



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

Date: Friday, 23 December 2016

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

**Date:** Tuesday, 10 January 2017  
**Time:** 2.00 pm  
**Venue:** Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

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

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

**Members of the Committee**

David Evans (Chairman)  
David Turner (Vice Chairman)  
Andy Boddington  
Gwilym Butler  
Nigel Hartin  
Richard Huffer  
John Hurst-Knight  
William Parr  
Madge Shingleton  
Robert Tindall  
Tina Woodward

**Substitute Members of the Committee**

Lee Chapman  
Heather Kidd  
Christian Lea  
Cecilia Motley  
Vivienne Parry  
Kevin Turley  
Leslie Winwood  
Michael Wood

Your Committee Officer is:

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

# AGENDA

## 1 Apologies for Absence

To receive any apologies for absence.

## 2 Minutes (Pages 1 - 8)

To confirm the minutes of the South Planning Committee meeting held on 6 December 2016.

Contact Linda Jeavons (01743) 257716.

## 3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5 pm on Thursday, 5 January 2017.

## 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 Land Adjacent To Sainsbury's Supermarket, Old Smithfield, Bridgnorth (16/02739/FUL) (Pages 9 - 42)

Erection of 5 No retail units, car parking, reconfigured access, landscaping and associated works.

## 6 Walkhamwood Farm, Faintree, Bridgnorth, Shropshire, WV16 6RQ (15/05330/EIA) (Pages 43 - 86)

Erection of 4 No poultry units, feed bins, biomass boiler building, new access road, landscape and associated works.

## 7 Withies Campsite, Stretton Road, Much Wenlock, Shropshire (16/03878/FUL) (Pages 87 - 110)

Change of use of land to campsite to include improved access, erection of multi-purpose building and siting of 4 No Shepherds Huts.

## 8 Schedule of Appeals and Appeal Decisions (Pages 111 - 116)

## 9 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 7 February 2017, in the Shrewsbury Room, Shirehall.



## Committee and Date

South Planning Committee

10 January 2017

## **SOUTH PLANNING COMMITTEE**

**Minutes of the meeting held on 6 December 2016**

**2.00 - 4.30 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

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

### **Present**

Councillor David Evans (Chairman)

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

### **52 Apologies for Absence**

An apology for absence was received from Councillor Robert Tindall (Substitute: Cecilia Motley).

At this juncture, the Chairman informed the meeting that Agenda item No. 11 (Hurst Barn, Clunton, Craven Arms, Shropshire, SY7 0JA – 16/03334/EIA) had been deferred and would be considered at a future meeting.

### **53 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Central Planning Committee held on 11 October 2016 be approved as a correct record and signed by the Chairman, subject to it being noted that at Minute No. 49, Councillor David Turner withdrew from the room, took no part in the debate and did not vote on planning application 16/02910/FUL.

### **54 Public Question Time**

- (i) Mr David Jones had submitted a question in accordance with Procedure Rule 14 (a copy of the question and the formal response is attached to the signed minutes).

Mr Jones asked the following supplementary question:

“Arising from the response to my question, **and** what is not contained in the Officer’s response. The response acknowledges that the word “however” in 6.3.2 of the recommendation is “not necessary” and inappropriate would be a better word. But the response does not point out that the analysis in 6.3 is

materially changed by this deletion. Nor does the response deal with two of the other paragraphs referred to in my question – 56 and 61 which heavily underlines the importance of good design and buildings, therefore I ask by “filling-in” have the Committee and the Parish Council considered in detail whether CS6 is compliant with Section 7 of the NPPF.”

It was subsequently agreed that a written response would be provided following the meeting.

- (ii) Ms Vivienne Baine had submitted a question in accordance with Procedure Rule 14 (a copy of the question and the formal response is attached to the signed minutes).

Ms Baine asked the following supplementary question:

“I have previously responded to the shortcomings in the Heritage report but am unclear from this response as to whether the Council consider the use of an experienced Conservation or Heritage Architect of relevance in the design of a building in an Area of Outstanding Natural Beauty and Conservation.”

In response, the Principal Planner replied as follows:

“Planning Officers look at all details submitted with a proposal, along with colleagues in various specialisms, and carry out site inspections in the consideration of applications in coming to a view. The use of an experienced Conservation or Heritage Architect is desirable, but cannot be insisted on and it is the content of what is provided which has to be considered rather than the author.”

- (iii) Mr John Lefley had submitted a question in accordance with Procedure Rule 14 (a copy of the question and the formal response is attached to the signed minutes).

Mr Lefley asked the following supplementary question:

“Whilst the Planning Officer’s response mentions information that is lacking or “does not address matters adequately” it does not seem to cover false or misleading information.”

In response, the Principal Planner replied as follows:

“All information and comments submitted with regard to planning applications are assessed and reviewed by experienced Officers/Technical Consultees; however there may be occasions when different parties may not agree with all the information submitted and this is something that would have to be assessed and a balanced judgement made.”

**55 Disclosable Pecuniary Interests**

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

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

With reference to planning application 15/05096/FUL, Councillor David Turner declared that he was an associate of the applicant and would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning applications to be considered at the meeting, Councillor Andy Boddington declared that he was a member of The Shropshire Hills AONB Partnership.

With reference to planning applications to be considered at the meeting, Councillors Cecilia Motley and David Turner declared that they were members of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Transition Board.

**56 Fox Studio, King Street, Much Wenlock (15/01850/FUL)**

In accordance with his declaration at Minute No. 53, Councillor David Turner left the room during consideration of this item.

The Principal Planner introduced the application.

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

**RESOLVED:**

That Planning Permission be granted as per the Officer's recommendation, subject to the conditions set out in the minutes of the South Planning Committee meeting held on 11 August 2015 relating to materials, surface water drainage, programme of archaeological work, landscaping, Construction Method Statement and the removal of Permitted Development Rights.

**57 Manor House Farm, Abdon, Craven Arms, SY7 9HZ (15/05096/FUL)**

In accordance with his declaration at Minute No. 53, Councillor David Turner left the room during consideration of this item.

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

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

Councillor D Brookes, representing Abdon and Heath Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- The site sat within an extremely sensitive location and located within the higher reaches of an Area of Outstanding Natural Beauty (AONB);
- When viewed from above the proposal would be more visible within the landscape;
- Would not meet the affordable housing needs of the parish;
- There were already other outstanding extant permissions for barn conversions in the area; and
- With regard to the link block, she requested that further consideration should be given to the materials and design and suggested a reduction in the amount of glazing and the consideration of the use of local stone walling and slate tiling.

In the ensuing debate Members considered the submitted plans and noted the comments of all speakers. In response to concerns expressed by Members, the Principal Planner suggested that an additional condition could be attached to prevent any vehicular access into the courtyard area.

**RESOLVED:**

That Planning Permission be granted as per the Officer's recommendation, subject:

- To the conditions as set out in Appendix 1 to the report;
- An additional condition to ensure the principal entrance to the property continues to be obtained from the western elevation and to prevent vehicular access within the courtyard area;
- An additional condition to ensure retention of the retaining wall; and
- An additional condition requiring submission of a scheme facilitating an amended and more sympathetic treatment for the link block with less fenestration and consideration of the use of stone walling and slate tiling.

**58 Proposed Dwelling Adjacent 22 Park Lane, Shifnal, Shropshire, TF11 9HD (16/03128/FUL)**

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

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

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

**RESOLVED:**

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

**59 Parking Bays At Woodberry Close, Bridgnorth, Shropshire (16/03288/FUL)**

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

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

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

- He expressed his support for the proposal;
- Further houses had been built on the sites of demolished garages and this parking scheme would be of benefit to all residents;
- It would reduce the obstruction of the highway and improve access for all users and emergency vehicles.

In the ensuing debate Members considered the submitted plans and noted the comments of all speakers. The majority of Members expressed their disapproval of the scheme and commented that disabled people would prefer to park outside their own homes; residents would circumvent the bollards which would cause further damage to the grassed area; consideration should be given to a link-road or one-way system; and further consultation with residents, Bridgnorth Town Council and local Ward Councillors should be undertaken. Some Members expressed concern with regard to the impact on access for the emergency services. In response to comments, the Principal Planner explained that the installation of bollards could be done without planning permission and the location of them would be for the landowner to decide upon; as part of the demolition of the garages package it had been proposed that off-road parking would be provided; there would be no sustainable reason to refuse the proposal; and the proposal would constitute a neutral impact on emergency vehicles and residents.

**RESOLVED:**

That this application be deferred in order for the applicant, in consultation with residents, local Ward Councillors and Bridgnorth Town Council, to explore and consider alternative schemes.

(At this juncture, the meeting adjourned at 3:26 pm and reconvened at 3:32 pm.)

**60 Proposed Dwelling To The South Of Hopesay Farm Hopesay Shropshire  
16/01597/FUL**

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations.

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

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

Councillor Mrs C Clarke, representing Hopesay Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- This proposal had attracted lots of objections from the residents of Hopesay, the Parish Council and walkers who use the surrounding footpaths;
- The site fell within a Conservation Area and the AONB;
- The proposal would have a detrimental impact upon the openness of the rural character of the settlement and would have a detrimental impact upon the natural beauty of the AONB;
- This was a corridor to wildlife; and the Woodland Trust had planted 400 trees within 150 yards of the site in a bid to attract wildlife; and
- A dwelling of red brick would have a significant impact upon the Conservation Area and the AONB.

At this juncture, the Chairman left the room and the Vice-Chairman took the chair for this item.

Mr N Williams, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.



In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers, and it was:

**RESOLVED:**

That, contrary to the Officer's recommendation, Planning Permission be refused, for the following reasons:

- Due to the siting, scale and design of the proposed dwelling, in particular the loss of the significant gap in the street scene and impact on views from the Shropshire Way; and the overbearing mass of the red brick built form, the proposed development would not make a positive contribution to the local character and distinctiveness and would result in an adverse change, detracting from the character and appearance of the village, Conservation Area and its AONB setting. The proposal is therefore contrary to development plan policies CS6, CS17, MD2, MD12 and MD13 and paragraphs 58, 60, 64, 115 and 131 of the NPPF.

(The Chairman returned to the meeting and resumed the Chair.)

**61 Wigley Farm, Ludlow, Shropshire, SY8 3DR (16/03014/EIA)**

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

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Andy Boddington, as local Ward Councillor, spoke in support of the proposal and then left the room, took no part in the debate and did not vote on this item.

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

**RESOLVED:**

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

**62 Hurst Barn, Clunton, Craven Arms, Shropshire, SY7 0JA (16/03334/EIA)**

Deferred to a future meeting.

**63 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 6 December 2016 be noted.

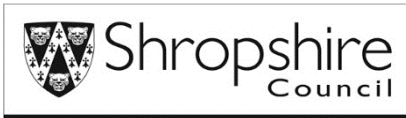
**64 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 10 January 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....



Committee and date

South Planning Committee

10 January 2017

## Development Management Report

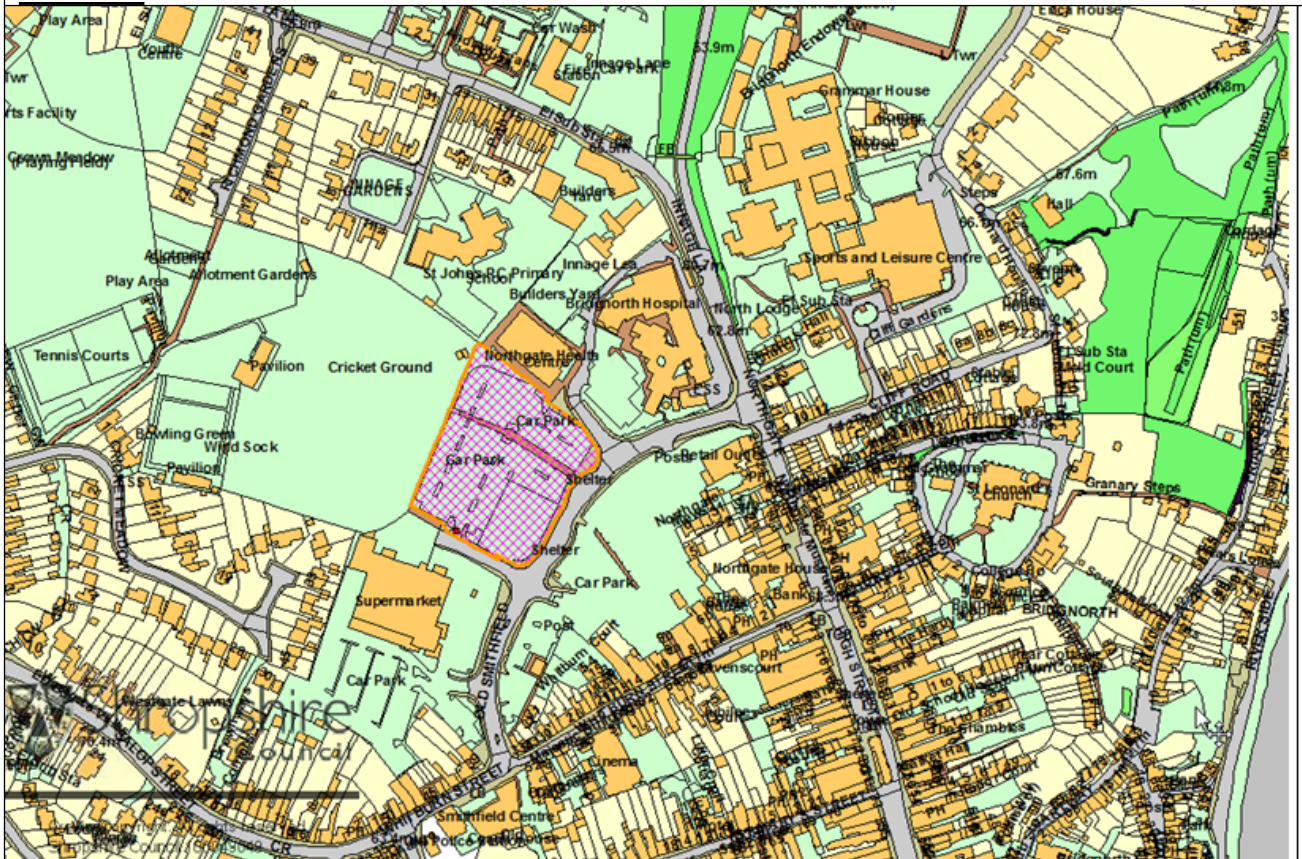
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 16/02739/FUL	<b>Parish:</b>	Bridgnorth Town Council
<b>Proposal:</b> Erection of 5 No retail units, car parking, reconfigured access, landscaping and associated works		
<b>Site Address:</b> Land Adjacent To Sainsburys Supermarket Old Smithfield Bridgnorth		
<b>Applicant:</b> Mr Andy Thompson		
<b>Case Officer:</b> Karen Townend	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 371363 - 293310



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**REPORT**

**Recommendation: That delegated powers be given to the Area Planning Manager to grant planning permission subject to the conditions set out in Appendix 1 and subject to a legal agreement to secure a financial contribution towards increasing car parking capacity at Innage Lane and providing signage at Smithfield and Innage Lane to direct cars and pedestrians.**

**1.0 THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of four A1 retail units and one A3 café unit. The plan indicates five units with varying size footprints with the café having a gross floor area of 186sqm and the retail units having floor areas of 650sqm, 234sqm, 697sqm and 806sqm. Two of the units are shown as having partial mezzanine floors above the ground floors but these are included in the gross floor areas detailed above. However, as detailed later in the report the agent has advised that the internal division will depend on end users requirements and as such is not submitted for approval at this time. The units will be provided in one, two storey high, building which will be subdivided internally and externally with finished material features and different roof shapes.
- 1.2 In association with the retail units the scheme also proposes new parking arrangements, servicing to the rear of the store, a pedestrian route through the site and additional landscaping.
- 1.3 The application is submitted with full plans detailing the layout, scale and design of the buildings and the associated car parking, servicing and landscaping of the site. In addition the application is supported by a Planning Statement, Design and Access Statement, Retail Assessment, Statement of Community Involvement, Transport Statement, tree and landscaping plans and reports and archaeological survey.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is 0.87 hectares in size and is currently used as a car park with some existing landscaping within the car park and on the boundaries. Access is off Old Smithfield. The applicant has confirmed that the land is privately owned but that the car park is operated by Shropshire Council on a lease.
- 2.2 Bridgnorth Hospital and health centre lie to the north east, Sainsbury store and car park lie to the southwest, to the north is recreation clubs and fields and to the south is a further car park which is also the site of the weekly outdoor market.
- 2.3 The site is within the development boundary for Bridgnorth and is, in part, within the town centre as identified in the SAMDev. The town centre includes the Sainsbury store to the southwest and then runs along and High Street with a small part of the town centre either side of the bridge over the River Severn in Low Town.
- 2.4 Bridgnorth is one of the main market towns in Shropshire and is noted in the Core Strategy as a town which will provide a focus for development within the constraints of its location on the edge of the Green Belt and on the River Severn.

It is a key service centre not just for the town itself but also for the rural area around the town. It is historic with unique qualities and charm which attracts both local residents and tourists. The Green Belt does not affect the current application as the site lies outside of the boundaries of the Green Belt.

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

3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is referred to the planning committee for determination since the officer recommendation of approval is contrary to the Town Council's objection and the Chair and Vice Chair of the planning committee consider that the application is locally contentious and warrants consideration by the Planning Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

4.1.1 **Bridgnorth Town Council** – The Town Council recommends refusal on the grounds that the loss of car parking provision and increased parking demand are unacceptable, particularly on a Saturday, with consideration of possible future impact on the town from extra housing, loss of Westgate car park, impact on hospital, surgery and schools. Furthermore, more work needs to be done to establish the impact that the proposal would have on retail trade in the town and the vitality of the existing shopping centre.

Following receipt of the amendments and the additional information regarding the car parking Members of Town Council resolved that the Town Council continues with their opposition to this development and wish to express their disappointment that the plans include the removal of a recycling area.

4.1.2 **Policy** – The appellant has prepared a Retail Assessment which includes consideration of both sequential and impact tests. It is noted that a standard methodology is followed for these assessments.

With regard to the sequential test, the applicant acknowledges that given approximately half of the proposed retail area is situated outside the defined town centre, a sequential test is required. The applicant goes on to assess sites within the town centre against their viability, suitability and availability and concludes there are no alternative sequentially preferable sites.

The scope of the applicant's assessment is considered appropriate. Some degree of flexibility is considered with the applicant reducing the overall size of the floorspace by 10%. The applicant does not seek to disaggregate the scheme by unit, and although it is considered such an approach would inevitably provide for a greater degree of alternative site options, it is accepted this approach could well undermine the business model proposed and call into question its overall deliverability to the market. Equally, it is considered such an approach would also reduce the regeneration potential of the scheme and the wider knock on benefits to the existing town centre.

Overall it is considered the applicant has sufficiently demonstrated there are no sequentially preferable sites either within or on the edge of the town centre to accommodate the proposed development.

With regard to the Impact assessment, the applicant has utilised an appropriate Study Area and has used up-to-date Experian data to inform the current and expected expenditure capacity within that area. Table 1 of the applicant's RIA shows this clearly. A suitable consideration is included for Special Forms of Trading (SFT) – mostly internet sales – of 15% at 2021.

Table 4 of the applicant's RIA applies information derived from the Household Survey in establishing how much expenditure is current spend within different parts of the Study Area. This indicates the market share for the area, which in the case of Bridgnorth is just above 33%. This would indicate a relatively high degree of leakage from of expenditure capacity to other Centres, which is an issue raised by the applicant in seeking to 'claw back' some of this expenditure to the town. This is material to the overall sustainability of the scheme and in the assessment of impact.

The applicant concludes that the scheme is expected to draw around £2.0m from the town centre, equating to 4.7%. In itself this level of impact is not considered to be significantly adverse, and would therefore not be contrary to paragraph 27 of the NPPF of policy MD10b of the SAMDev. In addition, it is noted the location of the proposed store is approximately half within the exiting town centre, the other half being classed as edge of centre. The applicant makes the case that due to this proximity there will be benefits to the wider town centre by virtue of the genuine opportunity to link shopping trips. I would agree that this is the case, and if approved it would be advisable in future reviews of the Local Plan for this whole area to become part of the town centre.

It is acknowledged the Council has received an objection from Bridgnorth Chamber of Commerce in the form of a petition. This calls into question the validity of the applicant's retail evidence base. However, no other evidence of impact is provided by the Chamber. On the basis of the available information from the household survey, and in particular taking into account the site's beneficial location party within the defined town centre, it is not considered the scheme would lead to a significant adverse impact on Bridgnorth Town Centre.

**4.1.3 Conservation** – The proposal for the development of a range of additional retail space within the existing retail and community facilities provided within the old Smithfield as currently submitted are an improvement on the current pre-approved plans in a number of ways as detailed below, and are acceptable from an historic environment and design perspective with a number of elements to be confirmed via conditions below.

A previous development has been approved for retailing use on the application site, which has established the principle for the current application.

Since then, a number of changes in the policy context have occurred, including the requirement for the LPA to give due regard to the desirability of preserving and enhancing the character and appearance of designated heritage assets, including predominantly in this case, the Bridgnorth conservation area and other non-designated heritage assets, whose setting may be affected by the development. Policies MD13 in the SAMDEV plan and Section 12 of the National Planning

Policy Framework apply.

It is our opinion that the residual effect – post design changes made by the applicant during the pre-application process - on the heritage assets and their setting will be at best an enhancement in townscape terms on the scheme approved and on the current condition of the site. An existing semi derelict area of ground, the former site of the main cattle markets and sheds, now a gap site in this part of the historic town core, will be replaced by a modern range of appropriately designed and landscaped series of individual retail units, and as such the proposals are in accordance with historic environment, design and sustainable development policies in the NPPF, the Shropshire Core Strategy and in the SAMDEV Plan, adopted in 2015. Any potential residual effects of the scheme can be addressed through mitigation by design, and materials which consider and reflect the local vernacular of Bridgnorth and the site's market history.

Conditions should therefore be applied for all external materials, including details of hard landscaping materials, to be submitted, with sample panels to be agreed pre commencement.

- 4.1.4 **Archaeology** – The proposed development site is located adjacent to the Medieval urban form of Bridgnorth (HER PRN 06044) as defined by the Central Marches Historic Towns Survey and a group of tenement plots to west of High Street and north of Whitburn Street (HER PRN 05644 & 05645). The site of a post medieval Ropewalk and associated buildings, which presumably made ropes for the barge trade lies within the proposed development site (HER PRN 06929). In consideration of the size of the development, and given its location adjacent Medieval Bridgnorth and the later post medieval activity identified in the area, the site is deemed to have some archaeological potential.

In view of the above, and in relation to Paragraph 141 of the NPPF, it is advised that a programme of archaeological work, to comprise a watching brief during any ground works associated with proposed development, be made a condition of any planning permission for the proposed development.

- 4.1.5 **Highways** – The proposed development seeks to utilise an existing car parking area, which is subject to a Car Park Management Agreement which was signed in July 2008, between, the owner of the site Sainsbury's and Bridgnorth District Council, which provides details of the management of the car park and its future uses.

