, in principle, for the erection of new agricultural buildings and agricultural workers dwellings - subject to satisfying other general development control criteria and policy expectations.

6.2.9 With regard to the proposed sheds it is accepted that there are no suitable buildings on the site to serve the new enterprise. Further, it is considered that the new buildings are appropriately sited adjacent to existing farm development and of an acceptable scale and design to suite their intended agricultural purpose for calf rearing. Veterinary support provided by the applicant indicates that the use of two sheds will also allow animals of different ages to be housed in separate air spaces and thus reduce the risk of disease outbreaks. On this basis there is no policy objection to the new buildings in principle.

6.2.10 With regard to new agricultural dwellings there are some particular tests that need to be

met in order for the principle to be accepted, ie functional and financial tests. Bearing this in mind, the application has been referred to Reading Agricultural Consultants (RAC) for appraisal on behalf of the Council.

- 6.2.11 Functional need: There are two clear elements to establishing the functional need. Firstly, the location of the site in relation to the enterprise and secondly the labour requirement. In this context RAC conclude that *'there would be an essential need to live on-site to provide close care and attention to a large number of young calves'*. To expand, in terms of location the temporary dwelling will be sited within sight and sound of the proposed new buildings and directly abutting the existing farm building. RAC accepts that *'the calf rearing operation will require a resident on-site worker and living off-site would not be suitable.'* Turning to matter of labour requirement, RAC further accepts that the proposed enterprise would generate a full-time labour requirement. Based on amended calculations RAC calculate that there would be a requirement for 1.1 full-time workers.
- 6.2.12 On their own, the existing farming activities at the site would not warrant an on-site dwelling. In the initial appraisal RAC did express some concern on the matter of assurance that the proposed calf rearing enterprise will actually be undertaken and continued with. This concern was prompted from the Blade Farming sample contract provided, as it is blank and for a one year term only. Here the applicant's have responded that (i) they cannot sign up to the contract until they have planning permission for the buildings and further that (ii) the application is supported by *'a letter from the calf rearing manager giving further assurances as to the long term sustainability of such a partnership with a company that is expanding its own calf rearing business all the time. This is an enterprise we want to succeed, that we are intending investing a lot of money in, apart from the actual buildings there will be dedicated calf equipment such as computerized milk machine systems, in the belief that the enterprise will provide good returns on that investment in terms of paying for the set up costs and securing full time employment for Mr Caulfield.'* Officers consider this demonstrates the applicant's firm intent to set up and run the enterprise. It is worth reiterating at this point that the applicant's are applying for a 3 year temporary dwelling which will provide a test period.
- 6.2.13 Financial viability: In respect of finance RAC's initial appraisal concluded: *'the budgeted business profitability would not meet the wage requirements for the amount of labour seemingly necessary to operate the unit and thus there are concerns about the financial sustainability of the proposed business.'* This conclusion was based on an initial labour requirement calculated by RAC to equate to 2.8 full-time workers. In light of additional information consequently provided by the applicant, RAC calculated a revised labour requirement equal to 1.1 full-time workers. RAC acknowledged that this reduction significantly influences the amount of profit required for the proposed business to be financially viable. However, RAC raised further queries regarding the applicant's income and costings figures. Again the applicant responded with additional information. Having considered the additional details RAC have since provided confirmation that the proposal for the dwelling is a sound proposition. At this point it is again worth reiterating that the application is for a temporary dwelling, for a three year period. This would provide a period of testing with regards to financial viability and consequently sustainability, and to ensure the commitment of the applicant's to the venture.

- 6.2.14 In view of the above officers are satisfied that the proposal for a temporary agricultural workers dwelling meets with policy requirements in terms of functional and financial tests at this conjecture. Accordingly, officers are of the opinion that the application can be supported, subject to a 3 year temporary condition and the usual agricultural worker occupation restriction. Whilst the Parish Council and neighbours maintain objections on financial viability grounds, officers would highlight that the applicant has provided financial information of a confidential nature and therefore this confidential information has not been made available publically. The financial information has been fully assessed by RAC on the Council's behalf and the case found to be sound in relationship to a proposal for a temporary dwelling, in order to allow the applicants sufficient time to demonstrate whether the business is financially viable or not.
- 6.2.15 In respect of new agricultural workers it is also a policy requirement that applicant's enter into a S106 agreement to secure the default of the dwelling to affordable housing should the agricultural need ceases to exist in the future. As this application is for a temporary dwelling it is not considered necessary to enter into such an agreement, although it would be become a necessary consideration, if the applicant was consequently to apply for a permanent dwelling.

6.3 **Siting and Visual Impact**

- 6.3.1 The NPPF refers to protecting and enhancing the quality and character of the wider countryside and to requirements for development to be in keeping and scale with its location and sensitive to the character of the countryside. Policy CS5 indicates that agricultural related development would be acceptable in principle. Policies CS6 and CS17 require development to protect and conserve the natural and built environment and to be appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policies MD2 and MD13 build on these requirements and seek to avoid significant harm to visual amenity.
- 6.3.2 In terms of siting and visual impact it is not considered that the proposed buildings will cause any significant harm to the locality. They are of a functional size, design and appearance which reflects modern agricultural buildings in the countryside and will be sited adjacent to the existing building on the site. Therefore, having regard to their siting, scale, design and limited height (ie 4.6 m high to the ridge) it is not considered they will appear unduly obtrusive in the landscape. Furthermore, their visual impact can be mitigated against with appropriate landscaping, secured through a planning condition attached to any approval issued.
- 6.3.3 Turning to the matter of the static caravan, whilst it is accepted that the caravan is not sympathetic too or in keeping with this rural environment, this has to be balanced against the temporary nature and need for the development and the fact that it will be viewed not in isolation but against the backdrop of the surrounding farm complex (as existing and as proposed). A planning condition should be imposed limiting the consent for the static caravan to 3 years and requiring its removal by the end of the temporary period, should members be mindful to support the application. Local Planning Authorities do not generally permit successive consents to extend the temporary period and should not grant consents for temporary dwellings in a location where a permanent dwelling would not be permitted. It is considered by officers that the location is appropriate, with consideration to information provided in support of the application at this stage.

6.3.4 An objector has raised a concern over the potential impact of the development on a nearby listed building. Hornspike House is the building concerned. It is grade II listed farmhouse, located to the south of the site and separated by fields. Having regard to the context and setting of the listed building and the general character of the area, and the requirements in relationship to the historic environment as set out in the NPPF and local plan policies, officers are of the opinion that the proposal will have no significant harm on the character and setting of the listed building.

6.4 **Drainage and Waste**

6.4.1 The NPPF and CS18 require that development should integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality. Drainage has been raised as a particular issue by the Parish Council, neighbours, the Council's Ecology Officer and Natural England having regard to the characteristics of the local water environment and the proximity of the site to Whixall Moss etc.

6.4.2 The manner with which foul drainage from the temporary dwelling and surface water from the dwelling and buildings is to be dealt with has been modified from the original intention. In response to drainage issues raised the drainage arrangements now proposed by the applicant's are as follows:

'For the temporary dwelling:

Installation of a 6 person Bio sewage treatment plant, including 3000 litre primary tank, pump chamber and pump, with the treated effluent being discharged into high level mound soak away.

Installation of a high level mound soak away.

*****Above-ground mound soakaway systems have been designed to compensate for clay and impervious soils and high water table ground that cannot utilise a standard underground soakaway drainfield. The mound is constructed using layers of sand, gravel and topsoil.***

The mound works by taking the effluent from the sewerage treatment plant using a pump to the drain-pipes in the absorption bed of the mound. The effluent then drains through graded layers of sand/gravels to neutralise the pollutants before draining both vertically and laterally within the mound.**

The mound will be situated at the rear of the second calf shed which will have the additional benefit of helping to shield the barn from view.

Installation of rainwater harvesting barrels for collection of water from roof of temporary dwelling.

The overflow will discharge any excess rainwater into the adjacent road drainage ditch (approximately 400m from the nearest boundary of Wem Moss).

For the calf rearing barns:

Installation of a 15000 litre underground dirty water tank for collection of water used for cleaning of barns prior to new batches of calves.

This tank will be emptied regularly under NVZ guidelines.

Installation of two 6500 litre rain water harvesters which will provide drinking water for calves and water for use when cleaning out barns between batches of

calves.

The size of the tanks have been estimated by taking into account the size of the roof area of the building and the anticipated rainfall for this part of England. Overflows from the rainwater harvesters will discharge any excess rainwater into the adjacent drainage ditch (approximately 500m from the nearest boundary of Whixall Moss).

All tanks will be underground and installed on concrete bases and surrounded in a lean mix concrete.

These proposals will mean that, apart from any possible excess of rainwater from the harvesting system which will be directed to ditches, all dirty water or effluent will be contained either within tanks or filtered above ground in the drainage mound. This will ensure there is no negative environmental impact on our own land or any surrounding fields or sensitive areas.'