Planning Permission for a DIY Store and Garden Centre was granted on 6<sup>th</sup> January 2005. This application was for a store 3146m<sup>2</sup>, and provided 136 parking spaces. The principal of development at this site is considered to be established.

#### Car park Management Agreement

In accordance with Section 9 of the above mentioned agreement, the terms of the agreement, requires the owner to provide a minimum of 136 spaces. The proposed development, provides 126 spaces to the front of the units with a further 32 spaces to the rear.

However, we would raise issues with regard to the practicality of providing 32 spaces to the rear of the units. It is considered that once the units are occupied this area will be used for storage and deliveries, and the parking areas will in all probability will not be utilised for their intended purpose. It is also considered that there is potential conflict between delivery vehicles and pedestrians.

Whilst it is noted that the applicant has tried to maximise parking within the site, Shropshire Council would prefer not to take over the management of the rear area, however if the applicant would want to retain ownership of the spaces for staff parking then as an Authority we would have no objection.

In light of the above, it is not considered that the 32 spaces should be taken into account, and the proposed development should be considered on this basis.

#### Proposed Layout and mitigation measures

In principle, and from a highways & transport perspective, the proposed development of retail units at this location are considered acceptable. Whilst it is acknowledged that the development does not provide 136 spaces, it is not considered that any further spaces can be provided within the proposed development area based on the current layout. Discussions with the applicant have concluded that the location of units cannot be moved west due to screening of the building,

The submitted Transport Statement provide a summary of existing car parking occupancy, and identifies that during the survey times the car park and those within the vicinity are over capacity between 11:00 and 16.00 on a Saturday only. Therefore, the applicant has considered a number of measures to mitigate this; the applicant has put forward the suggestion discussions the applicant providing a Highway contribution towards the Park and Ride that is currently operated by the Chamber of Trade. However, whilst Shropshire Council have encouraged the initiative, Shropshire Council are not directly involved with the operation of the scheme, therefore it was not felt appropriate that Shropshire Council secured a contribution through a Section 106, to fund a private enterprise.

The applicant has also considered other measures such as improvements to Innage Lane car park to maximise parking. Draft proposals have been submitted for consideration and are acceptable in principle.

Proposals for the weekday could potentially increase the number of spaces by an additional 16 car parking spaces. However, this would be subject to the removal of the recycling area, this will require further consideration, however it is felt that with the introduction of kerbside cardboard recycling in the Bridgnorth area could provide an opportunity to re-evaluate the need for the recycling points.

Proposals for the weekend would potentially provide a further 56 spaces, but would involve the removal of coach parking on a Saturday. Survey data has indicated that there is no demand for coach parking on a Saturday, however concerns have been raised with regard to the impact that this could potentially have on the overall economy of the Town if parking for Coaches is not permitted



on Innage Lane. It is considered that in the event Coaches are visiting the Town then they are likely to drop off and pick up at a central location within the Town, and there is not a need for coaches to park on Innage Lane, particularly if as a result other car parking spaces are lost. Notwithstanding the above, it is recommended that a Highway Contribution is secured through a Section 106 Agreement, which would provide sufficient funding for the re-design of the Innage Lane Car Park that investigates fully the feasibility of removing the recycling units and HGV and Coach parking, with a view to the retention of possibly 1 or 2 spaces. Any contribution should be deposited prior to commencement and spent within 5 years.

#### Additional proposed mitigation measures

In addition to the above mentioned Highway contribution the applicant has also agreed to provide 2 electric charging points at the front of the store, from a Highways perspective this proposal is supported, and should be conditioned appropriately.

In order to direct vehicles to Innage Lane car park, the applicant is also proposing to provide additional signage, these details should be submitted for approval prior to commencement and installed prior to occupation of the units.

#### Recommendation

In consideration of the above, Shropshire Council as Highway Authority raises no objection to the granting of consent, subject to the securing of a Highway Contribution to cover the cost of the re-design of Innage Lane Car Park and the implementation of the proposals. It is recommended that the following conditions are attached to any permission granted.

- 4.1.6 **Waste Management** – The Recycling Facilities that are currently located at the Smithfield car park are managed by the councils contractor Veolia would prefer that these remained in place however as there are other bring banks and a Recycling centre in the town this would have minimal impact on recycling performance. If banks have to be removed the council would require notice so its contractor can make arrangements for them to be removed.

It is important that there is an area large enough set aside to accommodate all the refuse containers for these retail units and that there is sufficient space to accommodate any refuse containers.

- 4.1.7 **Public Protection** – Bridgnorth suffers from poor air quality in specific locations. In particular the Whitburn Street/ Pound Street junction has been declared an Air Quality Management Area (AQMA) with recent monitoring finding pollutant levels, nitrogen dioxide, to be 25% above the national target level. The main contributor to air pollution in this area are motorised vehicles. The development will bring additional vehicles movements into the area particularly HGV movements for deliveries.

In Lowtown there are pollutant levels very close to the national objective level. Traffic often comes into Lowtown and travels up through the town to reach the Hightown area rather than using the bypass. This flow of traffic may be increased

causing AQMA to be declared in the Lowtown area. Furthermore, members of the public and other Shropshire Council officers have commented that car parking in the town is a concern particularly at weekends causing cars to circle the town looking for parking. This adds to the air quality issues identified above. This development seeks to remove car parking spaces which it is envisaged would increase the car parking issue in Bridgnorth and exacerbate air quality concerns. A reduction of 120 car parking spaces as this application suggests is expected to further increase the potential for this to occur resulting in increased congestion at pinch points in the town, notably the air quality management area.

Following receipt of air quality assessment confirmed that the information is satisfactory in what it has taken into account. The air quality report suggests no impact from the development for a number of reasons. Accepts the reasoning given in the assessment.

In addition the information provided by Royal Haskoning DHV dated 31/10/2016 confirms that the betterments noted through; an increase in parking spaces at the Innage Lane site, the provision of 2 electric charging points to the retail frontage at the Old Smithfield car park and signage to avoid congestion at peak times are suitable and I have no objection to this application based on these elements being suitably conditioned to ensure execution. I would advise that the Innage Lane improvements are made prior to car park works at the Old Smithfield site in order to alleviate parking concerns during development of the Old Smithfield site.

Pam Brown Associates have submitted a Phase I Study and Phase II Geo-Environmental Investigation dated March 2016 in support of this planning application. The intrusive investigation and soil analysis results have not identified any significant sources of contamination on-site with all analysis results indicated that contaminants were present at concentrations below their respective generic guidelines for a commercial/industrial use. Asbestos was identified in one area in a previous investigation but no asbestos was found in the most recent investigation. The management of potential risks in this area will be dealt with under health and safety. Accordingly, I have no further comments to make on this application in respect of contaminated land. No contaminated land condition is necessary.

4.1.8 **Ecology** – No objection. Recommends provision of artificial nesting boxes.

4.1.9 **Trees** – Agree with the main findings and conclusions of the Arboricultural Report (acs consulting, April 2016), in that the majority of the trees on the site are of low quality and amenity value and does not object to their removal to facilitate the proposed development; subject to implementation of a high quality planting scheme, including appropriate tree planting, and subject to adopting necessary measures to protect offsite trees that could be damaged during implementation of any approved development.

Agree with the approach to landscaping of the scheme offered in the Landscape Strategy plan (1008 001 B, DSA environment & design), but note that details of species, planting stock and planting specifications have yet to be provided. Given

the very poor rooting environment offered by the site at present, would expect significant effort to be put into ground remediation and preparation prior to tree planting being carried out. This may, for example, entail the use of proprietary subterranean structural cells and importing of top soil to provide sufficient quantity and quality of rootable soil around the tree planting stations. A suitable system of irrigation would also be required – options could be explored to utilise 'grey water' and roof run-off as part of a bespoke SuDS design.

On a point of detail, would question whether Maple tree T1 might be retained within the proposed scheme rather than removed as currently suggested, on the basis that this young tree appears to have established reasonably well in an area of existing and proposed future soft landscape and its removal does not appear to be necessary in order to implement the development.

Agree with the Heads of Terms of an Arboricultural Method Statement presented as Appendix 2 of the Arboricultural Report and would recommend these be dealt with subject to condition of any approval, along with the landscape details.

Does, however, take issue with a couple of points within the Arboricultural Report:

Disagrees with the assertion in the final paragraph of Section 2.02 that this application 'is not the subject of the National Planning Policy Framework in terms of trees', because it is 'concerned with ancient woodland and veteran trees, which do not appear at this site'. Whilst I acknowledge that ancient woodland and veteran trees are mentioned specifically in paragraph 118 of the NPPF, but not other types and classes of trees, I would argue that all trees and woodland are an integral part of the natural environment which, together with social and economic factors, is a key component of sustainable development; and sustainable development is the 'golden thread' running throughout the NPPF (as paragraph 14 of that document states). The policies and recommendations of the NPPF should therefore apply in respect of trees at this site as in every other site containing trees, whatever their type or classification.

The second point with which I would take issue is in the classification of the avenue of 11 lime trees and one sycamore alongside the western boundary of the site. The Arboricultural Report classifies this group (G1) as C1/2, ie trees of very limited merit or such impaired condition that they do not qualify in higher categories; or trees present in groups without this conferring significantly greater collective landscape value, or trees offering only low or temporary / transient landscape benefits. In the context of this site and its surroundings, I consider this avenue of trees, located as it is along the boundary of the cricket club and forming a green backdrop to the urban environment of the town, to be a category 'A2' ie trees or groups of particular visual importance as arboricultural and / or landscape features.

Recommends conditions requiring safeguarding and protecting existing trees and hedges, requiring details of new planting and implementation of new planting.

- 4.1.10 **Drainage** – The proposed drainage details, plan and calculations should be required by condition if planning permission is granted.

## 4.2 **Public Comments**

4.2.1 This application was advertised via notice at the site. At the time of writing this summary, 130 comments had been received in response to this publicity.

*Objections: 125*

*Supporting: 2*

*Neutral: 3*

4.2.2 The objections raise the following comments:

### Planning history

- Previous consent for DIY store etc has lapsed and can not be relied on

### Economic uncertainty

- Loss of small local independent shops
- Vacant premises on High Street should be filled before developing a Retail Park
- Loss of jobs in local businesses, weakening the local economy
- Will draw trade and footfall away from the town centre
- Decline in local tourism, therefore local economy
- New jobs that will be provided are not a positive form of employment (e.g. low paid)

### Character of Bridgnorth

- Local businesses are the "backbone of rural community"
- Design of buildings are generic and out-of-character
- Will result in decline of Bridgnorth as a historical centre
- High Street losing its character due to loss of local shops
- High Street should always remain the focal point of Bridgnorth
- Bridgnorth is a finalist in the Great British High Street because of its historic character

### Car-parking

- Lack of parking
- Will exacerbate the issue of insufficient car-parking spaces
- Harm from removal of existing long-stay parking spaces
- Will cause inconvenience to regular users, e.g. medical staff and patients from Bridgnorth Hospital and Medical
- inconvenient to people who are not as able to walk distances
- Air pollution caused by drivers unable to find spaces and circle the town
- Concerns over change in disabled parking
- Concerns over even worse car parking scenario during big local events e.g. Bridgnorth 10k
- Impact on Innage Lane car park
- Loss of coach parking will impact on tourism and also market traders who use these spaces on Saturdays

Transport

- Dangerous parking on Innage Lane and surrounding streets near the school
- Congestion created by large delivery vehicles
- Uncertainty about the effectiveness of the Park and Ride scheme
- Increased traffic if shoppers prefer Bridgnorth to nearby towns
- Contributes to poor air quality
- Inadequate Transport Assessment document
- No practical suggestions for dealing with transport issues
- Safety risk of increased use of Innage Lane and crossing the roads to the town centre

Others

- Lack of need for more retail units
- Money should be spent on repairing and/or maintaining local infrastructure
- Retail Assessment submitted is out-of-date
- Building the Retail Park on the outskirts of the town would be more appropriate
- Removal of recycling facilities from Smithfield and Innage Lane car park not appropriate

4.2.3 The responses in support raise the following comments:

- More choices of shops will be provided
- More convenient for people who do not drive to get access to “appropriate” shops
- Old traditional features should be changed to keep up with the latest generation

4.2.4 Bridgnorth Chamber of Commerce organised a petition objecting to the development. This has now been submitted and shows 6,840 signatures.

The covering letter from the chamber comments that the survey data used by the applicant is over 10 years old, the job creation is over estimated and the impact on the existing businesses is under estimated. The chamber also raise concern that the new units will not retain expenditure as claimed by the applicant.

The park and ride service noted by the applicant is operated by the chamber and has been running to maximum capacity. It is operated by volunteers and paid for by contributions from local traders. It can not be guaranteed and only operates on Saturdays during the tourist season. Meridith's yard car park is also not available on Saturdays.

Car parking in the town is totally inadequate and the development would exacerbate this. The land was sold for car parking and is legally required to be retained as such.

4.2.5 Bridgnorth CPRE have written in objecting on the grounds of the design not resembling the historic High Street, that there is no demand from or for high street retailers, existing empty shops should be used before new units built, new units would draw trade away from town centre, loss of parking will impact the town centre, medical centre and leisure uses, will only bring part time jobs.

Vigorously oppose this application and remain very concerned.

## **5.0 THE MAIN ISSUES**

- Relevant policy
- History of site
- Sequential site assessment
- Impact assessment
- Layout, scale and design
- Impact on amenities of neighbouring uses
- Access, car parking and accessibility to town centre
- Impact on historic environment
- Landscaping and ecology
- Flooding, drainage and contamination
- Other matters

## **6.0 OFFICER APPRAISAL**

### **6.1 Relevant policy**

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 Councils 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 Shropshire Core Strategy was adopted in February 2011. Policies CS1 (Strategic Approach) and CS3 (The Market Towns and Other Key Centres) aim to encourage the continued sustainable growth of Bridgnorth as the main market town in the eastern part of Shropshire, serving both the town residents and a wide rural hinterland. Bridgnorth is noted in CS3 as providing a focus for development within the constraints of its location on the edge of the Green Belt and River Severn. It is noted within the explanatory text of CS3 that the town is historic with medieval street pattern and many fine old buildings. The overarching policy of CS3 advises that development in the market towns will be to maintain and enhance their role in providing facilities and services to the rural hinterlands, and providing a foci for economic development and regeneration. Balanced housing and employment development, of an appropriate scale and design will take place within the towns' development boundaries.

6.1.3 With regard to retail uses policy CS15 (Town and Rural Centres) encourages the provision of appropriate convenience and comparison retail, office and other town centre uses preferably within the identified town centres as a 'town centres first' approach, however it does acknowledge the NPPF sequential and impact tests where no town centre sites are available. Within CS15 the market towns will act

as principal centres to serve local needs and the wider needs of the spatial zone. Appropriate convenience and comparison retail, office and other town centre uses will be permitted to support these roles.

- 6.1.4 There is no longer a policy requirement to prove a need for additional retail development and it is not a case of providing for new retailers (end users) but a case of providing new retail floor space. As such, although there may be some empty units in a town, or underused units, this is not a reason to refuse consent for new retail floor space. There is a general presumption in favour of proposals for new retail floor space within the market towns and there is also a general acceptance in national planning guidance that there will be turnover of users in high street stores. Overall Bridgnorth is considered to be a healthy town centre with few vacancies, a low rate of turnover between users and this has all been acknowledged by its recent status as a the winner of the 2016 Large Market Town award in Britain's best high street.
- 6.1.5 The SAMDev for Bridgnorth, policy S3, follows from the principles set in the Core Strategy policy CS3. This policy seeks to enhance Bridgnorth and includes a positive approach to attracting business to the area. Section 3 of S3 notes that "retail development will be directed to the town centre where it will benefit from, and contribute to, the town's historic character. The Primary Shopping Frontage at High Street and Whitburn Street are protected for retail uses in accordance with policies CS15 and MD10a and MD10b.
- 6.1.6 Policies MD10a and MD10b relate to Managing Town Centre Development and Town and Rural Centre Impact Assessments. Policy MD10a defines Bridgnorth as a category 'B' town, a settlement with a town centre and a primary shopping area. In category 'B' towns there is a presumption in favour of retail proposals in ground floor premises in the primary shopping area, additional main town centre uses in the primary shopping area and within the wider town centre. Policy MD10b sets local thresholds for impact assessments depending on the town. Developments located outside of the defined town centre of Bridgnorth, and which have a gross floor space of over 300sqm, will require an impact assessment to be undertaken and submitted with the application. Policy MD10b also advises that developments which have a significant impact on town centres, or where the impact assessment is insufficient, will not be permitted. The policies within the Core Strategy and the SAMDev are considered to be consistent with the requirements of the NPPF as detailed in the following paragraphs.
- 6.1.7 At a national level the NPPF, section 2, sets out the national policy for determining planning applications for retail and other town centre uses. It seeks to be positive and promote competitive town centres but does acknowledge that policies will be required to consider main town centre uses which cannot be accommodated in or adjacent to town centres. Paragraph 24 requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan. This test is the "town centre first" approach where out of town sites should only be considered where there are no sites within or on the edge of centres and preference should be given to accessible out of town sites that are well connected to the town centre.

6.1.8 Paragraph 26 of the NPPF also requires out of centre retail applications to be submitted with an impact assessment to show the impact of the proposal on existing, committed and planned public and private investment in the town centre; and the impact on the vitality and viability of the town centre. Where an application fails the sequential test or is likely to have a significant impact it should be refused. Where no significant adverse impacts have been identified, and where the application also satisfies the requirements of the sequential test, a decision should be taken by balancing the positive and negative impacts of the proposal and other material considerations, and also the likely cumulative effect of recent permissions. These two issues of sequential and impact assessments are highly important in determining this application.

6.1.9 The key issues are firstly, determining whether there are any sequentially preferable sites available and suitable, or likely to become so within a reasonable period of time; and secondly whether the proposed retail development would result in a significant adverse impact on the existing town centre. These are the two tests within the NPPF, policy CS15 and policy MD10b. The NPPF states that applications should only be refused where they fail the sequential test or are likely to have a significant impact on existing centres. Other material considerations also need to be taken into account, in accordance with legislation, and these, for this site, include the planning history of the site.

## 6.2 History of site

6.2.1 Outline planning permission was granted in April 2005 for redevelopment of the site for the construction of a DIY store with garden centre, extension to the existing Sainsbury food store, erection of four retail units (at the rear of 8 & 9 Whitburn Street), construction of a 136 space car park, construction of a new road, relocation of the indoor market and provision of an outdoor market area (application reference 04/0919). This outline superseded a previous outline consent dating back to 1999.

6.2.3 The outline consent was assessed against the policies in force at that time and the need for additional retail floor space was required as that was a policy requirement at that time. However, as referenced above members should note that there is no longer a policy requirement to prove a need for new retail developments. The outline consent was granted subject to conditions including the following condition:

1. *(a) In the case of any reserved matter application for approval must be made not later than the expiration of three years beginning with the date on which this permission is granted; and (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates (i) the expiration of five years from the date on which this permission is granted; or (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.*

This condition requires the commencement of the outline consent within the time periods detailed in the condition. It does not require all of the reserved matters to be applied for and approved before any of the work commences. Providing an application for approval of reserved matters, even in part, is applied for within three years and providing the development, even in part, commenced within 5



years of the outline then the consent would remain valid and implementable.

- 6.2.4 Three reserved matters applications were thereafter approved. 07/0928 detailed the design, external appearance and landscaping of the car park and relief road; 08/0239 detailed the appearance, scale and landscaping of the extension to Sainsbury; and 08/0238 detailed the scale, external appearance and landscaping of the DIY store and garden centre. The works to the car park and road approved in the 07/0928 consent have been carried out and as such this work has implemented the outline consent in accordance with the condition.
- 6.2.5 Accordingly the DIY store and garden centre could also be built as the outline consent was implemented and the detail of the DIY store and garden centre were applied for within the timescale given in the condition on the outline consent.
- 6.2.6 This has been questioned by a number of objectors as the decision notice for the DIY store reserved matters application includes a condition which requires the development to be begun within 5 years of the outline or 2 years from the approval of the reserved matters. The objectors consider that this condition means that the DIY store consent has now lapsed. However, section 92 of the Town and Country Planning Act 1990 states that the time period condition is to be imposed on the outline consent. There are two types of planning permission – full and outline. It is the outline consent that is the planning permission, the reserved matters is an application for approval of details and does not constitute a new planning permission. The details within the reserved matters application cannot alter the outline consent. Furthermore the wording of the condition refers to “*the development to which this approval of reserved matters relates...*”. The development to which the reserved matters relates is the works in the outline permission as a whole because the reserved matters are just approval of details of the development permitted under the outline consent. The requirement to impose a time limit condition under s92 has already been met on the outline consent rendering the condition attached to the reserved matters consent for the DIY store unnecessary. It is therefore advised that the time period condition on the reserved matters decision notice is unenforceable and does not alter the outline consent.
- 6.2.7 It is officer's advice that the outline consent has been implemented, there is no requirement for all of the reserved matters to be submitted prior to implementation and there is approval for the details of the DIY store and garden centre. As such building works on the approved DIY store and garden centre could be commenced. It is acknowledged that this is not the view of the Chamber of Commerce, however having considered this carefully this is the view of your Planning Officers and Council Solicitor. It may not be a popular view in the community, however it is the legal position on the outline consent and cannot be ignored.
- 6.2.8 The 2005 outline was also subject to a Section 106 agreement to require a section 38 highways agreement to enable the development of the road, CCTV, footpath links, public art and traffic order and management contributions to pay for any orders required to enable the development of the road and towards traffic management in the town centre. It was also subject to several other conditions including conditions to ensure the road was completed first and to control the size,

opening hours and delivery hours of the DIY store, Sainsbury's extension and the number of parking space to be provided adjacent to the DIY store (136 spaces). Condition 19 on the outline consent also required a scheme to establish the pricing of car parking.