- 6.4.3 The revised drainage arrangements have been subjected to re-consultation. The Council's Drainage and Ecology Officers, together with Natural England are all now satisfied that the revised drainage arrangements are acceptable. Subject to the development being carried out in accordance with these revised details, then the proposals is considered capable of complying with drainage policies.
- 6.4.4 Turning to the matter of waste disposal from the new buildings, then objectors and RAC have raised concerns over the potential to comply with Nitrate Vulnerable Zones (NVZ) regulations given the limited size of the applicant's holding.
- 6.4.5 As set out above the applicant has clarified that an underground tank will be installed to collect dirty water used from cleaning the buildings before new calf batches. The tanks will be emptied regularly to NVZ guidelines. Soiled bedding from the calf sheds will be stored on the applicants' land and ready for spreading. The applicant is fully aware of the fact that either extra land is required or an outlet for the spreading of the excess manure/straw above their limits within the NVZ. To cover this they will either rent additional land or get a third part to remove and use the excess manure/straw. In respect of the latter option they '*...have been assured by a local farmer that they will have no problem getting a third part to remove and use the excess manure/straw.*' Additionally they have confirmed that '*...the NVZ regulations will be met in respect of leaving a gap of 2 years between different sites on our land being used for the storage of the dirty straw in field heaps as well as the other siting criteria.*'
- 6.4.6 In view of the above, RAC are satisfied that the situation with regards to manure disposal appears to have been addressed but ultimately this would need to be considered by the Environment Agency through robust examination of the case. The Parish Council have also commented that the waste disposal system appears acceptable.
- 6.4.7 For planning purposes officers are therefore satisfied that the applicant's have demonstrated that adequate measures will be in place for dealing with waste disposal from the new sheds. Full compliance with the NVZ Regulations is separate legislation enforced by the Environment Agency and it is not the role of the LPA to duplicate other legislative controls.

6.5 Highways

- 6.5.1 The site is served by an existing access track and access onto the adjoining highway which already allows for adequate access by for delivery vehicles, tractors and trailers. No further improvements are proposed to the access entrance and there is adequate space for on-site turning and parking. The access track is to be extended on-site to provide for servicing to and between the proposed buildings. The adjoining highway is a rural unclassified no through road serving other land holdings.
- 6.5.2 Objections have been raised by the Parish Council and neighbours on highway grounds and that the approach is unsuitable for use by the type and number of traffic movements that will be generated by the proposal.
- 6.5.3 Traffic information provided by the applicant sets out that:
- ... *'Feed, fuel and bedding is already delivered to the site and this enterprise will just require larger amounts of produce each time not more frequent deliveries and should still be around 1 per month. This will equate to approximately 50 vehicle movements per year, ie 1 per week plus occasional visits from vets and other trades.'*
 - *'... the calves will be delivered into the unit in batches of up to 30 calves (120 calves in total – 4 vehicle movements of 30 calves or up to 8 vehicle movements of 15 or more calves) and will be taken from the unit approximately 10 weeks later in batches of 30 calves (4 vehicle movements). This will happen 3.5 times per year. This equates to between 28 and 42 vehicle movements per year ie less than one per week.'*
 - *'... no excessively large vehicles will be used. The calves will normally be delivered ... by car and trailer or small livestock lorry and the older calves are taken away in a similar fashion to the finishing unit.'*
 - ... and otherwise that the highway is a maintained highway and utilised already used by farm vehicles, traffic and large vehicles such as refuse lorries whereby *'... we genuinely do not feel that the type and size of vehicle to be used in our enterprise or the frequency that these vehicles will travel along the land will have any significant impact on the road surface, other road users or the occupiers of neighbouring properties.'*
- 6.5.4 The Highway Authority has considered the application proposals and the information provided by the applicant. The Highway Officer is of the view that the whilst the vehicular movements associated with the proposed development will have some effect on other traffic using the no through road, it is not considered that these associated movements will have such a material effect to sustain a highway objection to the proposal as submitted. In the opinion of officers this view remains unchanged further taking into account the need to empty the dirty water tanks which have since been detailed in the application.
- 6.5.5 If approved, an objector requests that a Section 106 or other appropriate agreement or condition be imposed to improve the lane surface before any additional agricultural traffic uses it and to ensure that it is maintained in future. The Highway Officer has considered the application and has not specified such a requirement. Having regard to the Highway Officers comments, the scale and nature of the application proposals in

combination with the fact that the adjoining highway is a publically maintained highway used by other traffic, including agricultural vehicles, it considered such a request is unduly onerous and unnecessary. In the circumstances it would not meet the tests pertaining to the use of conditions and S106 requirements.