- 6.2.9 To deal with this latter condition Sainsburys, as the applicant, drew up a car parking agreement. The car park agreement allows the Council to use the car park for 80 years, it also allows Sainsburys to develop the approved DIY store or another consent 10 years after the date of the car park agreement providing they retain 136 parking spaces. This agreement has been questioned by a local resident as it refers to the wrong planning reference and also that the current application is not submitted by Sainsbury. This has been checked and the case officer can confirm that the date and reference number in the car park agreement is wrong, however it is clear from the detail in the agreement which planning application is intended to be developed, that of the DIY store. As for who can apply for an alternative consent under the car park agreement the current applicant is Ziran Land Ltd who are acting on behalf of Sainsbury and therefore Sainsbury are applying for the current proposal.
- 6.2.10 In conclusion, officers are sympathetic to the views of the Town Council and local residents in regard to loss of car parking from this site, as will be considered below. However the consent for the DIY store remains extant and could be developed. Such development would reduce the number of car parking space to 136 (as required by the decision notice and the car park agreement) and this must therefore be considered as the fall back position when considering the impact of reduction in car parking. This matter will be dealt with in more detail later in this report, however members must note the fall back which is a lawful permission which cannot be ignored as it is relevant material consideration.
- 6.3 **Sequential site assessment**
- 6.3.1 Policy CS15 of the Shropshire Core Strategy seeks to maintain and enhance the vitality and viability of existing town and rural centres identifying town centres as the preferred location for new retail development but acknowledging the sequential and impact assessments. Paragraph 24 of the NPPF requires developments in 'out of centre' locations to demonstrate that there are no sequentially preferable sites suitable or available to accommodate the proposed development within the town centre or on the edge of the town centre. The sequential assessment should also take into account other out of centre sites which are accessible and well connected.
- 6.3.2 Paragraph 6.2 of the Practice Guidance on Need, Impact and the Sequential Approach (now superseded but still good advice) states that:  
*"the sequential approach is intended to achieve two important policy objectives:*  
*- Firstly the assumptions underpinning the policy is that town centre sites (or failing that well connected edge of centre sites) are likely to be the most readily accessible locations by alternative means of transport and will be centrally placed to the catchments established centres serve, thereby reducing the need to travel,*  
*- The second related objective is to seek to accommodate main town centre uses in locations where customers are able to undertake linked trips in order to provide for improved consumer choice and competition. In this way, the benefits of the*

*new development will serve to reinforce the vitality and viability of the existing centre.”*

- 6.3.3 The application site is located adjacent to the existing Sainsbury food store. It is within the development boundary for Bridgnorth and partly within the identified town centre as shown on the plan in the adopted SAMDev. The retail statement submitted with the application has included a sequential site assessment on the basis that the application site is partly outside the town centre. The assessment advises that there are no sites in the town centre which can accommodate the proposed development of 5 units, service area and car parking.
- 6.3.4 One edge of centre site was considered, that being Meredith Yard/ car park. This site is 0.71ha, wholly on the outside edge of the centre and currently car park/ market site. The site is not available due to the existing use and not being marketed for redevelopment. Furthermore, the site is smaller, irregular in shape and adjacent to the conservation area. Therefore the agent advises that the site is not suitable for the proposed development.
- 6.3.5 Meredith Yard is also not sequentially preferable to the application site as the application site is partly within the identified town centre. As such the current application is considered to comply with the sequential test. There are no sequentially preferable sites and this site is also considered by officers to be well connected to the existing town centre by reason of its close proximity to the town centre car park and pedestrian linkages.
- 6.3.6 The NPPF states that applications should only be refused where they fail the sequential test or are likely to have a significant impact on existing centres. The scheme is considered to pass the sequential test and therefore we move on to assess impact.
- 6.4 **Impact assessment**
- 6.4.1 Paragraph 26 of the NPPF requires out of centre developments to also assess the impact on existing, committed and planned investment and the impact on the vitality and viability of the town centre and wider area, up to five years from the time the application is made. Only where the impact is significant should this be used as a reason to refuse. Policy MD10a of the SAMDev advises that there is a presumption in favour of proposals for main town centre uses within the wider town centre. The proposal for 5 retail units is a main town centre use and is partly within the identified town centre. MD10b sets a local threshold for considering impact; any retail development outside the town centre with a floor area over 300sqm will require an impact assessment. As noted above the site is partly outside the town centre and as such the MD10a presumption does apply in part but so does the requirement for an impact assessment.
- 6.4.2 The Practice Guidance on Need, Impact and the Sequential Approach also comments on impact recognising that new retail developments will have an impact but this is not always a bad thing as new development often enhances choice, competition and innovation. The NPPF seeks to prevent significant adverse impact which would undermine the vitality and viability of the town centre and not to prevent competition or increases in choice.

- 6.4.3 The Town Council objection includes concerns about the impact of the proposal on the retail trade and vitality within the town. The Chamber of Commerce and local objectors have also raised this issue as concerns with the Chamber commenting that the impact has been under estimated, jobs are over estimated and that the clawback is not as claimed. Objectors questioning the potential loss of independent shops, loss of jobs, that the scheme will draw trade away from the town centre. However there has also been some local support to the potential for increased choice and new shops.
- 6.4.3 Within the submitted retail statement the agent has used data to calculate possible turnover of the proposed units, to calculate possible expenditure within the town and potential for growth through planned housing development. The statement advises that currently only 14% of the available expenditure is retained in the study area, the majority of this is spent in Bridgnorth but this does show that there is a significant level of expenditure lost to other towns.
- 6.4.4 The agent has commented that the proposed units will provide larger retail units than are currently available in the town centre but will not be as big as out of town retail parks. They also suggest that the proposal will provide greater retail choice, reduce the need to travel and create jobs. It is expected that the size of the stores will therefore compete with other large stores in neighbouring towns rather than competing with the smaller stores in Bridgnorth and therefore that the proposed development will claw back trade lost to other towns which do have shops of this size.
- 6.4.5 The Bridgnorth District Council Retail Study 2006-2021 is the most up to date retail study for the area. The agent suggests that there has been little change in shopping patterns since the study and also that the study confirms that there is retail trade lost from Bridgnorth to Telford and Kidderminster. The agent has also commented that vacancies within the town centre are lower than national average and that the town centre is popular and is meeting the day to day needs of the area. Within the town centre there are limited number of national retailers and a good range of independent retailers which helps to contribute to vitality. The size of stores is also mainly smaller units and as such the agent considers that there is a gap in the market.
- 6.4.6 As noted above current policy does not require applicants to prove a need for new retail proposals, the policy requirement is for new development to ensure that there is not a severe impact on the vitality and viability of the town centre. The Bridgnorth retail study identified need for additional floor space alongside the approved DIY store and as such there is no policy argument against the principle of new retail units, providing the impact is not severe.
- 6.4.7 The retail assessment predicts a £2m trade diversion from the existing town centre. This equates to a total trade diversion of 4.7%. This is 4.7% from across the town centre not from any individual store. The Council Policy Officer's advice is detailed in full under section 4 above. This advises that the submitted impact assessment is acceptable and based on appropriate information and that the conclusion of the assessment is sound. Furthermore the Policy Officer notes that

the site is partly within the town centre and likely to become part of the town centre in a future local plan review. The position of the site is also considered to increase the potential for linked trips to the existing town centre. Accordingly, given that the existing town centre is healthy with low levels of vacancies and turnover between users, a good proportion of independent traders and with historic environment which attracts locals and tourist a 4.7% impact could not be considered as a significant adverse impact.

6.4.8 The objections from the Chamber of Commerce, Town Council and locals are noted, however they are not supported with any evidence of impact assessments. Accordingly officers would advise members strongly that a refusal based on the impact possibly being more than 4.7% would not be defensible on appeal. A 4.7% impact could in no way be considered severe (note the 11% impact of Rocks Green, Ludlow) and there is no evidence to support a higher impact. As such it is officers opinion that the scheme as proposed meets the impact test requirements in the national and local policy.

## 6.5 **Layout, scale and design**

6.5.1 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.

6.5.2 This application seeks full planning permission for the erection of 5 retail units with a total floor space of 2,135sqm, car parking to the front and rear and service area to the rear. The agent has commented that the internal layout as shown on the plan is for indicative purposes only and the final floor space of each unit will depend on the requirements of end users. At this time there are no named operators for the units and as such no defined internal floor space arrangements. The intention is for the end unit to be operated as a café with an external seating area, however this is also subject to finding a suitable user.

6.5.3 Access is as existing and currently provides access to the car park. The scheme will provide two points of access off the service road, one to the front car park and one to the car parking/ service area to the rear of the building. The proposed retail units are shown to be sited near the rear of the site, no further forward than the existing health centre building. The proposal is for a single building internally divided into 5 units, as noted above the internal division is not for approval at this time. Officers acknowledge that the internal space requirements will be dependent on the potential end user, however we consider it would be reasonable to place a maximum floor space limit to ensure that there isn't one very large unit and 4 small units which could potentially alter the impact on the town centre.

6.5.4 Externally the building has been designed with four sections of pitched roof and two sections of curved roof. The planning statement comments that, in the opinion of the applicant, the design provides a mix of pitched and curved roofs which the agent considers fits in with the previous use of the site as a livestock market. The external finish materials are to be cladding, glazing, ironwork and

brick and these materials and the roof shape have been designed to break up the massing of the overall building. The multiple roof shapes will also ensure that the overall height of the building is kept low, as a larger expanse of roof would require a higher ridge level.

- 6.5.5 In addition to the proposed plans the applicant has also submitted computer generated images (CGIs) which are intended to assist in understanding how the building will appear in the context of the existing development. CGI1 shows the proposed building with the retained landscaping to the rear and the health centre in the background. CGI2 shows the proposed building with Sainsburys store in the background. CGI3 is the view from the far side of the Merediths car park with the existing landscaping breaking up the view of the building and also the building in context with the Sainsbury store and health centre which are both larger buildings. CGI4 & 5 both show views from Smithfield Road and show the building with the car parking to the front and the new planting along the back of the footpath. These views also show that the proposed building will be lower in height than both the Sainsbury and health centre buildings. CGI6 is the view of the site from the existing cricket and hockey club with the landscaping screening any views of the building but with the health centre and Sainsburys visible. Officers consider that even if the building was glimpsed over and through the trees this would not be unacceptable. These CGIs are considered by officers to provide useful additions to the plans and help to show how the building will appear in the existing landscape and context.
- 6.5.6 The building is designed to face towards Smithfield with the main car park in between, this will provide natural surveillance of the car parking area. The existing trees and hedges around the site are to be retained and new trees planted to provide a buffer between the car park and health centre. The agent also considers that the proposed development will complete the redevelopment of the wider area which was started with the construction of the road.
- 6.5.7 Objections have been raised by Bridgnorth CPRE on the basis that the design does not resemble the historic High Street and objections have also been received from local residents that the designs are generic and out of character. Concerns have also been raised that Bridgnorth is a finalist in the Great British High Street because of its historic character.
- 6.5.8 The Council Conservation and Design Officer has advised on this application given the scale of the development and the proximity of the site to the historic town centre. The advice is that the scheme is acceptable from an historic environment perspective and that the design of the current proposal will be an enhancement to the townscape taking into account the previous approval for a DIY store and garden centre and also the existing condition of the site. The Conservation Officer comments that the site is currently vacant and semi derelict, a gap in the historic town, to be replaced with a modern range of retail units that reflects the historic use of the site and local vernacular. Conditions are recommended to ensure appropriate materials.
- 6.5.9 Design and historic impact is a subjective matter, however the site is outside of the historic core of the town centre and would not have a direct impact on the

historic centre. Officers consider that it would be inappropriate to attempt to replicate the historic core on this site given that it is detached from the core and also given the surrounding development. The design is considered by officers to represent the previous use of the site and also be better than the design of what was previously approved on this site. The context of the Sainsbury store and health centre also need to be taken into account. The proposed design and scale would not have a visual impact on the heritage of Bridgnorth. Furthermore, Bridgnorth has now won the Large Market Town category of the Great British High Street but this was based on the use of events, local history and the park and ride scheme. The proposed development on this site would not impact on the historic town centre or its ability to continue to achieve the things that have won it this award.

6.5.9 The impact on vitality and viability of the town centre has already been considered earlier in this report. The proposed development is intended to provide retail units that provide different sized units to those available in the town centre and as such officers consider that overall there is not sufficient evidence to show that the scheme will result in a detrimental impact to the town centre or its historic character.

#### 6.6 **Impact on amenities of neighbouring uses**

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

6.6.2 The site is enclosed by the existing Sainsbury store to the south, health centre to the north, cricket pitch to the west and car park to the east. There are no residential properties around the site with the nearest residential properties being on the opposite side of the health centre, car park and Sainsburys. Accordingly the development of this site as proposed would not have an impact on the residential amenities of any property.

6.6.3 In terms of impact on local amenity the above section seeks to provide comment on design and scale matters and it is officers opinion that the proposed development would be an acceptable form of development for the local area and would not adversely affect the local amenity, including the historic character of Bridgnorth and the associated conservation area.

#### 6.7 **Access, car parking and accessibility to town centre**

6.7.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promote sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.

6.7.2 Access is proposed via the existing access junction which currently provides access to the car park. The proposal is for 5 retail units with a car park providing 126 spaces between the proposed retail units and the highway and a service area

and 32 parking spaces to the rear of the building. 20 cycle & 4 motorcycle parking spaces are also proposed. The Council Highway Officer's comments are provided in detail in section 4 above. The Highway Officer has concerns about the parking spaces to the rear of the building and considers that this is most likely to be used for storage, deliveries and staff parking. However, the Highway Officer's advice is that these parking spaces are not essential for the development and that, on balance, taking into account the site constraints, the access layout and provision of 126 parking spaces is acceptable.

- 6.7.3 The application form notes that there are currently 278 parking spaces and that the proposal will provide 158 parking spaces which is a reduction of 120 spaces. The Town Council, local objectors and the Chamber of Commerce have all raised concerns about the loss of any parking within the town and commented that parking is often in short supply, not just at weekends.
- 6.7.4 This is a genuine concern and one which officers acknowledge. The loss of parking is a material consideration and not something which officers would usually seek to encourage unless it can be proven that the parking spaces are surplus to requirements or can be accommodated elsewhere.
- 6.7.5 The planning statement and transport statement acknowledge that, after the development is completed, there is likely to be a shortfall of approximately 161 parking spaces on Saturdays but that at most other times there would still be sufficient space within the car park and other town centre car parks to accommodate all parking requirements. This information is based on surveys of the car parks and as such is considered to represent an accurate picture of the potential shortfall. Although local objections have suggested that there is a shortfall at other times as well as weekends the evidence does not support the objection. As such, although the objections are noted there is no evidence to show that the development will impact on parking other than on Saturdays.
- 6.7.6 The surveys were carried out across all car parks in the area. Sainsburys car park provides 271 spaces which is free for the first 15 mins and charged thereafter (but shoppers spending more than £5 in the store get a refund). Merediths car park on the opposite side of Smithfield road has 321 spaces (reduced to 122 on Saturdays due to the market). Innage Lane car park, which is within walking distance of the town centre but not considered to be on the edge of the centre, has 144 car parking spaces and 8 HGV spaces in which coaches can park for free. In addition the Chamber of Commerce operate a park and ride between 9:30 and 4:30 on Saturdays between April and September and during Christmas time. This is not a Council operated park and ride, it is a private venture operated and paid for by members of the Chamber of Commerce.
- 6.7.7 The car parking licence agreement between Sainsburys and the Council is also relevant to car parking. The agreement allows Sainsburys to alter the configuration of the car park to carry out the development of the land which they had consent for under the previous permission, providing 136 parking spaces are maintained. Accordingly, Sainsburys would be within their rights to reduce the level of parking to 136 spaces, without the need for any other planning consent. Furthermore, at present the car park charging schedule on the application site



includes long stay parking. This therefore puts greater pressure on the availability of short stay parking spaces.

- 6.7.8 The proposal help to would resolve this conflict by only allowing short stay parking in the majority of spaces, the 126 to the front of the retail units, and thereby increasing the availability of short stay parking. The Council Highway Officer has advised that a revised car park management scheme should be drawn up for the 126 spaces to the front of the site and that the charging schedule could allow for long stay parking but would seek to discourage it through charging rather than prevent it altogether. This would be considered to therefore increase short stay parking availability whilst not preventing long stay parking.
- 6.7.9 In addition to increasing supply of short stay parking the applicant has offered off-site mitigation in the form of financial contributions to the existing park and ride and also to re-organise the car park at Innage Lane and provide additional signage.
- 6.7.10 The financial contribution to the park and ride scheme is suggested to reconfigure the land which the park and ride is operated from to increase the available parking spaces. However, as this is not a Council operated park and ride the Council could not spend any monies received as a result of this application on the existing park and ride. Furthermore, as noted by the Chamber of Commerce in their comments the park and ride can not be guaranteed in the long term as it is funded by Chamber members.
- 6.7.11 Money could, however, be spent on providing additional car parking elsewhere within the town. Such a financial contribution would comply with the tests within legislation. As the development will result in a shortfall of parking on Saturdays the contribution would be required to make the development acceptable, the contribution would be reasonable and appropriate for the development being considered. The agent has made a suggestion that the HGV spaces at Innage Lane could be used for car parking on Saturdays and that the existing recycling centre on Innage Lane could be removed to provide additional parking spaces. The reuse of the HGV spaces would be done by lining for both HGVs and cars and would provide an additional 56 car parking spaces which could be used for long stay parking at the weekends.
- 6.7.11 Objectors have commented that the loss of the HGV spaces will impact on coach parking and therefore tourist visitors. However, the evidence provided by the agent, which is backed up by the comments of the Council Highway Officer, is that the HGV spaces are not frequently used at weekends and no other evidence has been provided to contradict this. Coaches can still drop off & pick up tourists in the town centre and then park elsewhere within the town. The proposal would provide multi-use spaces which can be used by HGVs and coaches during the week and then cars on Saturdays however the advice of the Highway Officer is that the financial contribution to car parking should be used to investigate the options and may allow the retention of 1 or 2 coach parking spaces.
- 6.7.12 Objectors and the Town Council have also raised concerns about the loss of recycling facility from Innage Lane and commented that this will impact on where

people can go to recycle items not collected from households. The Council website advises that the Innage Lane car park provides recycling for all items collected from households (plastic, metals, paper, glass) and also cartons, clothes and small appliances. As such it would only be these last three items that are not currently collected directly from households and would be lost facilities from this location. The Council Waste Team has commented on the removal of the recycling facilities from Smithfield car park and, although they would prefer not to see the loss of the facilities, they have not objected. There are other facilities within the town and around the town to provide for recycling over what is collected from households. As such it is considered that the loss of the recycling facilities from both Smithfield and Innage Lane would not be sufficient justification to warrant refusal of the current proposal.

- 6.7.13 The works proposed to Innage Lane would provide additional parking spaces which would help to alleviate the identified shortfall and provide replacement parking for what is being lost at Smithfield. As such it is officer's opinion that, even if the previous consent on the site was not extant, mitigation can be provided to overcome the loss of parking from the application site and therefore it would not be reasonable to refuse the current proposal on the grounds of loss of parking. In addition the agent has offered additional signage between Innage Lane and the town centre to direct cars to Innage Lane car park if Smithfield is full and also to direct pedestrians from Innage Lane to the town centre. This can also be achieved through the payment of a financial contribution and additional signage would also help to alleviate the reduction in parking on the existing site.
- 6.7.14 As noted the proposed works to Innage Lane car park and also the provision of additional signage would need to be achieved through a Section 106 legal agreement as the works would need to be done by the Council on land not within the application site or within the control of the applicant. Therefore the recommendation will be subject to the applicants entering into a legal agreement to secure a financial contribution.
- 6.7.15 With regard to traffic movements the agent suggests that the scheme will reduce traffic movements along Smithfield because of the reduction in parking spaces. It is also generally accepted that retail traffic movements are not new movements and are likely to already be on the local network either doing other shopping trips or linking the trips with access to employment or services. However, there is concern that the reduction in parking spaces at Smithfield might result in increased traffic movements around the town centre as a result of shoppers looking for parking spaces. This issue was raised by the Council Public Protection Officer who noted that Whitburn Street/ Pound Street suffers from poor air quality.
- 6.7.16 Air quality assessments were therefore requested and submitted. The Public Protection Officer has commented on these assessments and confirmed that the information is satisfactory and that the conclusions are reasonable but also asked for further information regarding traffic looping around the town looking for parking spaces. Information was then provided by the applicant's Highway Consultant which the Public Protection Officer has agreed to. In addition to rearranging parking at Innage Lane and the additional signage the applicant has offered to install 2 electric charging points within the application site car park. The advice is

that the Innage Lane improvements are made prior to car park works at the Old Smithfield site in order to alleviate parking concerns during development of the Old Smithfield site. The mitigation proposals are considered by officers to help to alleviate the concerns regarding the potential impact on air quality.

- 6.7.17 The submitted planning statement also considers that the site is highly accessible on foot, by bus and by bicycle and are close to the existing town centre. The statement advises that the whole of Bridgnorth is within cycling distance of the site and a large majority is within walking distance. The site is within the 30mph limit and there are existing bus stops on both sides of Smithfield. Accordingly the site is well connected to enable access by means other than the car.
- 6.7.18 The transport assessment advises that the proposed retail units would be likely to receive a single delivery each per day. That would equate to 5 delivery vehicles per day. Swept path analysis has been provided to show that the delivery vehicles can turn within the area at the rear of the units and delivery vehicles can be restricted to non-peak times to ensure that the potential for conflict between customer vehicles and deliveries is kept to a minimum. As such, although concern has been raised by objectors about the increase in congestion from delivery vehicles, the scale and type of development proposed would not result in a significant increase in delivery vehicle movements over the existing vehicle movements to the Sainsbury store.
- 6.7.19 In conclusion, it is acknowledged that the development of this site will reduce the availability of car parking in the town centre. However, the extant consent is a significant material consideration and that consent could be implemented and reduce the level of car parking available. Furthermore, the current proposal also proposes other mitigation measures which will, as a result, provide more car parking in the town than the extant consent and also provide for electric vehicles and better signage between car parks. Accordingly it is officer's opinion that the proposed scheme, subject to the S106 mitigation measures, is acceptable and overcomes the concerns regarding loss of parking on the site.

## 6.8 Ecology and landscaping

- 6.8.1 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 and existing trees and landscaping. A protected species survey has been undertaken and submitted with the application and this has been considered by the Council Ecologist who has raised no objection subject to the provision of artificial nesting boxes.
- 6.8.2 An arboricultural report has also been submitted which includes a full tree survey, plan showing the trees, categorisation and root protection areas, arboricultural implications, method statement and tree protection plans. The site contains 65 individual trees of semi-mature broad leaf and coniferous species, some of which are in groups. The report acknowledges that groups of trees outside the site may also influence the development of the site. There are no category A trees, 4 category B trees are to be removed and the remainder are category C trees. All the trees within the site are to be removed, the groups on the edge of the site are

to be retained. None of the trees within the site are considered to be of landscape merit to categorise them higher.

6.8.3 The application proposes mitigation planting of native evergreen species planted at large stock sizes. The applicant considers that the economic benefits of the development of this site will outweigh the limited amenity impact of the trees being removed.

6.8.4 The Council Tree Officer's comments are detailed in full under section 4 above. The Tree Officer agrees with the tree survey, that the majority of the trees are of low quality, and does not object to their removal subject to protection measures for the retained trees and also mitigation planting.

6.8.5 Given the comments of the statutory consultees in relation to ecology and trees the development of the site as proposed is considered to comply with the requirements of policy CS17 of the Shropshire Core Strategy.

## 6.9 **Flooding, drainage and contamination**

6.9.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity.

6.9.2 A drainage strategy has been submitted with the application which advises that the site currently has a surface water drainage system where the water is collected into gullies before discharging into the public sewer network. The applicant has acknowledged that the development will need a wholly new system but has commented that the ground conditions are not suitable for soakaways and therefore has proposed an attenuation tank to control the flows to the mains. This will allow the outflow to the mains to be reduced albeit that the level of permeability will also decrease. At present 80% of the site is impermeable and the proposal will result in 100% impermeable. However, the addition of storage tanks will allow attenuation which will reduce the overall flow of surface water discharging it over a longer period of time.

6.9.3 New foul drainage connections will be required and the proposal is to connect to the mains drainage system.

6.9.4 The Council Drainage Consultant has not raised any concerns or objections to the proposal and has recommended that the details can be required by condition. A condition is therefore recommended to ensure that the drainage systems for both surface water and foul water is submitted for approval by the Council to ensure that the development complies with policy CS18.

## 6.10 **Other matters**

6.10.1 The Council Archaeologist has advised that the proposed development site is deemed to have some archaeological potential and as such has recommended that a programme of archaeological work, to comprise a watching brief during any ground works associated with proposed development, be made a condition of any planning permission for the proposed development. This is in line with the

archaeological report submitted with the application which notes the historic potential of the site and recommends a watching brief and monitoring.

- 6.10.2 The Council Public Protection Officer, in addition to commenting on traffic movements and associated air pollution, has also commented in relation to contamination and asbestos noting the submitted report and advised that there is no further action required in regard to these matters. This is in response to the submitted geo-environmental report which advises that the site was historically part of the cattle market with animal pens and later a building (between 1960's and late 20<sup>th</sup> century). The site has previously been investigated for contamination during the previous applications and the results of the previous and current survey work is that there are no significant contamination sources. The Public Protection Officer has accepted this and advised that no further contamination surveys or conditions are required.

## **7.0 CONCLUSION**

- 7.1 The proposed development has been assessed in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, namely that any determination must be made in accordance with the development plan unless material considerations indicate otherwise. In particular, the proposed development has been assessed against locally adopted policies and the National Planning Policy Framework in relation to retail development. This assessment concludes that approval of five retail units on the application site would not have a significant adverse impact on the vitality and viability of Bridgnorth town centre and that there are no sequentially preferable sites.

- 7.2 Furthermore it is considered that the layout, scale and design of the site is appropriate for the context of the surrounding site; the level of parking and service delivery space is acceptable taking into account the fall back position; that the development will not have an unacceptable detrimental impact on the amenities of the neighbouring land uses, ecology or drainage.

- 7.3 Accordingly the proposal is considered to comply with the Development Plan Core Strategy policies CS3, CS6, CS17 and CS18, and with the requirements and aims of policy CS15 in seeking to protect the vitality and viability of Bridgnorth Town Centre. The scheme is also in accordance with the policies within the recently adopted Shropshire Site Allocations and Management of Development (SAMDev) policies MD10a, MD10 and S3 and the National Planning Policy Framework (NPPF), specifically paragraphs 23 to 27. 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.

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 Policy

National Planning Policy Framework

Shropshire Core Strategy

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles

CS15 - Town and Rural Centres

CS17 - Environmental Networks

CS18 - Sustainable Water Management

Shropshire Site Allocations and Management of Development

MD10A - Managing Town Centre Development

MD10B - Impact Assessments for Town and Rural Centres

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S3 - Bridgnorth

Other documents

Bridgnorth District Council Retail Study 2006-2021

**Relevant planning history:**

08/0239 Reserved matters application for the erection of an extension to existing supermarket pursuant to outline planning permission ref 04/0919 – Granted 30<sup>th</sup> May 2008

08/0238 Reserved matters application relating to the construction of a diy retail warehouse and associated garden centre pursuant to outline permission ref 04/0919 – Granted 23<sup>rd</sup> February 2009

07/0928 Reserved matters for design, external appearance and landscaping on outline permission ref 04/0919 approved 27/4/05 for relief road and town centre car park – Granted 13<sup>th</sup> March 2008

04/0919 Outline (including siting and means of access) for the construction of a DIY retail warehouse and associated garden centre, extension to existing Sainbury's retail store, erection of four retail units, construction of car parking and relief road, relocation of indoor market and provision of dedicated area for outdoor market - Granted 27<sup>th</sup> April 2005

98/0613 - Outline planning application – erection of retail food store construction of car parking construction of Whitburn Street/Northgate link road including bus waiting area formation of vehicular and pedestrian accesses and alterations to public car park (siting and access included and not reserved) – consent

96/0250 - Erection of part single part two storey development of shops and offices with associated service area and car parking – consent

**11. Additional Information**

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 Christian Lea  
Cllr William Parr

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. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00. No works shall take place on Sundays and bank holidays.  
  
Reason: to protect the health and wellbeing of residents in the area.
  
4. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.  
  
Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

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

5. No development approved by this permission shall commence until the applicants, or their agents, or their successors in title have secured the implementation of a programme of archaeological work in accordance with the Written Scheme of Investigation (WSI) submitted by CgMs Consulting (March 2016) as part of this application.  
  
Reason: The site is known to hold archaeological interest.
  
6. 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.

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

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

8. No development-related works (including vegetation / site clearance, ground levelling and demolition, if relevant) shall commence on site and no equipment, materials or machinery shall be brought onto the site, until a scheme has been submitted to the written satisfaction of the LPA to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site. The scheme shall be based upon an Arboricultural Impact Assessment and include an Arboricultural Method Statement, based upon the Heads of Terms of an Arboricultural Method Statement presented as Appendix 2 of the Arboricultural Report (acs consulting, April 2016) and a Tree Protection Plan prepared in accordance with and meeting the minimum tree protection requirements recommended in British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations, or its current version.

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.

9. All pre-commencement tree protection measures detailed in the approved Arboricultural Method Statement (AMS) and / or Tree Protection Plan (TPP) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in strict accordance with the approved AMS and / or TPP. Any tree protection area fenced in accordance with this condition shall be treated as a construction exclusion zone (CEZ); vehicles shall not traverse and nothing shall be stored or placed and ground levels shall not be altered nor any excavation made within the CEZ, without the prior written consent of the LPA.

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 REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

10. Prior to the first opening of any of the retail units hereby approved a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, has been submitted to and approved in writing by the LPA.  
The approved scheme shall include:
- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size

- at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

11. The approved scheme of tree planting shall be implemented as specified and in full within the timescale agreed with the LPA. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies, is uprooted or removed, or, in the opinion of the LPA becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

12. Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting boxes suitable for a range of bird species (such as robins, tit species, house sparrows, house martins, swifts and starlings) shall be erected on the buildings. The types and locations of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details.

Reason: To ensure the provision of nesting opportunities for birds in accordance with section 11 of the National Planning Policy Framework.

13. Prior to the first opening for trade of any of the retail units hereby approved 2 electric vehicle charging points shall be provided in a location in the car park to be agreed with the Local Planning Authority. The charging points shall be installed as approved and shall be maintained and retained for 10 years from the date of installation.

Reason: To help to reduce air pollution from vehicles within the area of the development.

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

14. The development hereby approved shall be for no more than 5 A1 retail units, of which no one unit shall be more than 806sqm gross, including mezzanine floor space (the size of the largest proposed unit), and no more than 186sqm of the total gross floor space shall be used for the sale of food or drink (class A3).

Reason: To protect the vitality and viability of Bridgnorth town centre.

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Committee and date

South Planning Committee

10 January 2017

## Development Management Report

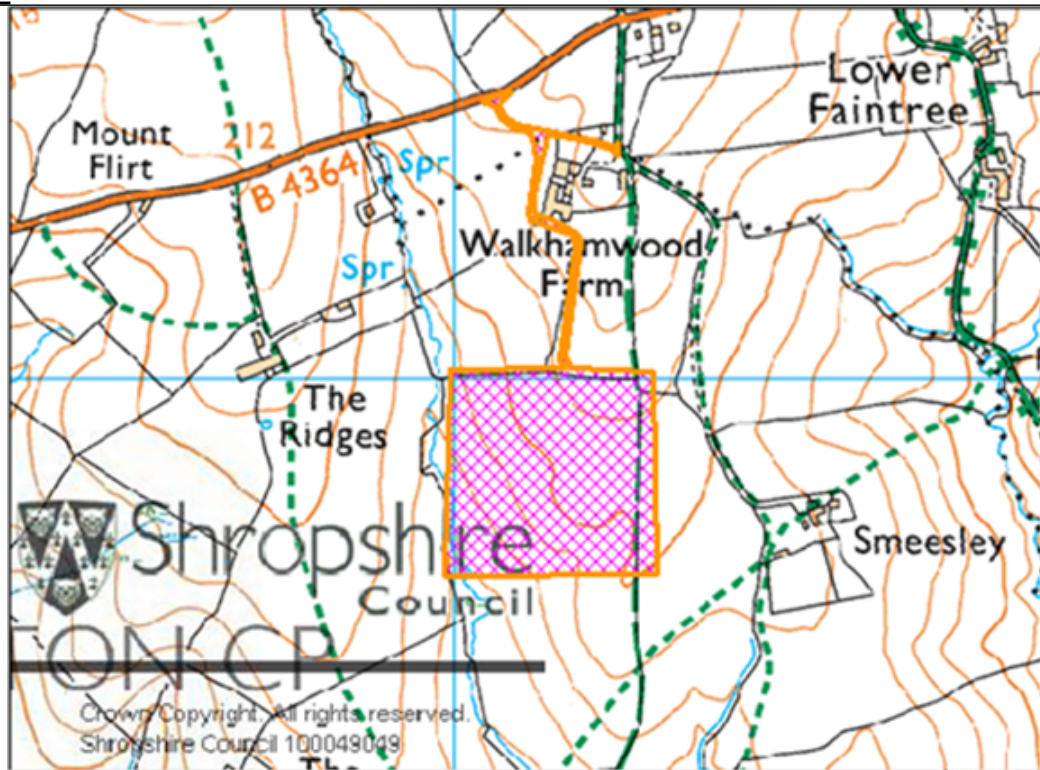
Responsible Officer: Tim Rogers

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

### Summary of Application

<b>Application Number:</b> 15/05330/EIA	<b>Parish:</b>	Neenton
<b>Proposal:</b> Erection of 4No poultry units, feed bins, biomass boiler building, new access road, landscape and associated works		
<b>Site Address:</b> Walkhamwood Farm Faintree Bridgnorth Shropshire WV16 6RQ		
<b>Applicant:</b> Mr S Mottershead		
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 365186 - 288266



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**Recommendation: That Members delegate authority to the Planning Manager to 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 the erection of 4no. poultry units, feed bins, a biomass boiler building, a new access road, landscaping and associated works. The poultry sheds and biomass boiler building would be oriented in a north-south direction. Each poultry shed would measure approximately 108.2 metres x 26.6 metres x 2.7 metres to eaves and 6.1 metres to ridge. They would be of steel-framed construction with profiled sheet cladding.
- 1.2 The biomass boiler building would measure approximately 60 metres x 14 metres x 7.5 metres to eaves and 9.1 metres to ridge. The biomass boiler would burn the chicken litter produced at the site, to provide heat for the sheds. There would be a service building, measuring 6 metres x 6 metres x 3.4 metres to ridge. In addition there would be 8 feed bins. These would be located in pairs at the northern gable end of each poultry shed, and would be 8.6 metres high. The application proposes that the buildings and bins would be of a colour to be agreed with the local planning authority. To the north of the buildings would be a concrete yard to allow access to the buildings and vehicle manoeuvring.
- 1.3 The site is sloping and levels range from 185-208 metres AOD. The proposed development would be constructed on a level platform at a finished floor level of 197 metres AOD. This will mean that the buildings would be dug into the ground up to 10 metres. An earth berm would be constructed around the buildings at a height of 203 metres AOD, i.e. 6 metres above the finished floor level. Tree and hedgerow planting would be undertaken around the perimeter of the site. This would include woodland planting on the outer sides of the southern and western sides of the berm. A surface water attenuation ditch would be constructed at the southwestern side of the site.
- 1.4 Existing vehicle access to the farm is gained from the B4364 to the north, via a stoned access track approximately 160 metres in length. The planning application proposes that access to the poultry development and existing farm buildings would be gained via a new access track. This would link to the B4364 at a point approximately 200 metres west of the existing access track.
- 1.5 Each shed would have a low-wattage, low intensity light above the openings to allow safe working during normal working hours during the winter. Additional lighting may be required during the removal of birds but this will be carried out in low light levels to avoid causing unnecessary stress to the birds. High intensity lighting would not be used.
- 1.6 Summary of production cycle: The four sheds would house a maximum of 225,000 broiler birds. The application summarise the production cycle as follows.

The cycle of standard broilers begins with the preparation of the buildings for chick placement including covering the floor with shavings, heating the sheds to the correct temperature and providing sufficient feed. Once the chicks are placed feed input increases over the crop cycle and heat requirements decreases. It is expected at this

stage that the sheds will be operated on a thinned at 34 days and final clearance at 38 days. Once all birds have been collected the manure is removed and the buildings are washed down ready for the next cycle leading to 7.5 crops per year.

1.7 As detailed in section 6.1.1 below, the planning application is accompanied by an Environmental Impact Assessment (EIA), and this includes a detailed set of reports assessing the potential impacts of the development. These include: an Odour Impact Assessment; Flood Risk Assessment; Landscape and Visual Impact Assessment; Transport Statement; Noise Impact Assessment; Heritage Impact Assessment; Ecological Assessment.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 Walkhamwood Farm is located approximately 7km to the south-west of Bridgnorth and approximately 1km to the north-east of the village of Neenton. The farm extends to approximately 105 hectares (260 acres). The main farming enterprise at the farm is arable cropping with some permanent pasture for 70 breeding ewes. The application site is situated approximately 210 metres to the south of the farm buildings. The main development site covers an area of approximately 4 hectares, forming part of an arable field. The field has a convex profile and falls to the south and west to a stream in a valley bottom, flanked by trees.

2.2 The nearest residential property to the main development site is Ridges Farm, approximately 205 metres to the north-west. Other residential properties in the area include: Smeasley Farm, approximately 245 metres to the east; Walkhamwood Farmhouse (applicant's residence), approximately 260 metres to the north; and Ridges Cottage, approximately 280 metres to the north west.

2.3 A public bridleway runs in a north-south orientation across the eastern side of the application site. Other public rights of way in the area include footpaths approximately 90 metres to the east; approximately 150 metres to the south; and approximately 225 metres to the west of the proposed development. The boundary of the Shropshire Hills Area of Outstanding Natural Beauty (AONB) is approximately 3km to the west.

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

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

## **4.0 COMMUNITY REPRESENTATIONS**

### **4.1 Consultee Comments**

4.1.1 The proposed poultry units and part of the proposed access road are located within Neenton parish. The northern part of the proposed access road is located within Chetton parish.

### **4.1.2 Neenton Parish Council Objects.**

Comments 6/10/16 following submission of amended plans [full objection can be viewed on the online planning register]:

- Burning of litter will reduce the potential odour nuisance and other impacts of

- spreading manure, including some reduction in vehicle movements
- The revised siting and landscaping may be welcome to the nearest residents but landscape impact was not one of the primary concerns for people in the parish
  - Primary concerns are odour and traffic impacts, followed by noise and landscape impacts
  - Amendments do not address odour nuisance from operations in the sheds; re-calculated Odour Assessment shows some minor improvements for some properties it shows corresponding worsening for others;
  - noise from the shed operations are also not reduced
  - particular concern that the note in the original submission that fan noise would need to be reduced by 5dB by providing better fans seems to have been forgotten; revised proposal now seems to consider that the original unacceptable noise levels should now be seen as acceptable
  - inherent unsuitability of the B4364 for even current levels of HGV traffic, and particularly of large articulated vehicles such as would be involved with the proposed operations
  - implication in the Transport Statement that the B4364 is OK for HGV traffic because it has a white line down the middle;
  - however ignores the fact that in several places between Faintree and Bridgnorth the road is not wide enough to allow even cars and large HGVs to pass without slowing to a crawl
  - frequent occurrence that when two larger vehicles meet traffic has to stop and reverse;
  - numerous 'near misses' as well as accidents as result of these pinch points
  - risk of damage to vehicles let alone injury simply cannot be dismissed
  - in summary, despite some adjustments which would reduce some individual impacts, the primary concerns of Neenton Parish residents have in the main not been addressed
  - a minor increase in cycles per year has been incorporated into the latest projections but remain concerned that current industry trends could increase the number of cycles per year by up to 50% with a corresponding substantial increase in impacts of traffic, noise and odour
  - disappointed that steps seem to have been taken to require the applicant to improve subsidiary concerns such as landscape without addressing the primary concerns we have raised
  - In our February letter, we went to some pains to raise a series of questions which need to be considered and/or better explained, and where better assurance of the acceptability of impacts would need to be provided. We called upon Shropshire Council, in its further consideration of the proposal, to ensure these points were thoroughly and diligently assessed, using appropriate and objective expertise, but we have seen no sign of this happening
  - we repeat that such a large and potentially damaging project could not reasonably be approved on this site without such a thoroughgoing validation addressing each of these points
  - if permission granted, essential that a clear system of agreed safeguards is put in place to ensure that the operations are consistently conducted in a way that ensured there were in practice no unacceptable impacts; some of this might be achieved through the IPPC process whereby sanctions can be applied for non-compliance, the resources for policing and enforcement if required would have to be in place



- routing of traffic towards Bridgnorth should be made a planning condition of any such project that might be approved.

Original comments (Feb 2016):

- submitted reports make reassuring statements
- major shortcomings about validity
- proposal is an industrial rather than an agricultural activity, fundamentally incompatible in several respects with the rural, ancient countryside, close to an AONB
- not clear whether litter would be burned or spread on farmholding; documents suggest both
- not clear how long the bird depopulation activity takes place for
- critically important that the timescales on which the odour and noise impacts are based are firmly validated and projected for a worst-case scenario
- concern that change to practice may lead to shorter crop cycles – for example a change every 5 weeks rather than every 7, increasing frequency of depopulation events and associated peak impacts
- Odour and other airborne emissions:
- Noted that the farming press, carry frequent articles on managing odours from intensive poultry units and the complaints that can arise
- no assessment of odour which may arise from manure spread on site, or stored outdoors on site (which could be for up to 12 months) prior to spreading or transport for spreading elsewhere. Unless it is a condition that all litter/manure must be burned on site these assessments must be made
- query over what is the correct measurement for ‘no odour’ in the dispersion modelling study
- mean values of fluctuating odour levels may obscure short term concentrations well above the benchmark level
- implicit that 2% of the time odour levels are likely to exceed the benchmark of acceptability; 99.5 and 99.8%iles predict levels far above this; at times will be a significant offensive smell on neighbouring properties simply from the sheds themselves
- Shropshire Council should fully validate the odour model
- Query whether manure is to be burned or spread, in relation to odour level
- Likely to lead to more frequent manure spreading and storage on site, if litter not burned; disposal would involve more than 6 times the land area of the applicant’s farm according to the figures in the Manure Management Plan
- Control of dusts, particulates, airborne microbes etc. emitted from the fans and emitted from the biomass boiler, particularly if litter/manure is to be burned rather than transported away
- Traffic
- Assumption in the traffic report that the B4364 and the current traffic load on it are acceptable is not correct; numerous representations have been made over the years by Neenton Parish Meeting and neighbouring councils as well as by residents – see below
- poor state of maintenance of the road; potholes are constantly allowed to develop to a dangerous state; repairs are often simply patching which reappear within a short time
- numerous pinch-points along the road where it is difficult for large vehicles to pass; in several places there is no centre line because of the inadequate width,

- even in some places for ordinary vehicles; traffic hazards; concern over pedestrian safety
- verge erosion and traffic hazards due to inadequate highway width
  - following previous complaints, a sign is in place near the Bridgnorth end directing HGVs travelling through to Ludlow to use an alternative route
  - marked increase in HGVs in recent years; more, and more effective signage is needed
  - need to reduce traffic on the B4364, particularly the largest HGVs which are unsustainable; burden of HGVs especially large ones, unnecessarily using the road for through journeys needs to be eliminated as far as possible
  - further assessment needed to distinguish between different sizes of HGVs
  - B4364 has a 60mph limit, not 50mph as stated in the Transport Statement
  - Noise
  - Need to validate noise assessment; timescales for depopulating need validating and projecting for a worst-case scenario
  - Assumption in the noise impact assessment that fan noise will be reduced by 5dB is not explained
  - Other routine operations which can give rise to significant and sustained noise impacts do not appear to have been assessed – for example blow-unloading of feed from lorries into the feed silos, and extended use of high-pressure washers during clearing out
  - Landscape
  - Impact on landscape character: location of site in an elevated position in some of the very best south Shropshire countryside, less than 3 miles from the NE edge of the Shropshire Hills AONB and visible from Brown Clee Hill, the highest point in Shropshire, just 4 miles away; very large area and set of structures (6 acres, which would accommodate a large football stadium)
  - Materials of construction, especially of the roof, would thus be critical
  - Clearly visible in the forward view from the south from selected points on Wrickton Lane
  - will be wholly or partly visible to several nearby residents and adversely affect their surroundings, especially in the short term until the proposed tree-planting screen to the SW has fully matured
  - timescales and extents of cover claimed for this in the Landscape Assessment (p13) seem very optimistic
  - proposed tree planting on slopes falling away from site would be well below the ground level of the sheds; would suggest an embankment to the south and west, which would immediately screen the building to an extent, and require trees to grow less before the screen was complete

As part of its objection the Parish Council has submitted an appendix which sets out concerns that were raised at a parish meeting in July 2015 regarding traffic in the area. These concerns are summarised below and can be viewed in full on the online planning register:

- Community Led Concerns July 2015:
- HGV traffic through Neenton is becoming a major issue due to the width and alignment of the public highway; almost impossible for two large vehicles to pass each other; results in: degradation and damage to sides of the road, property and tree branches; a recent incident could have had serious consequences when a lorry broke a branch away; mirror along road no longer satisfactory; traffic speeds

in spite of 30mph signs; potholes causing hazards; drainage problems causing pooling of water in the village; road pitting; position of the 30mph speed notice at the Ludlow end of the village has caused a problem

- 4.1.3 **Chetton Parish Council (parish boundary includes part of the site access road and land to the north-east)** No objections.
- 4.1.4 **Environment Agency** No objections.]

Environmental Permitting Regulations: The proposed development will house a maximum of 225,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

An application for a Permit has been received by the Environment Agency and is currently being reviewed. An ammonia screening was carried out by the Environment Agency on the 25 November 2015. The result was that the proposal screened out from requiring ammonia modelling. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. The applicant is advised to contact our Permitting Team (01743 283517) to discuss progressing the EP and the requirements with regards to noise, odour and operation.

For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the

applicants land ownership. Information submitted within the Design, Access & Planning Statement proposes that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

4.1.5 **Natural England** [updated comments 5/10/16 following planning application modifications]

Statutory nature conservation sites: – no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected species: We have not assessed this application and associated documents for impacts on protected species. Natural England's Standing Advice should be applied to this application as it is a material consideration in the determination of applications in the same way as any individual response. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Local sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Sites of Special Scientific Interest Impact Risk Zones: The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

No further comments following amendments.

4.1.6 **SC Ecologist** Recommends conditions and informatives.