6.6 Ecology

- 6.6.1 The application site is in the vicinity of the Fenn's, Whixall, Bettisfield, and Wem SSSI and SAC and Ramsar European sites. It also falls within the surface water catchment for the site. Core Strategy Policies CS6 and CS17 state that all development should protect the natural environment whilst enhancing environmental assets. This requirement is built upon in SAMDev policy MD12. The Council's Ecology Officer and Natural England have been consulted on the application. As detailed in consultee comment section above both the Ecology Officer and Natural England originally objected to the application on the basis that insufficient information had been provided in the form an ecological assessment and drainage information to demonstrate that the proposal will not adversely impact on protected sites and/or protected species/ecology.
- 6.6.2 In response to these objections supplementary information has been submitted. This includes an Ecology Assessment conducted by Mark Latham and detailed drainage information. Both the Council's Ecology and Natural England have been re-consulted on the information and both are now satisfied that the development can proceed without adversely impacting on protected sites and species and ecology, subject to recommended conditions. The conditions are listed in Appendix 1.
- 6.6.3 In accordance with the recommendation of the Council's Ecology Officer a Habitats Regulations Assessment (HRA) matrix is attached to this report, please refer to Annex A. The HRA matrix must be discussed and minuted at the committee meeting at which the planning application is presented. Planning permission can only legally be granted where it can be concluded that the application will not have any adverse effects on the integrity of any European Designated site. NB: Please note that the Planning Officer has modified the wording of the drainage condition recommended by the Ecology Officer in Annex A to that given in Appendix 1 because the LPA is not responsible for compliance with Building Regulations, ie from:

Prior to first occupation of the development hereby approved the foul and surface water drainage details as set out in the email dated 5th January 2016 shall be installed in compliance with The Building Regulations 2002.

Reason: To prevent pollution of watercourses and designated sites.

To:

Prior to first occupation of the development hereby approved and notwithstanding the details shown on the approved block plan, the foul and surface water drainage details as set out in the applicant's email dated 5th January 2016 and accompanying attachments shall be installed in full accordance with these approved details.

Reason: To ensure the satisfactory drainage of the site; to prevent flood risk and to prevent the pollution of watercourses and designated sites.

It is considered that this does not alter the thrust of the condition.

- 6.6.4 In view of all the above, it is now possible to conclude that the development proposal is

capable of complying with Core Strategy policies CS6 and CS17, SAMDev Plan policy MD12 and Section 11 of the National Planning Policy Framework in relation to the requirement to conserve, protect and enhance the natural environment and safeguard protected sites and species.

7.0 **CONCLUSION**

7.1 In summary, officers are of the opinion that the agricultural buildings for the calf rearing venture are acceptable in principle and further that the applicant has sufficiently justified and demonstrated a functional need for the temporary dwelling in association with what appears to be a potentially financially viable agricultural enterprise, all in accordance with national and local planning policies controlling development in the countryside. Officers are further satisfied that proposals are of an appropriate siting, scale and design that will not adversely impact on the character and appearance of the locality; are capable of being serviced by acceptable drainage and access arrangements that will not increase flood risk or lead to unacceptable highway conditions and further that sufficient ecology and drainage information has been provided to conclude that the proposals will not adversely harm protected sites and species and ecology– all subject to compliance with planning conditions. Accordingly, the proposal is considered to comply with Shropshire Core Strategy policies CS5, CS6, CS13, CS17 and CS18; SAMDev policies MD2, MD7a, MD7b, MD12 and MD13; the Council's SPD on the Type and Affordability of Housing and the NPPF.

7.2 In allowing this application, the proposal has the potential to resolve the outstanding enforcement issue at the site in respect of the unauthorised status of the existing static caravan. However, to ensure the investment in and commitment to the calf rearing enterprise, it is considered necessary to impose a condition requiring the erection and completion of the new buildings prior to occupation of the static caravan in the re-located position.

7.3 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.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

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

by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and SAMDev Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the Countryside
 MD7B - General Management of Development in the Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

11/04076/AGR Erection of agricultural storage building and polytunnel PNAGR 22nd September 2011
 11/04077/AGR Formation of access track for agricultural purposes PNAGR 21st September 2011
 15/03208/AGR Proposed building for storage PNR 12th August 2015

Appeal

13/02023/ENF Appeal against enforcement notice DISMIS 17th September 2013

11. Additional Information

View details online:

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 Cllr Pauline Dee Cllr Chris Mellings
Appendices Appendix A – Habitat Regulation Assessment (HRA) Screening Matrix Appendix B - Conditions

Appendix A**Habitat Regulation Assessment (HRA) Screening Matrix
& Appropriate Assessment Statement**

Application name and reference number:

14/00834/FUL

Little Acorn Farm, Dobsons Bridge, Whixall, Shropshire - Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track

Date of completion for the HRA screening matrix:

22nd February 2016 Revision 2

HRA screening matrix completed by:

Alison Slade
 Planning Ecologist
 Shropshire Council
 01743 258514
Alison.Slade@Shropshire.gov.uk

Table 1: Details of project or plan

Name of plan or project	Little Acorn Farm, Dobsons Bridge, Whixall - Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track
Name and description of Natura 2000 site	<p>Fenn's Whixall, Bettisfield, Wem and Cadney Mosses SAC and Ramsar site, part of the Midland Meres and Mosses Phase 2. SAC primary reason for selection is for Active raised bog. Other SAC qualifying feature is degraded raised bogs still capable of natural regeneration.</p> <p>Ramsar criterion:</p> <p>Criterion 1a. A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog.</p> <p>Criterion 2a. Supports a number of rare plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i>, elongated sedge <i>Carex elongate</i> and bog rosemary <i>Andromeda polifolia</i>. Also present are the nationally scarce bryophytes <i>Dicranum undulatum</i>, <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>.</p> <p>Criterion 2a. Containing an assemblage of invertebrates, including several rare wetland species. There are 16 species of Red Data Book insect listed for the site</p>

	including the following endangered species: the moth <i>Glyphipteryx lathamella</i> , the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i> .
Description of the plan or project	Erection of two agricultural sheds; siting of two bedroom temporary agricultural workers dwelling; extension to access track Pathways for an impact on the protected sites exist from surface and foul water drainage.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement

Bettisfield, Wem and Cadney Mosses SSSI are a minimum of 365 metres from the application site and the site is within the mapped surface water catchment of the Ramsar/SAC. The Llangollen Canal forms a barrier to surface water movement between the site and Fenns and Whixall Mosses SSSI. Natural England objected to the application on the 21st October 2014 because of insufficient information originally submitted on the impacts on the designated sites.

Additional information on foul and surface water drainage has now been submitted to allow an Appropriate Assessment to be carried out.

A six person sewage treatment plant is proposed to serve the two bedroom temporary agricultural workers dwelling. As the site has heavy clay soils becomes very wet following prolonged rain a high level mounded soakaway is proposed. An underground dirty water tank is proposed for the calf rearing barns, which will be emptied under Nitrate Vulnerable Zone guidelines.

Roof water from the dwelling will be collected in rainwater harvesting barrels with any excess discharged to the adjacent road drainage ditch. For the calf rearing barns a 15000 litre underground dirty water tank will collect water used for cleaning the barns between batches of calves. Rain water from the barns will be directed into two 6500 litre rain water harvesters for animal drinking and cleaning water, with any overflow discharging into the adjacent drainage ditch.

Shropshire Council drainage confirmed the drainage proposals are acceptable on the 6th January 2016.

The following condition is recommended to ensure the drainage proposals including the mounded soakaway are constructed to an acceptable standard.

Condition

Prior to first occupation of the development hereby approved the foul and surface water drainage details as set out in the email dated 5th January 2016 shall be installed in compliance with The Building Regulations 2002.

Reason: to prevent pollution of watercourses and designated sites.

With this condition attached there is no risk of foul or polluted water entering the designated site and therefore there is no likely significant effect on any European site.

The Significance test

The proposed works in application 14/00834/FUL Little Acorn Farm, Dobsons Bridge, Whixall, Shropshire - Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track will not have a likely significant effect on the Midland Meres and Mires Phase 2 Ramsar site due to a pathway for an effect. An Appropriate Assessment is not required.

The Integrity test

The proposed works in application 14/00834/FUL Little Acorn Farm, Dobsons Bridge, Whixall, Shropshire - Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track will not have an impact on the integrity of the Midland Meres and Mires Phase 2 Ramsar site provided a drainage condition is imposed as recommended above.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

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’ which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

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.

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 B**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 static caravan hereby permitted as part of this consent shall be for a limited period being the period of 3 years from the date of this permission. At the end of this period the occupation of the static caravan shall cease and the static caravan shall be permanently removed from the site within three months of the three year period ending.

Reason: To accord with adopted planning policy for rural housing provision and because this caravan is unsuitable to form part of the permanent development of the area and to enable the Local Planning Authority to give further consideration to the functional and viable need for an agricultural workers dwelling on the site at the expiration of this permission having regard to the circumstances existing at that time.

3. 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.

4. The external materials, including hard surfacing, shall be as specified in the submitted application.

Reason: To ensure the satisfactory appearance of the development.

5. Work shall be carried out strictly in accordance with the Ecological Survey report conducted by MJL Ecology (12th October 2015) submitted in support of the application.

Reason: To ensure the protection of Badgers, Reptiles and Amphibians & Bats.