The proposed four poultry units will house a maximum of 225,000 broiler birds in total, split between four sheds. The ecological report concludes that:

- The Site and its boundaries may be used by bats for foraging purposes. There

- are two trees with bat roost potential but these are to be retained during and post development.
- Badgers may, occasionally, traverse and/or forage on The Site but there was no evidence of badger setts within 50m of the proposed development.
- The Site may be traversed by Hedgehog and/or used by Hedgehog for foraging purposes.
- Otter may, occasionally, be present on The Site.
- Vegetation on, bounding and within the immediate vicinity of The Site may be used by Small Breeding Birds for nesting purposes.
- The potential for the proposal to impact of great crested newts is low.

Reasonable avoidance method statement and mitigation has been provided by the ecological consultant:

- The ecological value of The Site post-development will be enhanced by the planting of hedges, the planting of trees and the installation of an attenuation pond.
- Lighting will be designed in accordance with bat conservation guidelines
- Vegetation will be cleared outside of nesting bird season (or if not possible following a check from an ecologist)
- Trenches will be filled in on the same day or precautions will be taken to ensure terrestrial mammals will not become trapped/injured (hedgehogs, badgers, otters)
- Great crested newt method statement will be followed

Conditions should be added to the decision notice to require that work is carried out strictly in accordance with the Ecological Assessment; to require the submission of a landscaping scheme; and to require the provision of bird and bat boxes (see Appendix 1):

Designated Sites: The proposed application is for 225,000 bird places. SC Ecology has requested the ammonia screening assessment output from the Environment Agency. The Habitats Regulations enables Shropshire Council, under Regulation 61, to rely on the 'evidence and reasoning' of another competent authority when completing their assessment (providing they agree with them). Shropshire Council can therefore use the modelling that the EA has provided to complete their HRA.

There are no European sites in 10km or SSSI's within 5km. Local Sites within 2km have screened out below the critical load thresholds. The EA have concluded that detailed modelling is not required to support this application. SC Ecology is satisfied that the proposed application is unlikely to have a significant effect on locally designated sites.

Comments 5/10/16: I have reviewed the amended plans and documents submitted in association with this application. I consider that they make no material difference from an ecology perspective, and I would therefore repeat the comments made in my previous consultation response to the original application

4.1.7 **SC Trees** Recommends conditions.

Comments 28/11/16

I have reviewed the further details provided as to the proposed site access (Badingham,

0435 – 001 Rev C) and note that the position of the mature oak tree to the south-west of the access point has been marked on the plan. Scaling from the plan, I consider that construction of the new access road should not result in any significant damage to the oak tree, provided suitable precautions are taken to protect the tree and its root protection area (RPA – as defined in British Standard 5837: 2012 – Trees in Relation to Design, Demolition and Construction) during any approved development. To this end a Tree Protection Plan should be provided to specify and show the physical measures to be taken to temporarily protect the tree in advance of and during any approved construction. In this case I consider that the Tree Protection Plan could be provided as a condition to any permission granted.

I would therefore recommend attaching a tree protection and landscape condition to any approval (see Appendix 1).

4.1.8 **Historic England** No specific comments, in relation to the original application or the revised design. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

4.1.9 **SC Conservation** No objections.

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policy MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the erection of 4 poultry units measuring 113m x 26m with a ridge height of 6m, 8 feed bins at 8.6m in height, a biomass boiler building measuring 60m x 18m with a ridge height of 9.1m and other associated works. The poultry units will be of steel frame construction and will be clad with profiled sheeting to be coloured juniper green.

The site lies to the south of Walkhamwood Farm and to the east of Neenton conservation area. Due to the topography of the land the site is not visible from Neenton conservation area or its listed buildings therefore the development would not impact upon their settings. The site lies to the south west of Faintree Hall and Faintree Hall Farm, there is limited visibility between these assets and the proposed site which slopes away to the south and west. It is not considered that the development will have a detrimental impact upon the setting of these assets. The site may be visible from parts of Burwarton Hall Park, however the park has strong tree cover and the distances between the site and the park are such that any impact upon the view would be glimpsed and only a small part of the overall view. It is considered that the development will have a minimal impact upon the setting of heritage assets in Burwarton which will be mitigated to some extent by the proposed planting.

It is considered that the proposed development will generally preserve the character and setting of nearby heritage assets in line with policies, guidance and legislation as outlined above.

No further comments in relation to the amended plans.

4.1.10 **SC Archaeology** Recommends a condition.

Following receipt of the Planning Authority's Scoping Opinion and advice from Historic England (ref. 15/02108/SCO), the applicant has submitted a Heritage Assessment in the form of a Desk Based Assessment and Heritage Impact Statement (DW Archaeology, 2015, Rep. DWA15/7 & DWA15/6). A Landscape Visual Impact Assessment (John Challoner Associates, 2015) has also been submitted with the application.

The Desk Based Assessment demonstrates that, whilst there are no known heritage assets on the proposed development site itself, a total of thirty three non-designated heritage assets are present within 2km radius study area around the site, predominately of post medieval date. Map regression analysis also shows that the area appears to be the result of activity relating to enclosure of this period. On this basis the assessment concludes that given the limited archaeological resource evident in the area, an archaeological watching brief during the ground works phase of the development would provide an adequate level of mitigation.

The Heritage Impact Statement considers the impact of the proposed development on the setting of the designated and non-designated heritage assets. This indicates that no designated (listed buildings, conservation areas, and registered parks and gardens) or non-designated assets would be affected by the development. In the Landscape and Visual Impact Assessment, it is however noted that the "Zone of Theoretical Visibility" indicates that the Burwarton Registered Park and Garden, referred to as the Burwarton Estate lies within the visible area, and whilst views to the development site are considered restricted and limited, the overall impact is considered minor with mitigation proposals.

In view of the above, and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work, to comprise a watching brief during the ground works phase of the development, be made a condition of any planning permission for the proposed development (see Appendix 1).

Revised proposals (to Nov 16): No further comments.

4.1.11 **SC Highways** [updated comments following modifications to the planning application]

No objections, subject to the development being carried out in accordance with the approved details and the highway conditions/informatives recommended with the previous highway Advice Note 04/11/16.

It is considered that the recently submitted amended details, showing the improvements to the access onto the B4364 (drawing no. Proposed Access 001/C) appears to satisfy the previously recommended pre-commencement highway condition No. 1. All other conditions and informatives are considered to still be required to ensure the development is carried out to the approved details.

Previous comments:

The proposed development seeks to construct four poultry sheds and a new vehicular access directly to the B4364 in place of the use of the existing farm access to the east which is too narrow to accommodate two-way HGV movements and affords restricted visibility for emerging vehicles. The existing farm access also carries a public right of way (bridleway).

This B4364 is considered to be of good quality and of sufficient width and construction to serve a greater volume of traffic than it currently does and it is considered that the additional traffic generated by the proposed development can be adequately accommodated on the adjacent highway.

The layout of the proposed new access to the B4364 is shown in principle on Drawing No. 001 rev A and is acceptable providing that the access width and junction radii can be demonstrated to allow simultaneous entry/exit of articulated HGV's. It is considered that the full width of the access should be surfaced for the first 20 metres so as not to deposit any mud or loose material on the highway. Any gates should also be located a minimum of 20 metres from the B4364 carriageway edge and fixed to open away from the highway to ensure that an articulated HGV can stand clear of the B4364 if the gates are closed.

There is no suggestion that the existing farm access is to be closed as it carries a public right of way (bridleway) however, it is assumed from the submitted correspondence that internal site arrangements will be put in place to restrict the farm and poultry unit traffic to the new access only.

The speed of passing traffic on the B4364 has been surveyed and indicates that 85<sup>th</sup> percentile speeds are between 47.9 and 49.5 mph. It is expected that the localised straight alignment of the B4364 to the southwest of the proposed access may afford good forward visibility and overtaking opportunities where vehicle speeds might be higher than those surveyed. It is considered important that the visibility splay for the new access is sufficient for the likely speed of traffic approaching the site, to ensure highway safety.

Conditions are recommended to require the following (see Appendix 1 for full wording):

- [Highways Officer has now confirmed that this condition is no longer required]. Submission of revised access details for approval, to show: width and junction radii to accommodate two articulated HGV's passing; maximum (dimensioned) visibility splays which can be achieved in both directions;
- Substantial completion of vehicular access works prior to commencement of other site operations;
- Construction of the first 20 metres of the vehicular access in a bound material;
- Gradient of access from the public highway not to exceed 1 in 24 for a distance of 15 metres, and thereafter not to exceed 1 in 10;
- Gates to be set back a minimum distance of 20 metres from the public highway, and to open away from the highway.

4.1.12 **SC Rights of Way** Public Bridleway 2, Neenton, runs within the eastern boundary of the site. It will not be directly affected by the proposals. However, please ensure that the applicant adheres to the criteria stated below:

- The right of way must remain open and available at all times and the public must



be allowed to use the way without hindrance both during development and afterwards.

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

No additional comments following modifications to the proposal.

4.1.13 **SC Drainage** The surface water proposals as detailed in the amended Flood Risk Assessment is acceptable.

Previous comments:

The surface water drainage proposals in FRA are acceptable. If planning permission will to be granted, a drainage condition should be attached to ensure that the approved drainage schemes are implemented before the buildings are used.

4.1.14 **SC Public Protection** No objections.

Comments 22/11/16

Having considered the comments in the document titled "AS Modelling & Data Ltd. reply to "Comments regarding Dispersion Modelling Study of Proposed Poultry Houses at Walkhamwood Farm, Nr Faintree, Shropshire by AS Modelling & Data Ltd of 18th July 2016." (anon)." prepared by Steve Smith I can conclude that I am in agreement with the statement provided. My conclusion of the potential odour impact remains that I am of the opinion that there will be no significant detrimental impact from the proposed development and I therefore have no objection to this application in respect to odour and do not consider it necessary to place any conditions.

Comments 16/11/16

A document has been submitted which critiques the odour assessment submitted with this application. Having reviewed the odour assessment in light of these comments I am of the opinion that the proposed installation is suitable in respect of odour emissions predicted. I agree with comments stating that uncertainty should be considered. However, as my last comments stated I am satisfied with the approach taken by the odour assessor. There may be some uncertainties however properties are found to be a suitable distance away from the proposed installation to make odour sources unlikely to impact in a significantly detrimental way.

In respect of noise I have no further comments.

Having considered the odour assessment submitted with this application I consider it to be robust and agree with its conclusions that no significant detrimental impact will occur at nearest residential dwellings.

In relation to the noise assessment submitted I consider this to be robust and consider absolute worst case noise events. I do not consider that the proposed development will have a significant observed adverse effect on nearby residents. It is noted that rating levels are on occasion modelled to be 10 - 15 dB above the background L90 results however this results in maximum noise rating levels of around 35dB at nearest receptors which is not a level that would be considered to have an adverse impact. BS4142, the guidance followed to undertake this assessment, stipulates that where very low background levels exist the methodology of 10dB above background being significant is not likely to be the case.

As a result I have no comments or conditions to make on this application in respect of the noise and odour.

After a thorough assessment of the proposed activities I have no other concerns with this site and therefore have no further comments to make

Previous comments:

A noise report reference SHF.512.001.NO.R001 has been submitted as part of this application. The report covers several different aspects of the proposed operations at the poultry rearing installation applied for. I conclude that the assessment is robust and suitable for use and further comment.

Having reviewed the noise assessment it is stated that a 5dB reduction in noise levels of all fans is required to bring noise levels down to those predicted in the report. This essentially means that fans must be reduced to 76dB rather than the 81dB quoted. The applicant should specify how this will be achieved. Once information is received please reconsult me for further comment.

The noise assessment also states that it is based on the assumption that all openings including doors and windows will have the same noise reducing properties as the main fabric of the building. As a result all doors, windows and other openings in the walls of the proposed buildings must achieve 32dB noise reductions.

In relation to night time movements it is noted that night time movements will increase noise at neighbouring receptors. However, at no point is it likely that noise levels produced along any private road will cause noise levels above 45dB at the façade of non-financially linked properties. As a result World Health Organisation guidelines on noise are not likely to be breached for night time external noise levels. As a result it is not considered likely that there will be any impact from the proposed night time HGV movements due to the distances between the movements and residential properties and the fact that where residential properties are close to the public road they will experience vehicle movements anyway and the additional movements are not likely to impact upon these properties.

In conclusion I have no objection to this application. It will require an environmental permit which will control on site noise and odour however further details relating to fan noise is required in order to establish that there will not be a significant detrimental impact on the amenity of the area. Once details of fan noise and noise mitigation is submitted please consult me for further comment. Likely options include utilising quieter

fans or silencers on the fans proposed in this report

#### 4.1.15 **Shropshire Council’s landscape consultant – ESP Ltd.**

ESP Ltd. were requested to undertake an independent Quality Assessment Review of the submitted Landscape and Visual Impact Assessment (LVIA). The review was undertaken by chartered landscape architects. They have provided advice on the LVIA as originally submitted; on the revised LVIA that was produced following modifications that were made to the site layout; and on comments made by Marches Planning & Property who have submitted objections on behalf of some members of the public

#### Comments on revised LVIA

The Brief to ESP Ltd. had two components:

- Review of the revised LVIA and supporting documents - including the amended Landscape Strategy for the revised layout - in order to ascertain whether the assessor’s methodology is in accordance with current best practice and that the ensuing assessment of effects is reasonable;
- Provide advice as to whether the updated LVIA is sufficient to be able to properly inform SC as to the predicted landscape and visual effects of the revised layout of the proposed poultry and biomass development and its access road, or whether any further LVIA work is required.

#### Key issues:

- The revised LVIA has provided definitions for the different levels of significance – with reference to adverse and negative effects – and we can confirm that these definitions are now included in the ES Chapter 9. The LVIA also now provides definitions for magnitude of change and sensitivity, although these still lack detailed text describing the different levels of change and receptor sensitivity.
- The LVIA describes the study area and defines the Zone of Theoretical Visibility (ZTV). We can confirm that this has been amended to include the location of our viewpoint [ESP2] within the Shropshire Hills AONB.

#### Landscape Effects of Proposed Development:

- It is our opinion that the landscape effects would be adverse and at least minor in significance. However, we are unable to comment in greater detail regarding the assessment of landscape effects due to insufficient detail of the assessment process provided in the LVIA. Furthermore, the table of residual effects in the ES that previously detailed a “minor significance” on landscape character has been replaced with text that would appear to relate to visual effects. Notwithstanding, we accept that the proposed landscape strategy will mitigate this effect.

#### Visual Effects of Proposed Development

- The LVIA has provided additional ‘visual receptor viewpoint’ photographs and assessments [A – J] and these include viewpoints from several locations from the bridleway along the eastern site boundary. We consider that the assessment of ‘Significant’ visual effects ‘reducing to moderate with mitigation proposals’ is a reasonable assessment of the likely visual effects, and that the revised landscape strategy is appropriately designed to mitigate the visual effects from users of the bridleway, although we accept that longer views towards the Shropshire Hills AONB will be screened for this length of the route as a consequence.

#### Cumulative Effects of Proposed Development

- We can confirm that the LVIA has considered the likely cumulative effects, and that the assessment that the 'cumulative effect is not significant' is reasonable.

#### Proposed Mitigation Measures and Landscape Strategy

- The mitigation measures and landscape strategy appear to reflect the key issues arising from the revised LVIA. The benefits of the revised layout and the lower level of development platform – in tandem with the proposed tree and hedge planting - are illustrated on the Landscape Strategy Proposals plan, and the reduced visibility is clearly demonstrated via the appropriate use of several sightline sections.

#### Conclusions and Recommendations

- The predicted landscape and visual effects of the proposed development, as stated in the revised LVIA, appear to be reasonable.
- It is our opinion that the assessor has now taken account of widely accepted national guidelines published in relation to the assessment of landscape and visual impact. Furthermore, the revised LVIA contains additional text to provide more baseline information including key local characteristics and local topography, explanatory text for the proposed access track, and greater details of the landscape strategy.
- The LVIA has now included the bridleway [right of way no. 0135/2/1] along the eastern boundary of the proposed site in order to assess the likely significant adverse visual effects on the amenity of walkers and horse riders along this recreational resource.
- The revised LVIA, with its more comprehensive assessment of the likely significant effects, has now been of use as a 'design tool' in preparing the site layout, design and associated mitigation measures including the landscape strategy at address the likely landscape and visual effects.
- We can confirm that the final sections of ES Chapter 7 Landscape and Visual Impact are now taken directly from the additional text provided in section 'Statement of Assessment' contained in the revised LVIA

#### Review of comments on applicant's LVIA by Marches Planning and Property

We acknowledge that whilst the LVIA has been amended - further to our previous comments that 'the [original] LVIA as it stands is unreliable' – some issues remain.

The revised LVIA includes a more comprehensive assessment of the likely significant effects. These are sufficient to adequately assess 'the predicated landscape and visual effects of the proposed development'. The key issue is whether the LVIA – with its failings – is fit for purpose as part of the EIA. It identifies the key landscape and visual effects, provides a statement of significance for these effects, and the mitigation measures and landscape strategy appear to reflect the key issues arising from the revised LVIA. Whilst there are still issues with inconsistencies and methodology of the assessment, it is our opinion that it has reasonably identified the likely significant landscape and visual effects, and has informed the mitigation measures that include site design, layout and planting strategy. In this respect it has adequately satisfied the requirements of the LVIA role in EIA.

Whilst the assessment that the 'cumulative effect is not significant' is likely to be reasonable, the LVIA – and the accompanying ES - needs to provide details of what cumulative effects have been considered and why they are not significant. (This has been addressed by the revised LVIA).

- 4.1.16 **Shropshire Hills AONB Partnership** The application may affect the nationally designated area and, as such, the Planning Authority has a statutory duty to take the AONB designation into account in determining it.

Particularly important in this respect are national policies which give the highest levels of protection to AONBs, including NPPF para 14 footnote 9; para 115; and, in the case of major development, para 116. In addition to other local planning considerations, the application clearly also needs to conform with Shropshire Council Core Strategy policies CS 5, 6, 16 and 17 and SAMDev policies MD 2, 7, 8, 11, 12 and 13 that make specific reference to the Shropshire Hills AONB.

The statutory Shropshire Hills AONB Management Plan 2014-2019 (<http://www.shropshirehillsaonb.co.uk/a-special-place/management-plan/>) formally approved and adopted by Shropshire Council contains further Council policies that are material planning considerations which the Core Strategy requires should be given due weight.

As a non-statutory consultee, the Partnership is not resourced to respond to all planning applications affecting the Shropshire Hills AONB, and has not in making this response studied the detail of this application. The AONB Partnership may choose to make further comments on this application, but if not, the absence of detailed consideration and comments by the Partnership should NOT be interpreted as suggesting that this application raises no issues regarding the AONB designation. This remains a matter for the Council to take fully into consideration, fulfilling its statutory duty in respect of the AONB, in reaching a decision on the application.

Revised proposals: No additional comments.

- 4.1.17 **Shropshire Wildlife Trust**

While the development is of a significant scale it would appear that the ecological impacts are limited. Shropshire Wildlife Trust would however like to highlight and support the comments of the Shropshire Council Planning Ecologist.

We would also recommend that Shropshire Council is satisfied that there will be no significant adverse ecological impacts resulting from emissions to either air or water. This is especially relevant given the adjacent water course and Local Wildlife Sites/Ancient Woodland less than 2km away downwind.

- 4.1.18 **Shropshire Fire Service** Advice provided – see informatives.

- 4.1.19 **Ramblers** There is a Right-of-Way adjacent to the development site, Neenton Bridleway 2. The application makes specific mention of strengthening and raising the height of the hedge that forms the boundary of the site.

- 4.1.20 **British Horse Society** No objections. As a bridleway access officer for the British

Horse Society, I received concerns regarding the bridleway running alongside the farm. I have received confirmation that this bridleway will NOT be altered or affected in any way. On this basis, the British Horse Society have no objection to the proposed plans.

4.1.21 **CPRE (Bridgnorth)** We fully support the Parish Council and residents in objecting to this factory style industrial sized farming application. The land is Grade 2 and should be protected. The site slopes down towards a stream, further down to a pool which feeds the Rea Brook. Effluent seepage from the waste will cause pollution. From the Brown Clee AONB the site is clearly visible and will detrimentally affect much needed tourism for the economy as tourists will not wish to view an eyesore. Our main concern is that the operation may be expanded. The road is inadequate to take the large lorries needed for the proposal. We agree with the many points already made by other objectors.

## 4.2 Public comments

4.2.1 The application has been advertised by site notice and in the local press. In relation to the application as submitted, 20 properties in the area were individually notified. 98 objections have been received, and there have been 39 letters of support. The objection reasons are summarised below.

### 4.2.2 Traffic and access

- Unsuitability of B4364 to take additional traffic
- Generally poor visibility and inadequate width of public highway
- Traffic direction signs seek to inhibit use by non-essential through traffic
- Highway is signposted as 'light traffic only'
- Site is remote from any principal roads of an adequate standard
- Impact on other road users including cyclists, horse riders and walkers
- Submitted accident record does not reflect true situation; many accidents go unreported
- Increased risk of accidents on highway; numerous accidents already
- Access unsafe
- Adverse impact on amenity of small settlements and dwellings in close proximity
- Traditional farm traffic is seasonal; proposed traffic would be regular and repetitive
- Timing of deliveries will be dictated by supplier
- 12m junction radii is inadequate
- Uncertainty over timing and frequency of HGVs;
- Traffic estimates not realistic
- Highway impact from construction traffic

### Visual and siting

- Adverse impact on landscape
- Visual impact from properties and public rights of way
- Screening would take years to establish
- Impact upon listed building
- Photographs in the application are taken from the wrong perspective and are misleading
- Contrary to policy CS5 and NPPF
- Impact on AONB

- No mitigation measures to ameliorate the visual harm
- Massive scale would be harmful to the landscape character; cannot be integrated or concealed in the landscape
- Roofs would reflect sunlight
- Landscaping proposals set the development apart from its surroundings
- Site could be accommodated on an industrial estate; does not need a countryside location
- Should be more than 1km from residential properties to function satisfactorily

Pollution and amenity

- Adverse odour from poultry sheds
- Adverse odour from manure spreading
- Disturbance from heavy traffic, including night-time traffic
- Impact on public rights of way
- Risk of vermin and flies
- Light pollution
- Noise from traffic
- Environment Agency guidance makes reference to a 400m separation distance; three properties are all considerably closer than the recommended minimum distance
- Noise from fans
- Impact on public health
- Impact on water resources
- Pollution from manure spreading, including nitrogen and phosphorous, organic matter, pathogens and antibiotics
- Increased air pollution
- Prevailing wind will carry pollution
- Fans will blow toxic dust, including dead skin, mites, bacteria, fungal spores, veterinary medicines, pesticides, ammonia and hydrogen sulphide
- Danger of airborne bacteria to workers and local residents
- Impact on ancient land drains
- Ammonia emissions
- Bioaerosol emissions
- Land is Grade 2
- Risk of flooding
- Untreated human waste from staff and visitors passed into the dirty water then spread on the farmland
- Issues with ash disposal from biomass burner
- Risk of disease transfer to other animals in the area

Ecology

- Impact on wildlife
- Site has not been properly surveyed
- 

Economic

- Would only create one full time and one part time job
- Adverse impact upon local businesses including public houses
- Adverse impact on tourism
- Impact on local community is nearly completely negative

Principle

- Industrialisation of the area
- UK does not need any more fried chicken

- Chickens should not be kept in restrictive conditions with no access to daylight or fresh air; chickens should be permitted to roam freely
- Operation may be expanded
- Would set a precedent for further similar unsuitable developments

4.2.3 In addition to the above, an objection technical note has been submitted by Banners Gate Transportation Ltd. The full note can be viewed on the online planning register. The objection is summarised as follows:

- Junction visibility is substandard
- Junction geometry is not suitable for large vehicles
- The traffic generation of the project has been underestimated
- The route of the B4364 is suitable for light vehicles only
- Heavy goods traffic would increase the risk of side swipe accidents
- Construction traffic should be discussed

4.2.4 Detailed objections have been received from Marches Planning & Property. The submission states that it is on behalf of the Neenton, Faintree and Chetton Action Group (NF&C) of local residents opposed to the proposed development. The objection is made on the following grounds:

- Harm to residential amenity
- Landscape harm
- Highways impacts
- Pollution
- Unsustainable development
- Loss of the best and most versatile agricultural land

4.2.5 Matters raised:

Residential amenity:

- Process set out in the Environmental Statement does not reflect widespread practice in the broiler industry; unlikely that the applicant would maintain the stated crop cycle or even the same processor; impact of greater number of crop cycles on odour, noise, dust, bioaerosols, traffic and ecology; would also increase amount of power and water consumed
- Other changes in the industry can be foreseen and should be accounted for, such as the possible banning of thinning
- Application fails to consider anything like the worst-case impacts; contain much contradictory, misleading and inaccurate data
- Does not describe the clean out process, although this generates the most intense odour, noise, dust and bio-aerosol impacts
- Noise from chick delivery not been considered, or from plant
- Removal of litter to storage heaps not considered- impact from odour
- Traffic movements and time taken involved in depopulation is underestimated

Landscape:

- LVIA falls short of the requirements of a LVIA
- Contains inaccuracies and contradictions
- Feed silos on elevation drawing are misrepresented
- Cross sections not submitted
- Rate of growth of landscape planting overestimated
- Impact of development on landscape underplayed
- Landscape appraisal is of poor quality; makes only passing reference to historical



- depth of the landscape
- Hedges and trees would be exposed to high concentrations of ammonia
- would be remote from cluster of farm buildings; no other buildings of similar design
- several appeal decisions have endorse refusal of broiler unit developments on landscape grounds
- proposals are contrary to Development Plan policy
- cumulative effects have not been properly assessed

Highway impacts:

- no routing plan submitted
- impact from overnight HGV movements; would be in breach of WHO guidance
- refusal on grounds of such harm has been upheld in appeal decisions
- no assessment of impact of night time HGV movements on homes close to the roads

Pollution:

- manure management plan insufficient
- no assessment of likely environmental impacts of disposal of litter
- no consideration of disposal of dirty water or ash from the biomass boiler
- manure management plan does not consider any pollutant/nutrient other than nitrogen; nutrient of most concern is phosphorous
- lack of comprehensive plan to manage the waste
- poses a sever threat to watercourses under the Water Framework Directive (WFD)
- concerns over spreading of water from washdown on the farmland, as contains nutrients and other pollutants such as disinfectants
- size of dirty water tanks not specified
- inadequate assessment of soil disturbance impacts from construction
- Environmental Permit will not address the above
- Contrary to policies CS18 and CS19
- WFD does not allow for any deterioration in any element of ecological or chemical status
- EA has not as yet agreed to take on the role of competent authority in assessing the environmental impacts of the planning application
- EA received 1679 complaints about poultry units in 2015
- While the EP aims to reduce noise and odour impacts from the facility itself, provided the applicant has noise and odour management plans in place and uses best available technology, he would not be in breach of his EP even if there were severe noise, dust or odour impacts
- An immune response may constitute sever illness and can be fatal
- Unrestricted disposal of the biomass ash on the applicant's land will lead to pollution
- Construction management plan is not sufficient

Lack of sustainability

- Development would be built entirely from non-renewable resource materials, none of which could be sourced locally; production process is highly unsustainable
- No assessment of economic benefit versus social and environmental impacts; small economic benefit
- Unclear as to how water or electricity would be supplied to the site, or how much required, as required under EIA regulations

- Contrary to policies to protect landscape and tourism

Agricultural land:

- Land is likely to be Grade 3a, i.e. best and most versatile agricultural land, for which there is a presumption against the development of

4.2.6 Detailed objections have been received from Environmental Pollution Management Ltd. (on behalf of Marches Planning & Property) relating to odour, dust and noise impacts, summarised as follows:

- Inputs to the dispersion model could underestimate odour impact
- Uncertainty in the modelling has not been included
- Last 4 days of cycle when odour release likely to be greatest has not been considered
- No evidence that odour from litter stored in biomass boiler building would be contained
- Odour from transportation of manure from site not considered
- Therefore likely that residential receptors would be exposed to odours in excess of the EA's benchmark for moderately offensive odours
- Existing background concentrations of particulate matter not assessed
- Significant release of particulates from stack if litter is burnt
- Impact of bioaerosols on human health not considered
- ES does not consider significant noise sources from certain operations such as filling silos, removal of litter and cleaning of the poultry house; does not consider the combined impact of transport and operational noise sources

4.2.7 An objection has been received from Food & Water Europe, summarised as follows:

- Landscape impact
- Contrary to planning policy
- Absence of other large scale development in the area
- No calculation of how much water would be required
- Water demand may be further complicated if fracking is carried out in the county
- Impact on trees and hedgerows
- Limited economic benefits; no stable employment generated
- Health concerns
- Inconsistent with other poultry proposals that have been refused in the county

4.2.8 Support

- Need to keep affordable chicken on our own supermarket shelves
- Industry is still importing chicken to meet demand; should become more self-sufficient
- Viruses are becoming more and more controllable by the integrators
- Important for farmers to diversify to achieve a more sustainable living
- UK chicken industry needs to be supported
- Business would not impact on anybody
- If can have sheep, pigs and cattle on a farm, why not chickens
- Increase in traffic would be marginal
- Should encourage rural enterprise
- Will create employment for locals
- Will keep the farm within the family
- Live within 100m of a chicken farm and don't have any issues with odour, noise or visual impact

- Production of food must be supported
- Highways are more than adequate to cope
- Biomass boiler would reduce the amount of energy need to heat the sheds
- Environmental Permit would ensure operation meets strict procedures
- Will support local contractors and farmers
- Site is not in the AONB; countryside is not a museum
- Not enough poultry meat in UK to fulfil demand

## **5.0 THE MAIN ISSUES**

- 5.1
- Environmental Impact Assessment
  - Planning policy context; principle of development
  - Siting, scale and design; impact upon landscape character
  - 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**

6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The current proposal is for up to 225,000 birds and as such it is classed as EIA development. Shropshire Council provided a formal scoping opinion to the applicant in June 2015 (ref. 15/02108/SCO) setting out the matters that would need to be included in any EIA for the proposed development. The current planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

### **6.2 Planning policy context; principle of development**

6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF), and this advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

- 6.2.2 The proposed development is located in an area of countryside, and Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be place on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture. Core Strategy policy CS1 states that, outside community hubs and clusters settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
- 6.2.3 The planning application states that the proposed development would ensure that the farming business remains viable for the younger generation, and would allow the remaining land to be maintained within arable production. It is proposed that the applicant's son would manage and run the proposed poultry enterprise, and the application states that this would enable him to stay on the farm and build up the business for his family. In terms of employment, the application states that there would be a need for one full-time worker and part-time support. Sub-contractors would also be used on a regular basis through the crop cycle. It states that the development would help to meet the high demand for chicken, and that the proposal would amount to an investment of over £4m by the applicants.
- 6.2.4 The proposal comprises agricultural-related development, and such developments are specifically supported in the countryside, subject to meeting other criteria, under Core Strategy policy CS5. It would constitute a diversification of the existing farm business, and as such its rural location is acceptable in principle by virtue of Core Strategy policy CS1 and para. 28 of the NPPF. The development would be expected to contribute to improving viability of the enterprise and therefore provide some benefits to the rural economy. In principle therefore it is considered that the provision of a poultry unit development in this rural location can be supported. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.
- 6.3 Siting, scale and design; impact on landscape character**
- 6.3.1 Core Strategy policy CS6 states that development will be designed to a high quality using sustainable design principles. It 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 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. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is

functionally and physically closely related to existing farm buildings.

- 6.3.2 Siting, scale and design: The site is not located within an area designated for landscape value. However it is visible from the Shropshire Hills Area of Outstanding Natural Beauty (AONB), the boundary of which is approximately 3km to the west, particularly from the higher ground forming part of Brown Clee Hill.
- 6.3.3 The planning application as originally submitted proposed that the four poultry sheds and biomass boiler building were to be positioned such that their gable ends were pointing in an east-west orientation. Following discussions with Officers, and to seek to address concerns and comments raised as part of the planning consultation process, the layout of the site was modified to re-orientate the buildings north-south. In addition to this further changes to the site layout have resulted in the footprint of the buildings being reduced from approximately 2 hectares to 1.5 hectares.
- 6.3.4 Officers consider that the revised layout is a significant improvement on that originally submitted. The doors to the sheds would now face north, i.e. closer to the point at which collection vehicles enter the site, so this would reduce vehicle manoeuvring and movements. In addition the site size has been reduced significantly. The external design and scale of the buildings are generally standard for developments of this type, and Officers consider that this is acceptable in principle.
- 6.3.5 An assessment of alternatives has been included in the Environmental Statement. This indicates that, of other possible locations, the application site was chosen given its distance from neighbouring residential receptors, its natural screening, and its topography. There would be some physical detachment between the proposed development and the existing farm buildings at Walkhamwood Farm. Nevertheless the proposed site would avoid the need for significant hedgerow loss given the shape and size of the fields closer to the farm buildings.
- 6.3.6 Use of agricultural land: The proposed development would result in the loss of arable land from the farmholding. The application states that the amount of land lost would be approximately 5% of the applicant's arable land holding. The agricultural land classification maps show the application site to be Grade 3. These standard maps do not differentiate between Grade 3a and Grade 3b agricultural land. Grade 1, 2 and 3a is classed as 'best and most versatile' agricultural land. Nevertheless it should be noted that the land would be retained in agricultural production. Given the area of land involved, the identified Grade, and the continued use for food production, Officers do not consider that the loss of this Grade 3 agricultural land is a significant issue that would warrant refusal of the application.
- 6.3.7 Sustainable design: The proposed development incorporates a number of elements in the design to reduce energy consumption and waste. These measures include the use of movement sensors to minimise the use of lights; temperature-controlled ventilation fans; the use of drip cups to minimise water wastage; the use of a poultry litter-fuelled biomass boiler to avoid the use of non-renewable fuels for heating and to utilise waste generated from the site. These sustainable design principles are supported in the context of Core Strategy policy CS6.
- 6.4.1 Landscaping: The revised site layout incorporates an earth screen berm enclosing the

development at a height of six metres above the finished ground levels of the poultry units. The LVIA states that the site design includes a clear planting strategy that focuses on delivering a realistic long term screen belt to protect the amenity of all visual receptors within 1.5km of the site. In addition it is proposed that the farm maintenance regime is altered such that hedges shall be allowed to grow within a period of two years to a new cut height of 3 metres to form additional linear screening barriers. This compares to the existing regime in which hedges are maintained at a cut height of 1.5 metres.

- 6.4.2 Landscape impacts: The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This was revised as part of the re-design of the site. Officers have sought advice on both the original LVIA and the revised LVIA from the Council's landscape consultants, ESP Ltd. They conclude that the predicted landscape and visual effects of the proposed development, as stated in the revised LVIA, appear to be reasonable. They consider that the revised LVIA, with its more comprehensive assessment of likely significant effects, has now been of use as a 'design tool' in preparing the site layout, design and associated mitigation measures including the landscape strategy to address the likely landscape and visual effects. From this assessment by the Council's landscape consultant, Officers have sufficient confidence that the findings of the applicant's revised LVIA in relation to landscape and visual impact are reasonable.
- 6.4.3 The revised LVIA notes that the site lies within an area of high scenic quality. The development site forms part of a very large field where a convex ground profile gradually falls south and west. It lies between contours 208 to 185 metres. The view is open and exposed in a 90 degree arc from south to west. The LVIA considers that there are two areas of important visual receptors – at long distances greater than 3.5km but not exceeding 11km from the site on the elevated ground of the Clee Hills in the AONB, and at short distances of less than 1.5km where the two most important receptor points lie within 50-250 metres of the development site.
- 6.4.4 Officers agree with the revised LVIA in that the site layout has been well thought out. It acknowledges that the change from rolling field to engineered earth berm would have a significant effect on the landscape. In addition it acknowledges that the proposed buildings would be unique in that it would be the first major construction of poultry units within the study area.
- 6.4.5 The site would be lowered by up to 10 metres such that, given the 6 metre height of the poultry buildings and the 9 metres height of the biomass boiler building, the buildings would not project above the skyline view. Tree and hedgerow removal would be minimal. The revised LVIA states that the screen planting strategy is very comprehensive and once implemented, would create new areas of woodland, linear tree belt and boundary hedgerow that are designed to provide beneficial effects for improving farm biodiversity and at the same time strengthening, protecting and conserving landscape character of the local area. A new hedgerow would define the eastern boundary of the site. This would be 20 metres from the existing hedgerow to the east, to the west of which runs a public bridleway. There would therefore be a wide corridor between the site and bridleway.
- 6.4.6 The revised design proposes that the biomass building would be located centrally

between two poultry buildings. This would make best use of the massing effect of the buildings and would help reduce the impact of the relatively high biomass building surrounded by the lower units.

- 6.4.7 The steep gradients of the cut and fill embankment slopes would be protected with erosion control matting and sown on the inner faces with an eco-rich grass seed mix containing over 35 species to create a natural wild flora grassland habitat to increase farm biodiversity and ecological value. Further landscape planting would include the planting of an avenue of White Poplar approximately 500 metres to the south-west of the site to provide an effective screen for one visible semi-detached farm workers house at Wrickton 1.3km away.
- 6.4.8 The LVIA recognises that the proposed planting is of a scale and size appropriate to the scale of the development to replicate and conserve landscape character of the area. The loss of 4 hectares of arable field would be compensated for with the addition of 0.6 hectares of native woodland. The loss of 50 metres of hedgerow would be compensated for by the planting of 340 metres of hedgerow. The LVIA recommends that new buildings should be painted in one monotone subdued colour, preferably slate blue/grey. This can be agreed by planning condition should permission be granted.
- 6.4.9 The LVIA has assessed the landscape impact of the proposed development from numerous viewpoints, including long distances greater than 3.5km from the site, and short distances less than 1.5km from the site. The LVIA considers that the impact from long distance viewpoints to the west, i.e. on the higher slopes up to Brown Clee Hill and from Burwarton Park approximately 3.8km away would be minor, or minor with mitigation proposals. Landscape impact from viewpoints on the Neenton to Wrickton public highway, approximately 1km to the south-west, would be moderate reducing to minor with mitigation proposals. Landscape impact from certain points along the public bridleway to the east of the site would be significant reducing to moderate with the mitigation proposals. The LVIA notes that the addition of screen planting would result in the loss of the panoramic view of the Clee Hills. The visual impact from the property The Ridges to the northwest, and the public footpath approximately 270 metres to the west and from a bridleway to the east would be significant reducing to moderate with the mitigation planting. The impact from Smeasley Farm to the east would be moderate reducing to minor.
- 6.4.10 Whilst mitigation planting would take time to become fully effective the LVIA notes that due to the lowered construction level of the development, 90% of the new buildings would be hidden from view from the outset. The development is large in scale and, whilst the proposed design and mitigation would minimise visual and landscape impacts, it would nevertheless impact upon the landscape character of the area. This would be particularly noticeable from certain points along nearby public rights of way. The initial significant impacts would reduce in time to 'moderate' as the screen planting establishes. Officers consider that this would reduce landscape and visual impacts to acceptable levels. It is not considered that the proposed development would adversely affect the visual qualities of the AONB located approximately 3km away.
- 6.4.11 Cumulative landscape impact: The proposed development would be detached from the existing farm buildings and this would create a cumulative visual effect where two distinct developments can be viewed. The LVIA states that the implementation of

landscape strategy proposals would reduce the severity of these effects, and that this cumulative effect is not significant. The Council's landscape consultant considers that this conclusion is likely to be reasonable. The applicant's agent has now set out how this conclusion was arrived at, and Officers accept this assessment.

## **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 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of Conservation Areas.

6.5.2 The application is accompanied by a Heritage Impact Assessment (HIA) which has assessed the impact of the proposal on designated and non-designated heritage assets within a 2km study area. The HIA considers that the site is relatively secluded, and is not even visible from the vast majority of the studied area, and that it is in a landscape formed as a result of ongoing adaptation. It concludes that no designated or non-designated assets would be affected by the proposal, and no damage would be incurred on the known cultural heritage within the footprint of the proposed development.

6.5.3 The Council's Conservation Officer notes that the site is not visible from Neenton conservation area, approximately 1.2km to the west, or its listed buildings, and therefore the development would not impact upon their settings. In addition there is limited visibility between the site and the Grade II listed buildings at Faintree Hall and Faintree Hall Farm, approximately 1.3km to the north-east. It is not considered that the development would have a detrimental impact upon the setting of these assets. The Conservation Officer considers that, whilst the site may be visible from the Grade II registered Burwarton Hall Park, approximately 3.1km to the south-west, the park has strong tree cover and the development would have a minimal impact upon its setting.

6.5.4 It is considered that the proposal would generally preserve the character and setting of nearby heritage assets in line with policies, guidance and legislation as outlined above.

6.5.5 In terms of archaeology, the submitted Desk Based Assessment concludes that given the limited archaeological resource evident in the area, an archaeological watching brief during the ground works phase of the development would provide an adequate level of mitigation. The Council's Archaeologist concurs with this, and has recommended that a condition is added to any planning permission to require that a watching brief is undertaken during ground works (see Appendix 1).

## **6.6 Residential and local amenity considerations**

6.6.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural



development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

- 6.6.2 An Environmental Permit (EP) for the proposed operation has now been issued by the Environment Agency. This controls the detailed operational matters to prevent pollution of the environment, throughout the lifetime of the development. As noted by the Agency, the EP controls “day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed”. In response to consultation on this planning application the Agency has raised no specific concerns regarding the proposed development.
- 6.6.3 Noise: A Noise Impact Assessment report has been submitted as part of the planning application. This was updated as part of the revised site layout. The Assessment is based upon a baseline/ambient noise survey undertaken at various locations in the vicinity of the site. Noise levels likely to be generated have then been assessed using criteria set out in the relevant noise standard BS4142. The Assessment identifies the operational plant as: ridge fans; feed bins; biomass boiler; boiler flue outlet; The Assessment concludes that noise impact during the daytime and night-time would be considered to be negligible when considering the current ambient noise climate. Noise associated with HGV movements at the poultry unit have been assessed during each of the operational phases, i.e. initial set up; normal daytime operations; overnight depopulation. The Assessment concludes that, other than for one exception, noise impact from each of these operations would be negligible. The exception is that, during overnight depopulation, noise impact from HGV movements would have moderate significance on the farm dwellings at Walkhamwood Farm. It is noted however that these properties (the farmhouse and Hillcrest) adjacent to the vehicle movement route have a financial interest in the proposal. In addition this activity is very infrequent, occurring only once per crop cycle (every 45 days). The Assessment concludes that there are no noise-related issues that would prevent planning permission from being granted for the proposal.
- 6.6.4 The Council’s Public Protection Officer considers that the noise assessment is robust and that it is based upon absolute worst case noise events. The Officer notes that noise levels have been modelled to be 10-15dB above background noise levels in certain circumstances. However this results in maximum noise levels of around 35dB at nearest receptors which is not a level that would be considered to have an adverse impact. Based upon the advice of the Public Protection Officer and the conclusion of the noise impact assessment it is not considered that the proposed development would have an adverse impact upon nearby residents due to noise. As a further safeguard the EP for the poultry operation controls noise from activities at the site.
- 6.6.5 Odour and flies: An Odour Impact report has been submitted as part of the planning application. This has been revised as part of the modifications to the site layout. The report assesses odour emission rates from the proposed poultry unit based upon an emissions model that takes into account the likely internal odour concentrations and ventilation rates of the poultry houses. These emission rates have then been used in an atmospheric dispersion model to calculate odour exposure levels in the surrounding area.

- 6.6.6 The results of the modelling indicate that the 98<sup>th</sup> percentile hourly mean odour concentration at nearby residences would be below the Environment Agency's benchmark for moderately offensive odours. [The 98<sup>th</sup> percentile is the value that would be exceeded for 2% of the time]. The report acknowledges that odours that arise during the clearing out process can be quite intense. It states that, as the duration of this emission is short, it has little effect on the 98<sup>th</sup> percentile statistics on which the guidance of acceptability is based.
- 6.6.7 The Council's Public Protection Officer considers that the odour assessment is robust and agrees with its conclusions that no significant detrimental impact will occur at nearest residential dwellings.
- 6.6.8 Objections to the proposal have been made on the grounds that the proposal would have adverse odour impact. In addition detailed objections have been received expressing concern that it would be unsafe to proceed with the development for the following reasons:
- Uncertainty has not been considered in the dispersion modelling study
  - It is likely that receptor 3 (Smeasley Farm) would be exposed to odour in excess of the Environment Agency's benchmark for moderately offensive odours
  - The storage of manure within the sealed biomass boiler building would result in anaerobic conditions, producing more offensive odours
  - Odour could be released from the chimney stack of the biomass boiler.
- 6.6.9 The applicant's odour consultant has provided a response that disputes the above. In response to the objections raised, the Public Protection Officer acknowledges that there may be some uncertainties, but considers that residential properties are a suitable distance away and that there would be no significant detrimental impact from odour. The Officer has confirmed that it is not necessary to impose any planning conditions in respect of odour, should permission be granted. As a further safeguard it should be noted that odour emissions would be addressed through the Environmental Permit for the proposed operation. In relation to pests, the Permit requires that a pests management plan is submitted to the Environment Agency for approval if requested by the Agency. The submitted plan would be required to identify and minimise risks of pollution, hazard or annoyance from pests.
- 6.6.10 Lighting: Lighting on the site will be kept to a minimum to ensure the safe operation of the site but to reduce any light spill outside the unit. Each shed will have a low-wattage, low intensity light above the openings to allow safe working during normal working hours during the winter. Additional lighting may be required during the removal of birds but this will be carried out in low light levels to avoid causing unnecessary stress to the birds. There will be no use of high intensity lighting.
- 6.6.11 Based upon the above assessment Officers consider that the proposal would be in line with Core Strategy policy CS6 to safeguard residential amenity from adverse impact from noise, odour and pests. In addition due to the limited impact of the proposed development and the transient nature of users of public rights of way in the area it is not considered that the proposed development would adversely affect the amenity of path users.