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

6. Prior to first occupation of the development hereby approved and notwithstanding the details shown on the approved block plan, the foul and surface water drainage details as set out in the applicant's email dated 5th January 2016 and accompanying attachments shall be installed in full accordance with these approved details.

Reason: To ensure the satisfactory drainage of the site; to prevent flood risk and to prevent the pollution of watercourses and designated sites.

7. The agricultural buildings hereby permitted shall be erected and completed to accommodate the new calf rearing enterprise prior to the residential occupation of the temporary agricultural workers dwelling (static caravan) also hereby permitted in the location shown on the approved plans and required to serve this agricultural enterprise and shall be used for no other use.

Reason: To ensure the investment in and commitment to the calf rearing enterprise and upon which the need for the temporary agricultural workers dwelling is demonstrated.

8. The development hereby approved shall not be first brought into use until a scheme of landscaping proposals has been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. The submitted scheme shall include means of enclosure and planting plans for traditional native species, noting species, planting sizes and proposed numbers/densities where appropriate.

Reason: To mitigate visual impact and in the interests of safeguarding the character and setting of the rural locality.

9. All landscape 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 landscaping and planting works shall be carried out by the end of the first available planting season upon completion of the proposed development or in accordance with the timetable agreed with the Local Planning Authority. Any 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 scheme.

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

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

11. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

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

12. A total of 1 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(s) hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

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

13. The occupation of the temporary dwelling hereby approved shall be limited to a person or person(s) solely or mainly employed in the calf rearing enterprise at Little Acorn Farm and any partners or dependents thereof.

Reason: Permission has only been granted on a temporary basis to serve a demonstrated need in association with a new calf rearing enterprise and sufficient to override the general presumption against new residential development in this area.

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<u>Committee and Date</u>
North Planning Committee
19 th April 2016

<u>Item</u>
Public

SCHEDULE OF APPEALS AS AT COMMITTEE 19th April 2016

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Appeals Lodged

LPA reference	14/03428/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr K,J&P Broomhall & Mrs H Beasley – C/O Berrys
Proposal	Outline application for the erection of 50No dwellings (to include access)
Location	Proposed Residential Development Land Between Aston Road And Church Lane Wem
Date of appeal	16.03.16
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	15/02360/REF
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr and Mrs Williams
Proposal	C/U of swimming pool for provision of swimming lessons
Location	Hunky Dory Tern View Market Drayton
Date of appeal	
Appeal method	Written representations
Date site visit	14.3.2016
Date of appeal decision	24.3.2016
Costs awarded	
Appeal decision	Dismissed

Appeals determined

LPA reference	14/05298/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs C M Crewe
Proposal	Proposed 5 dwellings with garages
Location	Land at Hollins Lane, Tilstock, Whitchurch
Date of appeal	1 st November 2015
Appeal method	Written reps
Date site visit	14 th March 2016
Date of appeal decision	31 st March 2016
Costs awarded	
Appeal decision	Dismissed

LPA reference	14/05616/OUT
Appeal against	Refusal
Committee or Del. Decision	
Appellant	Mr and Mrs Lea
Proposal	Residential development
Location	Land at Bembows Close, Childs Ercall, Shropshire
Date of appeal	19August 2015
Appeal method	
Date site visit	
Date of appeal decision	4 th April 2016
Costs awarded	
Appeal decision	Dismissed

Appeal Decision

Site visit made on 14 March 2016

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st March 2016

Appeal Ref: APP/L3245/W/15/3140631

Land off Hollins Lane, Tilstock, Whitchurch, Shropshire SY13 3NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs C M Crewe against the decision of Shropshire Council.
 - The application Ref 14/05298/FUL, dated 18 November 2014, was refused by notice dated 3 December 2015.
 - The development proposed is 5 dwellings with garages.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the countryside.

Reasons

3. Viewed looking westwards from Tilstock along Hollins Lane, the site has significance as it marks the beginning of open countryside when leaving the village and is a pleasant open contrast to the ribbon of houses on the other side of the road. Looking towards Tilstock, the site appears as part of the countryside setting of the village. Though fenced off from the fields to the rear, the site is part of a wider area of attractive, high quality landscape which rises northwards from Hollins Lane. The proposed houses would appear well-designed, but nonetheless the scheme would have the effect of eating into this pleasant piece of countryside, harming its character and appearance.
4. The site lies outside the settlement boundary as defined by the recently-adopted Council's Site Allocations and Management of Development Plan (the SAMDev Plan). Shropshire Core Strategy Policy CS5 and Policy MD7a of the SAMDev Plan exercise strict control over development in the countryside and limit development to appropriate sites and forms of development where they improve the sustainability of local communities and bring local economic and community benefits. The scheme does not fall within the range of uses referred to in these policies and is contrary to the development plan.
5. It is government policy to boost the supply of housing. The development plan relies to a degree on windfalls to meet its overall target and recognises that if a settlement is struggling to achieve its housing guideline within the plan period

a positive approach will be taken towards development that lies outside the settlement boundary. However, that situation does not arise here. The housing land supply is in excess of 5 years and the SAMDev Plan includes three allocated sites in Tilstock, all now with planning permission, which together exceed the target of approximately 50 dwellings for the village. Adequate provision has therefore been made for housing. The additional housing provision, economic activity and community support from the proposed 5 houses would not be such as to outweigh the harm to the countryside.

6. I have taken note of the permission granted on appeal (Ref no APP/L3245/W/15/3001117) for a site outside the settlement boundary in Ludlow, but at the time of that decision the SAMDev had not been adopted and the Council adduced no evidence in support of its refusal. I have also considered the other appeal decisions referred to by the appellants. The site at Cross Houses (3134152) was a caravan site; the decisions at Wem (3029727) and West Felton (3003171) pre-date the adoption of the SAMDev; and the context of the site at Broseley (3006489) was substantially influenced by neighbouring residential development. Each case must be considered on its merits. These decisions do not alter my conclusion regarding the unacceptable nature of the current proposal.
7. A second reason for refusal concerns protected species. A survey report has been provided on the subject and the measures set out in the report could be undertaken in the event of development to provide adequate mitigation. However, that does not alter my conclusion on the main issue.
8. For the above reasons, the appeal is dismissed.

Jonathan Bore

Inspector

Appeal Decision

Site visit made on 15 March 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 April 2016

Appeal Ref: APP/L3245/W/15/3139996

Land at Bembows Close, Childs Ercall, Shropshire TR9 2BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & S Mrs Lea against the decision of Shropshire Council.
 - The application Ref 14/05616/OUT, dated 15 December 2014, was refused by notice dated 19 August 2015.
 - The development proposed is residential development with an indicative layout for 7 dwellings on 0.5ha of land, altering the existing vehicular access to the new use as a private drive. [scheme reduced from 11 on two plots to 7 on one plot during approval process].
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The planning application was submitted in outline with all matters except means of access reserved for future consideration. Drawings showing an indicative site layout were submitted with the application and I have had regard to these in determining this appeal.
3. The description of the development set out on the application form has been amended on the appeal form to reflect the alterations to the proposed development which occurred whilst the application was being considered by the Council. As the description given on the appeal form more accurately describes the development proposed I have used this description and considered the appeal on this basis.
4. A signed and completed Section 106 Agreement has been submitted by the appellant. It would secure the provision of affordable housing as part of this development. The Council has indicated that on the understanding that this Agreement is considered to be acceptable it no longer wishes to defend the second reason for refusal in this case. I will return to this matter later.
5. Since the submission of the appeal the Council has adopted the Site Allocations and Management of Development Plan (the SAMDev). It is clear from the appellants' statement that they were aware of the status of this document, and the 'Final Comments' stage gave both parties the opportunity to address any implications arising from the adoption of this document. I have therefore determined the appeal on the basis of the national and local policies adopted at the present time.

Main Issue

6. The main issue in this case is whether the proposal would represent a sustainable form of development.

Reasons

7. The appeal site is located on the western edge of the village on a field which is currently used as grazing land. The land rises gently to its northern boundary and then more steeply to the fields beyond. It is accessed via the adopted access road known as Bembows Close which links Village Road to dwellings lying to the east of the appeal site. The indicative layout of seven dwellings would continue the linear form of development present along Bembows Close.
8. The site lies outside the development boundary for Childs Ercall as set out in the SAMDev, the north western boundary of which ends at the boundary of the adjacent properties known as 'The Bembows' and 'Cherry Tree House'.
9. Policy CS4 of the Shropshire Core Strategy 2011 (the Core Strategy) seeks to ensure that rural communities will become more sustainable by focusing development and investment in Community Hubs and Community Clusters. At SAMDev Policy S11.2 (iii) Childs Ercall is identified as a Community Hub which will provide for limited future housing growth of around 10 houses up to 2026. This will be delivered through infilling, groups of houses and conversions which may be acceptable on suitable sites within the development boundary.
10. Whilst the appellant states that the development of this site would represent a natural extension of the village, it is outside the village development boundary and must be considered to be in the rural area. Therefore Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev are relevant in this case. These policies seek to strictly control development in the countryside, with new development only being permitted where this improves the sustainability of rural settlements by bringing economic and community benefits. In this respect new housing is limited to that which is needed to house rural workers, other affordable accommodation to meet local need and the replacement of existing dwellings.
11. It is also relevant to consider SAMDev Policy MD3 which states that in addition to supporting the development of the allocated housing sites set out in settlement policies, planning permission will also be granted for sustainable housing development on windfall sites both within these settlements and in the countryside, particularly where the settlement housing guideline is unlikely to be met. Considerations relevant to this Policy also include the presumption in favour of sustainable development, benefits arising from the development and the cumulative impact of a number of developments in a settlement.
12. In considering the suitability of this site for a residential development of seven houses I have looked at the availability of services locally and also access to services and employment elsewhere via public transport, cycling and walking. This is a small settlement of approximately 300 dwellings and I note that very few services are available in the village. There is a village hall and a licensed club, but the nearest primary school is in Hinstock, some 3 miles away. I have been made aware that there is a bus service to Market Drayton and Wellington. There is also a public footpath linking this site with the centre of the village.