**6.7 Traffic and access considerations; public rights of way**

- 6.7.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.
- 6.7.2 A Transport Statement has been submitted in support of the planning application. This includes details of the proposed new access, the results of an automatic traffic count undertaken in 2015, recent Personal Injury Accident data, and a prediction of additional traffic that would be generated by the proposed development.
- 6.7.3 Proposed access: The existing access to the farm is too narrow to accommodate two-way HGV movements and affords restricted visibility for emerging vehicles. It also carries a public right of way (bridleway). It is proposed to construct a new vehicle access to serve both the existing farm and also the proposed poultry development. This would connect to the B4364 at a point approximately 200 metres to the west of the existing access.
- 6.7.4 The proposed access would allow two HGV's to pass at the entrance point. Its construction would necessitate the removal of approximately 20 metres of hedgerow to create the opening. A topographic survey confirms that no hedgerow would need to be removed in respect of achieving the required visibility splays, and that the existing oak tree close to the new access track would not be affected.
- 6.7.5 The Council's Highways Officer has confirmed that the proposed new access is acceptable in principle, and has recommended a number of conditions to ensure that the detailed design is appropriate. In addition a planning condition can be imposed to any permission that requires that all farm and poultry traffic uses the new access only. These are set out in Appendix 1. It is considered that the new access proposals would provide a better access to the farm by improving highway safety, and can be supported.
- 6.7.6 Existing Accident record: The Transport Statement includes Personal Injury Accident data for the most recent three year period (2012 – 2015), and this shows that 12 accidents were recorded within the study area (the B4364) during this period. Based upon an assessment of this data, the applicant's consultant states that the accident record along the local highway network over the three year period does not indicate any particular highway safety issue within the area considered. In addition they consider that it is unlikely that the prevalence of accidents on the local highway network in the vicinity of the site would be materially affected by the proposed development.
- 6.7.7 Proposed traffic movements and route: The predicted traffic generation included in the Traffic Statement was based upon the application as originally submitted, when it was proposed that the biomass boiler would be fuelled by imported wood chip and that chicken litter would be removed from the site by tractor and trailer. The proposal is now that the biomass boiler would be fuelled by chicken litter produced from the site. This would mean that the vehicle movements to and from the site would be reduced in relation to the predictions in the Transport Statement as wood chip would not be imported and chicken litter would not be exported. The application states that this would result in a reduction of 55 one-way vehicle movements per cycle.

- 6.7.8 Taking this into consideration, there would be 74 vehicles to the site per flock cycle (45 days), which equates to an average of 4 movements per day, of which 3 would be HGV's. The busiest period in terms of HGV movements would be at the end of the cycle when the chickens are collected. The additional HGV traffic would equate to a 4.9% increase in respect of existing average daily flows of HGV's on the B4364. In respect of all traffic, there would be a 0.2% increase. The application states that when birds are removed from the site at the end of each cycle vehicles would turn right when they join the B4364 and therefore not travel through Neenton village.
- 6.7.9 The Council's Highways Officer considers that the B4364 is of good quality and of sufficient width and construction to serve a greater volume of traffic than it currently does. In relation to the predicted traffic based upon the original proposal that included biomass deliveries and manure removal, the Officer considered that the additional traffic generated by the proposed development could be adequately accommodated on the adjacent highway. The proposal as now amended would result in significantly less HGV traffic than was considered by the Highways Officer.
- 6.7.10 A large number of objections have been raised to the proposal on the grounds that it would have an adverse impact on the local highway network and reduce highway safety. Objectors are concerned regarding the width and alignment of the B4364 at present, and its ability to cope with additional traffic loads. These concerns are acknowledged. Nevertheless in terms of policy guidance, paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. Notwithstanding the concerns that have been raised, including those by Neenton Parish Council and by consultants commissioned by objectors, Officers do not consider that the proposed development would result in a 'severe' magnitude of impact, and therefore it is not considered that a refusal on highways grounds could be substantiated.
- 6.7.11 Public rights of way: The proposed development would not have a direct effect on any public rights of way in the area. The construction of the new access road would result in there being less agricultural traffic on the existing access road which carries a public bridleway. This would provide some benefit to bridleway users by reducing the amount of heavy traffic along this route. The eastern edge of the proposed development would be set back from the bridleway by more than 15 metres. It is considered that this is a sufficient buffer to ensure that the development would not be overbearing to bridleway users. The development would be set down into the ground and this would mean that views of the surrounding landscape, including the higher ground of Brown Clee Hill to the west, from public rights of way in the area, would not be significantly restricted.
- 6.8 **Drainage and pollution considerations**
- 6.8.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.
- 6.8.2 The application is supported by a Flood Risk Assessment. Its authors have confirmed that it remains valid in respect of the modified site layout.
- 6.8.3 Surface water drainage: The FRA notes that the site lies within Flood Zone 1 and

therefore has a low probability of fluvial flooding. The proposed development would increase impermeable areas at the site, which would result in higher surface runoff rates. The surface water management strategy for the site includes the construction of a drainage ditch to the south of the site to act as an attenuation basin. This has been designed to drain free of water and remain waterless in dry weather. The ditch would be a minimum of 1.5 metres deep. A flow control device would limit the rate of discharge of the stored water.

- 6.8.4 The Council's Drainage Officer has confirmed that the surface water drainage proposals are acceptable.
- 6.8.5 Foul water drainage: The main mitigating feature of the development is that all operations would take place either within the buildings or on the hardstanding areas around the buildings. There would be separate systems for foul and surface water drainage. Dirty water would only be generated during times when the sheds are cleaned. Dirty wash water would be directed to a foul water storage tank using a diverter valve. The tanks would be emptied when required.
- 6.8.6 The FRA identifies a number of hazards during the operation of the site that could result pollution. It states that full mitigation measures would be covered in the accident management plan as part of the Environmental Permit. In summary the FRA states that all significant impacts for the construction/decommissioning and operational phases would be mitigated to a minor level (or less) for all identified potential impacts.
- 6.8.7 Manure management: The biomass boiler would burn the chicken litter produced from the poultry units. The litter would be stored in a sealed negative pressured part of the boiler building. The power produced from the biomass boiler would provide heat and power for the site. This sustainable energy would also mean that that manure would not have to be spread on the applicant's farmland or exported off site to be spread on 3rd party farm land. This would greatly reduce the amount of litter being spread directly on the land and the number of vehicle movements to and from the site as no litter will be exported off-site and no wood chip or other fuel will be imported onto the site for use in the biomass boiler.
- 6.8.8 The Environmental Permit for the proposed operation allows for the use of the manure as a biofuel, and requires that the operator maintains and implements a manure management plan. It is considered that this element of the proposed operation is satisfactorily controlled under the Permitting regime. The applicant has confirmed that they have an annual nutrient management plan produced by a qualified agronomist, and that the spreading of ash from burnt litter would be done to Defra guidelines, under the Nitrate Pollution Prevention Regulations.
- 6.8.9 Detailed matters relating to pollution prevention measures are dealt with through the Environmental Permitting process, and controlled through the Environmental Permit for the site.
- 6.9 **Ecological consideration**
- 6.9.1 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. SAMDev Plan policies MD2 and

MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.

- 6.9.2 An Ecological Assessment has been undertaken in support of the planning application. This comprises a Desk Study, an Extended Phase One Habitat Survey, an Initial Bat Survey and a Great Crested Newt Assessment. There are no designated ecological sites within or adjacent to the application site. There are two Local Wildlife Sites within 2km of the site: a woodland approximately 1.2km to the east; and a woodland approximately 1.3km to the east. The Ecological Assessment concludes that the proposal would not adversely affect the conservation status of these sites or the status of protected species recorded within the locality, and the Council's Ecologist concurs with this.
- 6.9.3 The Ecological Assessment concludes that the flora of the site has a very low ecological value. In relation to protected species it concludes as follows. The site and its boundaries may be used by bats for foraging purposes. There are two trees with bat roost potential but these are to be retained during and post development. Badgers may, occasionally, traverse and/or forage on the site but there was no evidence of badger setts within 50m of the proposed development. Although it is not considered that hedgehog would reside on the site or use it for breeding/nesting purposes, hedgehog may traverse the site or use it for foraging. It is possible that otter may traverse the watercourse to the west, and therefore on occasions may be present on the site. Vegetation on, bounding and within the immediate vicinity of the site may be used by small breeding birds for nesting purposes. Given the location and habitat of the site and surrounding area it is not considered likely that water vole would reside on the site. The potential for the proposal to impact on great crested newts is low.
- 6.9.4 The Ecological Assessment states that hedgerow and trees within the immediate vicinity of the site provide a valuable habitat within an agricultural landscape. The proposed development would require the removal of approximately 20 metres of hedgerow in order to form the opening for the new access road. This is described in the Ecological Assessment as an intact species-rich hedge, approximately 1.5 metres high. The removal of part of this hedge would have some ecological impact. However the overall ecological value of the site would be enhanced in the longer term through the planting of trees and hedgerows and the installation of an attenuation pond.
- 6.9.5 No specific concerns have been raised by Natural England. The Shropshire Wildlife Trust consider that, while the development is of a significant scale, it would appear that the ecological impacts are limited. The Council's Tree Officer considers that the construction of the new access should not result in any significant damage to the mature oak tree near the proposed entrance. The tree protection condition recommended can be added to the decision notice (see Appendix 1).
- 6.9.6 A reasonable avoidance method statement and mitigation has been included in the Ecological Assessment, and a condition can be imposed to require that these are adhered to, as recommended by the Council's Ecologist. Further conditions can be added to require the submission of a landscaping scheme; and to require the provision of bird and bat boxes (see Appendix 1).

- 6.9.7 Potential impacts from emissions from the poultry units: Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. Ammonia emissions from poultry units can potentially impact on nearby nature conservation sites, damage vegetation and affect sensitive habitats.
- 6.9.8 An ammonia screening was carried out by the Environment Agency on the 25 November 2015. The result was that the proposal screened out from requiring ammonia modelling. Natural England has been consulted on the proposed development and they have raised no concerns regarding the proposed development.
- 6.9.9 There are no European sites in 10km or SSSI's within 5km. Local Sites within 2km have screened out below the critical load thresholds. The Environment Agency have concluded that detailed ammonia modelling is not required to support this application. The Council's Ecologist is satisfied that the proposed application is unlikely to have a significant effect on locally designated sites
- 6.9.10 On the basis of the available evidence it is considered that the proposed development would protect and enhance the natural environment, and is therefore in line with Core Strategy policy CS17 and SAMDev Plan policy MD2 and MD12.

## **7.0 CONCLUSION**

- 7.1 The proposal for a new broiler unit at Walkhamwood Farm comprises an appropriate diversification of the existing farming business. As an agricultural-related development it is supported in principle in this countryside location under Development Plan policy.
- 7.2 The Environmental Impact Assessment has included detailed reports which have identified the potential impacts of the proposal, and put forward mitigation of these impacts. The proposed development would entail the construction of large buildings within a rural location and these would impact upon the landscape character of the area. Nevertheless it is considered that the design and layout of the site, including setting the development on a platform up to 10 metres below existing levels and providing significant peripheral landscaping, would reduce this impact to acceptable levels. It is not considered that the proposed development would adversely affect the visual qualities of the AONB located approximately 3km away.
- 7.3 The siting of the buildings has been sensitively chosen to minimise local impact on residential amenity. The layout of the site is appropriate, and the scale and design of the buildings is acceptable. The proposed development would incorporate sustainable design principle to reduce its environmental impact. The loss of Grade 3 agricultural land to the development is not considered to be a significant overriding issue to warrant refusal of the application. The proposal would preserve the character and setting of nearby heritage assets, and a watching brief can be undertaken during construction to address any archaeological issues.
- 7.4 Potential impacts on residential and local amenity, including from noise and odour, have been appropriately assessed. It is not considered that the proposal would have a detrimental impact upon such amenity. The surface water and dirty water management proposals are of an appropriate design to ensure protection of the site, surrounding areas and water resources from adverse runoff and pollution. In addition an Environmental Permit for the proposed operation has been issued by the Environment

Agency and this would provide further additional safeguards against potential environmental harm.

- 7.5 It is considered that the local highway network has sufficient capacity to accommodate the additional traffic that would be generated by the proposed development. The burning of poultry litter produced at the site in the biomass boilers would avoid the need for heavy vehicles to deliver biomass fuel or export manure from the site. The design of the access is acceptable and would provide a better access to the farm than the existing one. The proposal would not result in significant ecological impacts and in overall terms would improve the ecological value of the area through new planting.
- 7.6 The proposal is a large-scale development in a rural area and would have some impact on the local area, including from additional traffic on the public highway, and effects on the visual character of the area. Nevertheless, and with regard to the mitigation put forward, Officers do consider that these impacts would not be unacceptable when weighed against the wider benefits in providing a facility for the rearing of broiler chickens as a diversification scheme for the farm.
- 7.7 Detailed objections have been submitted by consultancies on behalf of local residents in relation to potential impacts of the proposal, including in relation to highways, landscape and pollution. These have been given due consideration by Officers as part of the assessment of the application. Notwithstanding these concerns there have been no objections raised to the proposals by statutory and other consultees, including Natural England, the highways authority, the Environment Agency, and the Council's Public Protection and Ecology team. Officers consider that the proposed development can be supported in relation to Development Plan and national planning policy. As such it is recommended that delegated authority is given to the Planning Manager to grant planning permission for the proposed development subject to the conditions as set out in Appendix 1 and any amendments to these considered necessary.
- 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 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

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 CS16 (Tourism, Culture and Leisure)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)
- Policy CS1 (Strategic Approach)

#### 10.1.2 SAMDev Plan

- Policy MD2 (Sustainable Design)
- Policy MD7b (General Management of Development in the Countryside)
- Policy MD8 (Infrastructure Provision)

- Policy MD12 (Natural Environment)
- Policy MD13 (Historic Environment)

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF)  
National Planning Practice Guidance

RELEVANT PLANNING HISTORY:

10/01201/VAR Variation of Condition No.3 (materials) attached to 07/1005 to allow for a variation in approved materials GRANT 19th May 2010  
 10/05547/DIS Discharge of condition on planning application 10/01201/VAR DISAPP 18th January 2011  
 11/01984/AGR Erection of an agricultural storage building PNAGR 27th May 2011  
 12/00004/AGR Erection of an agricultural building PNAGR 19th January 2012  
 15/02108/SCO Proposed development of four poultry units, 10 feed bins and biomass boiler SCO 17th June 2015  
 16/01034/OHL To uprate approx 545 metres of existing 1,000 volt overhead line from 2 wire to 3 wire and to erect and additional 230 metres of 11,000 volt 3 wire overhead line to provide a service to a customer at Walkhamwood Farm NOOBJC 6th July 2016  
 BR/APP/FUL/07/1005 ERECTION OF SINGLE STOREY SIDE AND REAR TWO STOREY EXTENSION GRANT 24th January 2008

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Environmental Statement
Flood Risk and Drainage Assessment
Heritage Statement
Landscape Visual Impact Assessment
Manure Management Plan
Odour Dispersion Study
Amenity Risk Assessment
Transport Assessment
Archaeological Assessment
Design and Access Statement
Ecological Assessment
Noise Impact Assessment
Cabinet Member (Portfolio Holder)
Cllr M. Price
Local Member
Cllr Robert Tindall
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.

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

3. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4. Before any other site operations are commenced, the vehicular access works shown on drawing no. 001 rev. C (Proposed Access) shall be substantially completed with the approved visibility splays cleared of all obstructions exceeding 800mm in height above the level of the adjacent carriageway.

Reason: To ensure that the development will not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

5. 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 visual quality.

6. Where the approved plans and particulars indicate that construction work or installation of any drainage or service run is to take place within the Root Protection Area of any retained tree or hedge, then prior to commencement of any development-related works on site, a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the LPA. The TPP shall include details on how any such retained tree or hedge will be protected from harm or damage during the development.

Reason: to ensure that permitted work within an RPA is planned and carried out in such a manner as 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.

7. All pre-commencement tree protection measures detailed in the approved Tree Protection Plan (TPP) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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.

8. (a) No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, has been submitted to and approved in writing by the LPA.

The approved scheme shall include:

- (i) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- (ii) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

(b) The approved tree planting scheme shall be implemented as specified and in full within the timescale agreed with the LPA. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies, is uprooted or removed, or becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

9. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety, pollution prevent and local amenity.

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

10. 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.

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

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

12. The surface water drainage scheme shall be installed in accordance with the approved drainage plan and details prior to the first use of any of the buildings hereby approved.

Reason: To ensure that the surface water drainage systems are adequate and to minimise flood risk.

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

13. The full width of the vehicular access shall be constructed in a bound material for a distance of 20 metres from the B4364 nearside carriageway edge before any other site operations are commenced and thereafter maintained for the life of the development.

Reason: To provide a safe access to the development in the interests of highway safety.

14. The gradient of the access from the B4364 carriageway edge shall not exceed 1 in 24 for a distance of 15 metres and thereafter the gradient of the drive shall not exceed 1 in 10.

Reason: To provide a safe access to the development in the interests of highway safety.

15. Any gates provided to close the proposed access shall be set a minimum distance of 20 metres from the B4364 carriageway edge and shall be made to open away from the highway only.

Reason: To provide a safe access to the development in the interests of highway safety.

16. Heavy Goods Vehicles and tractors shall not access or egress Walkhamwood Farm or the poultry units from the B4364 other than via the access road permitted under this planning permission.

Reason: In the interests of highway safety.

17. (a) The number of birds at the site within the poultry rearing buildings shall not exceed 225,000 at any time.

(b) Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to local planning authority on request.

Reason: To avoid adverse impacts due to intensification of the development.

18. Work shall be carried out strictly in accordance with the Ecological Assessment conducted by Star Ecology (November 30th 2015) attached as an appendix to this planning permission.

Reason: To ensure the protection of bats, great crested newts, nesting birds, otters, badgers and hedgehogs.

**Informatives:**

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

2. The right of way - Public Bridleway 2 Neenton - must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.

Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.

Building materials, debris, etc must not be stored or deposited on the right of way.

There must be no reduction of the width of the right of way.

The alignment of the right of way must not be altered.

The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

3. 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.

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

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

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

#### 6. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

#### No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway This planning permission does not authorise the applicant to:

- Construct any means of access over the publicly maintained highway (footway or verge) or
- Carry out any works within the publicly maintained highway, or
- Authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team.

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

7. Consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m<sup>2</sup>

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5. provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m<sup>2</sup> or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

8. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.





Committee and date

South Planning Committee

10 January 2017

## Development Management Report

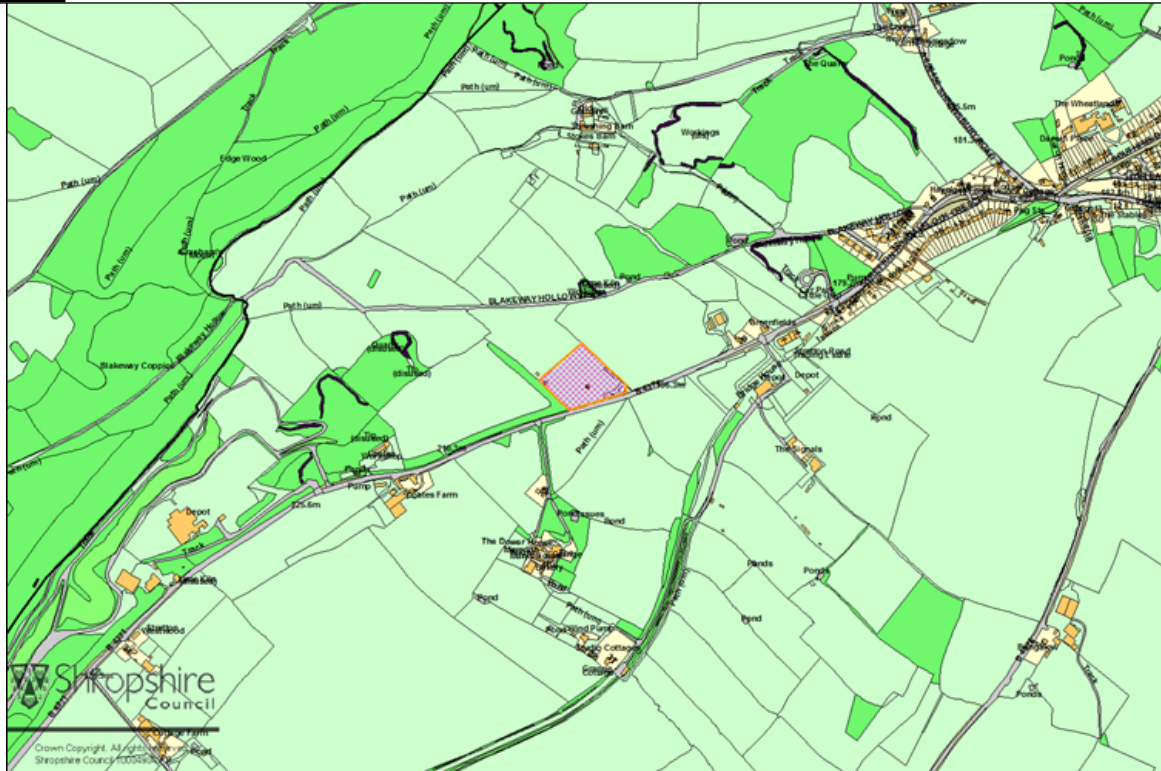
Responsible Officer: Tim Rogers

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

### Summary of Application

<b><u>Application Number:</u></b> 16/03878/FUL	<b><u>Parish:</u></b>	Much Wenlock
<b><u>Proposal:</u></b> Change of use of land to campsite to include improved access, erection of multi purpose building and siting of 4no Shepherds Huts		
<b><u>Site Address:</u></b> Withies Campsite Stretton Road Much Wenlock Shropshire		
<b><u>Applicant:</u></b> Ms Carol Burrage		
<b><u>Case Officer:</u></b> Elizabeth Attwood	<b><u>email:</u></b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 360915 - 299459



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

**REPORT**

**1.0 THE PROPOSAL**

1.1 The proposal comprises a change of use from a Certified caravanning and camping site to a campsite ( for 5 touring caravans and 20 tents) to be limited to 20 pitches including 4 shepherd huts and no more than 5 vans at any one time.

- the creation of an improved access and closure of existing access
- the siting of four shepherd huts and retention of small raised decking area

the siting of a multipurpose facilities and storage building to accommodate, three toilets, two solar showers, undercover wash-up area, campsite and agricultural stores.

1.1.2 The site operates as a ‘back to basics’ experience and there is no electric hook-up or hard standing pitches or marked out areas. The applicant has advised that there is no intention to steer away from the ‘natural’ pitches, and would be happy to accept conditions limiting both the number of vans to five, as per their existing certification and the use of the site for tents and campervans only or a restriction on the size or weight of vehicles utilising the site in order to give the local planning authority control of the physical scale and visual impact of the proposals.

1.1.3 The proposal also limits the total number of pitches to 20 including the four shepherd huts in order to alleviate objector concerns of over intensification. After taking the facilities building and access areas into consideration, the agent has advised that this equates to a density of less than 9 pitches per acre or 450m<sup>2</sup> per pitch.