- However, realistically, I consider that development in this location would inevitably lead to regular travel outside the village primarily by private car.
13. I have also looked at the key elements of sustainability as set out in the National Planning Policy Framework (the NPPF) at paragraph 7. I accept that this development would contribute to the expansion of the local population and thereby the vibrancy of the community. I also accept that there would be short term economic gain through the provision of construction jobs. There would also be some additional revenue generated for the local Parish Council, and a proportion of the new dwellings would be affordable. However, the environmental impacts generated by construction on a greenfield site, including the possible impact on local wildlife, the need to travel outside the village to access some key services and employment cannot be overlooked, and outweigh the social and economic benefits.
 14. It is also relevant to consider the cumulative impact of development in Childs Ercall, in terms of recent completions and extant approvals. I note comments from the Parish Council and other objectors that the housing target of around 10 dwellings for the period up to 2026 has already been exceeded with consents for 12 dwellings currently in place. Whilst the appellant references SAMDev Policy MD1 which states that in relation to identified settlements all housing targets are approximate with the need for some flexibility, in Childs Ercall extant approvals suggests that flexibility has already been exercised. Given the limited nature of services available locally, the cumulative impact of new development in this location would render further development unsustainable.
 15. The appellant states that the line of the Childs Ercall development boundary is illogical and arbitrary. However, this was reviewed during the recent examination of the SAMDev and is referred to by both the Parish Council and other local objectors. As such I consider it to be sound.
 16. Both parties have drawn my attention to other planning and appeal decisions in this area relating to housing development beyond settlement boundaries. Whilst there are differences between these cases and this appeal it is important to note that in determining such cases the adoption of the SAMDev now provides greater certainty in terms of the final wording of policies and the significant weight which should be attached to this document.
 17. I conclude on this issue that the proposed development would not represent a sustainable form of development. It would conflict with the Core Strategy Policies CS4 and CS5, the SAMDev at Policies MD1, MD3, MD7a and Schedule 11.2 (iii), and also the NPPF which seeks to support rural communities in becoming more sustainable.

Section 106 Agreement

18. As noted above, the appellant's have submitted a signed Section 106 Agreement to provide a proportion of affordable housing on this site. Provision would be made in accordance with the Type and Affordability of Housing Supplementary Planning Document. The Agreement accords with Regulation 122 of the Community Infrastructure Levy Regulations 2010, and the tests for such agreements set out in the NPPF. This complies with the Core Strategy Policy CS11 and therefore carries moderate weight in favour of the proposed development.

Other matters

19. The parties agree that the layout, design and appearance of development on this site would be acceptable in terms of its continuation of the building line of Bembows Close. I also note the appellant's points that Bembows Close currently appears incomplete and that the site would be served by a fully adopted access road. However, whilst noting that appearance and layout are reserved matters in this case, I consider that such development in this location would extend the built form of the village and encroach into the openness of the countryside to the north west of the village.
20. The appellant states that the appeal site is a parcel of land which is of little use to agriculture, particularly as the gradient of the land rises beyond its northern boundary limiting links with other parcels of land. However, this is grade 2 agricultural land which I noted on my site visit is currently used by horses. It is clear that such good quality land in close proximity to the village could be put to a variety of other uses.

Conclusion

21. Drawing all of these strands together, in the scheme's favour it would contribute to the supply of housing and specifically to the provision of affordable housing. However, these benefits would also apply if this housing was located within the village development boundary. In this case such benefits would be significantly and demonstrably outweighed by the fact that this site is located outside the development boundary of Childs Ercall and that it has not been demonstrated that this settlement has the capacity for further development.
22. For the reasons set out above, and taking into consideration all other matters raised, I conclude that the appeal should fail.

AJ Mageean

INSPECTOR