1.1.4 The existing vehicular access will be closed off and the ground made up and a new native hedge will be planted to match the existing boundary treatment.

1.1.5 A new vehicular access is proposed which would be located in a central position along the southern boundary facing Stretton Road. The existing hedge will be trimmed or set back to provide an unobstructed view between the visibility splay line and the edge of the carriageway. The visibility splay down the road towards Much Wenlock will be 2.4m x 105.0m and up the road towards Church Stretton will be 2.4m x 143.6m.

1.1.6 The shepherd huts are a traditional design on steel wheels and would be sited against the existing tree lined western boundary. They would be 5.5m x 2.4m and comprises a living area with double bed and a covered porch area with wooden guard rails. The materials are Juniper Green tin sheet cladding with a domed tin sheet roof and wooden windows and door. Entry is via set of wooden steps. Each unit would have a parking area to the side and there will be privacy panels between

each hut. The western most hut (which is already on site) has a wooden decking area.

1.1.7 The multi purpose building would be 5.2m (w) x 16.4m (l) and 3m to the ridge. It would provide 65m<sup>2</sup> of floor space and comprises a timber frame on a concrete base. The walls would be natural timber shiplap cladding and the roof would be Juniper Green box profile sheeting with clear box profile roof lights above the toilets and showers. There will be 2 x100w black coloured roofed mounted solar panels on the rear (roadside) roof elevation. Internally the building will comprise left to right (east to west);

- 3 toilet cubicles and 2 hand wash basins
- Campsite store room
- Agricultural store to provide secure storage for site equipment, implements and machinery utilised in the management and maintenance of the site and
- 2 shower cubicles

Off the western gable there will be a covered washing up area.

1.1.8 This is a resubmission of 16/00521/FUL which was for the erection of multipurpose building; siting of 4no Shepherds Huts and a composting toilet cabin. The application was withdrawn due to highway safety issues as it sought to utilise the existing access.

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The site lies at the eastern end of the Wenlock Edge, and is located on the northern side of the B4371 Stretton Road approximately 260m from the built up area of Much Wenlock and approximately 0.7mile from the High Street.

2.1.2 The site comprises a 2.31 acre field which currently benefits from an Exemption Licence from the Freedom Camping Club which permits the land to be used for caravanning (5 units) and camping for up to 20 tents. The site slopes up from Stretton Road. The site is separated from a larger 3.45 acre field (also owned by the applicant) which rises away more steeply to the north west by a post and wire fence. There is a timber field shelter in the bottom left hand corner of this field.

2.1.3 The boundaries comprises mature hedging and trees, and is surrounded by agricultural land. The site is open countryside but falls outside the Shropshire Hills AONB, Much Wenlock conservation area and Wenlock Edge SSSI.

2.1.4 There is a significant area of National Trust woodland lying approximately 400 metres to the north-west with an area of small, historic limestone quarries to the north-east and larger, more recently abandoned quarries to the south-west. A small number of residential and commercial properties lie within approximately 300m of the site to the south and east.

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

3.1 The Local Member has requested that the application is decided by Planning Committee. The Parish Council objects to the proposal. There are numerous representations both in support and objecting to the proposal. The Principal Planning Officer, in consultation with the Chair of the Planning Committee, has agreed that the application should be decided by Committee.

### **4.0 Community Representations**

-Consultee Comments

4.1 Much Wenlock Town Council – Object:  
Do not agree with the change of use to a campsite because the site is unsuitable. They consider that the proposals do not accord with Objective 2, Policy EJ7 in conserving the quality of the parish's built and natural environment as outlined in the Neighbourhood Development Plan for Much Wenlock. Neither do the proposals conform with the Neighbourhood Plan's Objective 4, Traffic Management, because the current site access is already dangerous and the proposed access will be even more dangerous.

Furthermore, the proposals require the applicant to remove a large stretch of hedgerow which is against Objective 8, Policy LL2 in the Neighbourhood Plan. The applicants are dependent on footway access through Blakeway Hollow which is not practical because it is an ancient track with a very uneven rocky surface made worse in wet weather and, therefore, tourists would use the roadway into town as an alternative route where there is no footpath for the first 200 yards, and is on the opposite side of the road, which would necessitate a dangerous crossing for pedestrians.

The multi-purpose building is out of scale. There should be no buildings on the site and immediate enforcement action should be taken to restore the site to its original use as grazing land.

Approval of this application will set an unacceptable precedent in a beautiful and natural environment at Wenlock Edge.

4.2 SC Highways Development Control – No Objection – subject to the development being carried out in accordance with the approved details and the following conditions and informatives.

#### Observations/Comments:

The site is the field nearest the road at the Withies Campsite which is diagonally opposite the Grange to the west of Much Wenlock on the Stretton Road (B4371). Stretton Road is a two lane rural road governed by a 60mph speed limit and the speed of the traffic is commensurate with this limit.

It is already a certified site for the Camping and Caravanning Club and the proposal is to change this to a permanent campsite with shepherds huts (four) and a

purpose built office and facilities building with the possibility of upping the number of touring vans from 5 to 20.

The current access is to be removed and a new access is proposed toward the western end of the field which, when the visibility splay has been introduced will offer a better view than the one available at the existing access. The visibility splay must be commensurate with the 60mph speed limit of the road. Any gates used to secure the site must be set 15m back from the highway to allow for any vehicle to turn in and be completely off the road.

The field is on a gradient which slopes downward toward the road. The new access will need to include a gradient which is no more than 1:24 for the first 10m and no more than 1:10 thereafter with sealed hard standing for the first 10m.

The plan, Drawing No. 287-002 August 2016 shows a centre line on the driveway of the access which would indicate that the width of the access will be wide enough to allow for vehicles to enter and emerge at the same time, which, due to the 60mph speed limit of the road is required.

Conditions:

Gradient

The gradient of the access(s) from the highway carriageway shall not exceed 1 in 24 for a distance of 10m and thereafter the gradient of the drive shall not exceed 1 in 10.

Reason: To provide a safe access to the development in the interests of highway safety.

Gates

Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.

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

Informatives:

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway.

No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or

abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

- 4.3 SC Drainage request has no objections and suggests a condition in respect of surface water discharge and informatives in respect of sustainable drainage.
- 4.4 SC Ecology has no objections and recommends a condition in respect of any lighting on the site and informatives in respect of nesting wild birds.
- 4.5 Much Wenlock Civic Society – objects: Considers that the proposal causes disruption to the tranquillity of the area and is detrimental to the visual environment and highway safety. They consider that the proposal is contrary to Much Wenlock Neighbourhood Plan, the SC Core Strategy and the NPPF. They also wrongly consider that the camp site is operating without the necessary permission or professional accreditation.
- 4.6 National Trust – Object: the Trust owns, protects and provides public access to extensive areas of Wenlock Edge. They also own and operate a car park on the fringe of Much Wenlock. While the application site is not visible from land in the Trust's protective ownership it can be seen both from the B-road providing access to our car park and from Blakeway Hollow, the public bridleway that is a main access for walkers from Much Wenlock (and our car park) onto Wenlock Edge. We are concerned at the effect that the proposals to retain and add to permanent installations on the site, and alter its access, would have on the landscape and character of the area.

They welcome the proposals to retain and manage the top part of the site as a wild flower meadow. This would be in accordance with policy LL3. They recognise that shepherd's huts are, in general, less visually intrusive than touring caravans. However, the proposal is for the shepherd's huts to be additional to use of the site by up to 5 touring caravans/campervans at a time. They would also be stationed on the site all year round. This would mean that they would cause an increase and not a decrease in the landscape and visual impact of the site. The multi-purpose building and access would also be permanent, year-round features adding to the general change in the character of the site. The access improvements would entail removing 18m of hedge and creating a cutting through the verge and part of the field.

On balance they consider that the development does not conserve the quality of the parish's natural environment, the proposed structures and installations do not amount to high design quality and do not reflect local distinctiveness. The proposals would create a suburban character that is wholly inappropriate in this location. Given the conflict with the policies in the adopted neighbourhood plan,

they suggest that the application should be refused.

- 4.7 Bridgnorth Campaign for the protection of Rural England (CPRE) are neutral but would object if the highway Authority considered the access to be dangerous.

Public Comments

- 4.8 A site notice and 50 direct neighbour letters have publicised the application; 32 letters of support have been received. The issues raised are:

- What we love about this site is that the owners encourage a more natural approach to camping and therefore do everything they can to respect the environment - a message they send out and promote to all their visitors too. Regardless of the fact there are other campsites in the area, 'The Withies' provides a completely different experience whilst looking after and promoting the natural environment. It is an absolute asset to the community of Much Wenlock and we only wish there were more campsites like this in the country.
- Fantastic site decent pubs, shops, market, deli, butchers in Much Wenlock.
- We found the location ideal with children as the site was safe, clean and friendly. It was in easy reach to the footpaths which offered great walks to enjoy the local landscape and a safe route to walk with the children to Much Wenlock to enjoy the food and local shops. We had a lovely welcome at the Church and enjoyed tea and cakes with the parishioners.
- I have really enjoyed the eco-friendly ways of the Withies and am so impressed with how they manage their land with regards to the SSSI. The low carbon footprint associated with log fires and camping is something we must encourage more of during these challenging times of climate change and over use of natural resources and fossil fuels. The site is a fabulous asset to Much Wenlock and we should all encourage and support this greener way of life. I hope you allow the placing of these lovely huts as it can bring more visitors to the town who can enjoy walking in the countryside and walking and using the amenities at Much Wenlock.
- A clean well kept quiet site better Toilet facilities etc. is what this charming site is crying out for. It is Ideal for exploring all that Shropshire has to offer. We spend a fortune in the town of Much Wenlock in the market and shops etc. We have used The Withies several times this year and hope to make lots of visits in the future.
- A definite plus for Much Wenlock to encourage visitors to the area and relax in the quaint surroundings, sample local pub food, enjoy stunning walks and ride along breath taking bridleways.
- Much Wenlock is a tourist town and as a local business I fully support such sympathetic developments. I pass the existing site twice daily and admire its convenient position, close to the town centre in a great environment - any small scale development is to be applauded; the Town needs visitors and tourists alike - indeed they are the life blood of all businesses in Much Wenlock.
- The site looks very well kept and is an asset to Wenlock Edge.
- It was wonderful to be able to pitch where we wanted instead of in a regimented line...and we didn't find any trouble with access or egress at all.

- It is a very pleasant walk into Much Wenlock where you can buy unusual gifts, have a coffee and cake in a quaint cafe or a drink in a local hostelry. Personally, I'm totally mystified why there would be any objection to their plans. It seems to me that this small campsite only brings added value to the Much Wenlock being major tourist destination having been mentioned as the starting point for the modern Olympics, tourism must be wanted.
- In regard to the access the I might ask how many actual accidents have happened ever upon this stretch of road and that this road seems very much safer now there are no quarry lorries that used to thunder though and down this road in the past.
- The location of this low key, discreet campsite means affordable and easy access for me to this area of outstanding natural beauty, were I can walk along Wenlock Edge or into the lovely town of Much Wenlock were I have been able to enjoy its unique and individual shops and pubs and cafes during my stays.
- The walk in to Much Wenlock is safe for the children and the quiet, nature focus of the campsite is what brings us back. We love the local walks, which are easily accessed from the campsite without further use of vehicles.
- The Presthope site (Caravan Club) closes after this season as the lease owner has declined to renew the lease. This means that Much Wenlock and the surrounding towns will lose between around 40 to 60 visiting couples and families throughout most of the year.
- This type of campsite does not attract your usual lager-drinking, ice-cream licking brigade. It's aimed at families who wish to have an enriching experience in beautiful natural surroundings.
- We love the outdoor activities like den building which bring children away from mobile phones and puts them in touch with nature.
- It is a safe place for children to be free and play.

4.9 Twelve letters of objection have been received from eight people. The issues raised are;

- This is a modified application to one made some 7 months ago and to which I and others made strong objections. Those objections still stand. The access which now seems to be moved nearer the entrance of our drive still has very poor visibility. It is a 60 mph limit and the traffic comes down pretty quickly, including large lorries and motorbikes who would stand little chance of avoiding a serious collision with a vehicle exiting the proposed access way. The road is on a bend and the visibility is poor, even more so if the access is to be moved to where the current application is envisaged. Trees were planted on some of the adjoining land and if it proposed that some or all of them were to be cut down that would have a very detrimental effect on the area.
- There is a large amount of lorry traffic on that road particularly articulated trucks. Moreover I have come to the exit of my shared driveway to meet overtaking traffic whistling by there, literally inches away, driving at speeds well in excess of 60. That does not include the weekend motorbikes who speed down that road.
- The previous owners of The Grange was killed walking down Stretton



Road. For pedestrians that part of the road where both the current and proposed access will be, is exceedingly dangerous and in one case deadly.

- Just because a tractor uses Blakeway Hollow it, does not mean that it is suitable for other pedestrians. It is rocky, uneven and slippery. In my view not suitable as a regular access to the town. Most people will try to brave the tarmac road. There is no pavement and the inevitable passage of pedestrians to and from the site to Much Wenlock will pose danger to both them and vehicles, especially during the height of the tourist season.
- There are already facilities for touring caravans and campers in the vicinity.
- Wenlock Edge is an area of outstanding natural beauty. To consider granting permission on this site which will be seen by traffic travelling along the scenic route is ridiculous. It is akin to ribbon/strip development in a very sensitive position and is likely to aid future applications for development between this site and Much Wenlock.
- The site is on a slope which would make it easily visible and stand out not only to persons passing by it but also to anyone on the other side of the valley.
- The development would necessitate the removal of many meters of an old hedge. In addition the necessary frequent cutting back of vegetation would stick out like a sore thumb in such a sensitive area.
- The revised access has been moved towards an existing access and driveway serving several properties (The Grange. Cottage and House) creating a situation not dissimilar to a cross roads. Clearly a danger to other traffic.
- The site is on a slope so any overflows and spillages will inevitably find their way into a watercourse and onto the main road.
- There is a strong weight of opinion that such sites actually deter people from coming to the 'countryside' which they associate with open fields, trees, wildlife and peace and quiet. None of these are evident in this application - the reverse is the case.
- I see straight on to the site every day, from the end of my shared drive and it is not a pretty, peaceful site at all!
- A metal encampment is not 'the countryside'!
- The site is unsuitable for any caravans/tents or shepherd's huts, merely a disguised holiday let. The area has ample such sites in very close proximity. This Withies site already has buildings, toilets, hard standing and one existing 'shepherd's hut'. These are not allowed but the owners have total disregard for the surroundings, they do not live close by.
- The site is on a steep slope and as therefore, any van/tent/wheeled hut that is on the site is clearly fully in view of the road, adjoining residences, fields and visitors. It is an intrusion into a supposedly attractive hill and part of the famous Wenlock Edge. The application includes a huge building surely the countryside is protected from this abuse.
- Since it 'opened' the owners have not adhered to 5 vans and 10 tents, often having up to sixteen or more vans on the site plus tents and cars.
- The proposed access is even more dangerous. It would be highly dangerous for children and impracticable to leave the gates open to get

around this as the application suggests and so people have to wait or gates are left open as the application suggests.

- Visibility will still be unsatisfactory and traffic is passing there at 60mph.
- This application would allow 20 caravans, tents and 'shepherd's huts, generating another 20 cars plus trailers plus awnings plus decking plus hard stands! If average usage is just three per facility, that's sixty people and potentially 30 cars/trailers. Already the site abuses any rules and is crammed full. How this can be considered a peaceful location is beyond understanding.
- Approval would create a totally unacceptable and uncontrollable precedent.
- It is an unpleasant intrusion in what is otherwise pleasant green countryside.
- We have seen more than thirty cars, caravans and tents on the land, totally crowded onto the field. There are also buildings on the site! Our families caravan but not on such a site, it really is sad to see such abuse of the countryside.
- Object due to proximity AONB, visual impact, out of character.
- There were many substantial bodies who opposed the original application and their objections still apply for this new one. The only difference is that the access is moved along the road.
- It is visually destructive and as the owners see fit to fill it with as many as twenty vans, twenty cars and additional tents it is more like a 'BOOT SALE' than a peaceful part of Wenlock Edge. It is noisy, crowded and for children massively dangerous.
- The application asks for four 'Shepherds Huts' and major buildings on the site, completely out of character with the area. These are all permanent buildings.
- Much Wenlock already has two caravan sites, one just 100 metres away! The Neighbourhood Plan, which is supposed to set out the future of the town does not suggest such a caravan site development is wanted or beneficial.
- Permanent buildings, area of outstanding natural beauty, very dangerous access and on top of this more trees and hedges cut down. Unhappy future for Much Wenlock if this goes ahead, that's for sure.
- No action has been taken by the LPA in respect of the ongoing breach of planning.
- The application should not have been accepted without an adequate layout plan and a substantial landscaping scheme.
- The existing access is wholly unsuitable and substandard in terms of geometrical layout, vertical alignment, junction visibility and surface. The submitted plans do not show how this will be stopped up.
- The traffic speed assessment cannot be relied upon and should have been for a continuous 7 day period. The design criteria referred to is wholly inappropriate for this road, location and speed.
- The full extents of the proposed visibility splays have not been shown on the plans to indicate that these are available within the applicant land or the highway boundary.

- The design of the site access is inappropriate and a flatter gradient would be expected. The written text and the drawing do not match which is confusing,
- The layout does not lend itself to accommodating simultaneous entry and exit of traffic.
- It is unlikely that one gully will have sufficient capacity for surface water runoff.
- The access construction is wholly unacceptable and should be to a full road construction.
- SC Highways objected to the previous application.

## 5.0 THE MAIN ISSUES

Principle of development  
 Visual Impact and Landscaping  
 Residential Amenity  
 Highway Safety  
 Drainage  
 Ecology

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Paragraph 28 of the NPPF supports a prosperous rural economy and advises that a positive approach to sustainable development should be taken. This includes;

- supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promoting the development and diversification of agricultural and other land-based rural businesses;
- supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

6.1.2 Policy CS5 advises development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small scale development diversifying the rural economy; including farm diversification; and the retention and appropriate expansion of an existing established business.

6.1.3 Policy CS16 requires visitor accommodation to be in accessible locations served by a range of services and facilities. In rural areas proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an

established and viable tourism enterprise where accommodation is required. As noted above in order to be considered sustainable, Government guidance contained within the NPPF rural tourism is expected to respect the character and appearance of the countryside. The provision of visitor facilities should be in appropriate locations where identified needs are not met by existing facilities in rural service centres.

- 6.1.4 Policy MD11 states that; Tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7b, MD12, MD13 and relevant local and national guidance. In addition; All proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate. Proposals within and adjoining the Shropshire Hills AONB should pay particular regard to landscape impact and mitigation. Ancillary buildings should be well designed, integral to the scheme, and of a scale that is well related to the proposal and location.
- 6.1.5 Further to the requirements in Policy CS16, proposals for new and extended touring caravan and camping sites should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site.
- 6.1.6 Policy EJ7 of the adopted Much Wenlock Neighbourhood Plan 2013 - 26 (MWNP) supports proposals for recreational and tourism activities and facilities providing that the siting, design and scale of the development conserves the quality of the parish's built and natural environments, including its townscape and surrounding countryside.
- 6.1.7 The applicants have been operating The Withies Campsite for four continuous seasons since May 2013 under a Camping and Caravanning Club Exemption Certificate for 5 caravans and 10 tents and since May 2016 under a Freedom Camping Exemption Certificate for 5 caravans and up to 20 tents.
- 6.1.8 Therefore, the use of the site for tourist accommodation has been established for 3.5 years and regardless of the outcome of this application i.e. whether or not it is approved or refused, the site can continue to function as a caravanning and camping site for 5 touring vans and 20 tents.
- 6.1.9 The site is in an accessible location within a short distance of Much Wenlock where there is a good range of services and facilities. The proposal will provide 0.5 fulltime job. This will include; taking site bookings, meeting and greeting visitors, briefing on the facilities, health and safety, site rules, providing local and tourism information, keeping the site tidy and clean including managing the recycling, waste, toilet, shower and washing up facilities.
- 6.1.10 Matters in respect of visual impact, highway safety, residential amenity, drainage and ecology are considered below in paragraph 6.2 onwards.

6.1.11 Accordingly, the principle of the proposal is considered compliant with the aforementioned policies.

## **6.2 Visual Impact and Landscaping**

6.2.1 Policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character.

6.2.2 Policy CS16 notes that the rural and tranquil nature of Shropshire's countryside is a key component of Shropshire's attractiveness as a visitor destination, it is therefore vital that all tourism proposals, particularly in rural areas, is compatible with their location so that Shropshire's unique character and tranquillity is retained.

6.2.3 Policy CS17 aims to ensure that all development contributes to the local distinctiveness, having regard to the quality of Shropshire's environment, including landscape.

6.2.4 Policy MD2 requires development to respond effectively to local character and distinctiveness, it should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets.

6.2.5 Policy MD11 of the SAMDev states that; Tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7, MD12, MD13 and relevant local and national guidance. In addition all proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate.

6.2.6 Policy MD12 is concerned with impact upon landscape character and local distinctiveness of an area.

6.2.7 Policy GQD1 of the MWNP also states, "The high quality natural landscape outside the development boundary of Much Wenlock will be protected from any development which adversely affects the town's character, setting and open views." In addition, and Policy GQD2 requires all development to be of a high design quality and to reinforce local distinctiveness stating, "Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable."

6.2.8 Policy LL3 states, "The Plan will expect developments to retain features of high nature conservation or landscape value, including mature trees, species-rich hedgerows, ponds and existing areas of woodland. Improvement of the connectivity between wildlife areas and green spaces will be encouraged to enhance the green infrastructure of the Parish."

- 6.2.9 As noted above the site is an existing caravan and camping site which operates under a Licence, and the Licence permits 5 touring caravans/motorhomes and 20 tents on the site at any one time. Therefore, in terms of visual impact and landscaping the matters only really relate to the erection of a multi purpose building and the siting of the Shepherds huts.
- 6.2.10 The site comprises the lower half of the field and although the land rises up from the road the multi purpose building will be well screened from the Stretton Road by the existing roadside hedge, and additional tree planting is proposed to establish a continuous hedge along the applicants' boundary to north-eastern corner of the site. Furthermore, a native hedge is proposed along the western edge of the access track to create a visual screen, preventing views into the site and thereby mitigating any visual impact and loss of a short section of hedgerow and coniferous planting to facilitate the new entrance.
- 6.2.11 In the event that the multi purpose building is visible from other vantage points it would not look out of character given that it has been design to have the appearance resembling that of a field shelter/barn/stable complex, and is not dissimilar to the existing field shelter which is located in the upper part of the applicant's field.
- 6.2.12 The proposed Shepherds huts will be viewed against the back drop of trees and hedge. The brown and green finish of the huts will serve to assimilate them with the landscape ensuring that they do not appear overly strident in the landscape. Accordingly, there would be no significant adverse impact upon the local distinctiveness and landscape of the area.
- 6.2.13 The proposal is therefore considered compliant with Local Plan policies CS5, CS6, C16 and C17, MD2, MD11& MD12, Much Wenlock Neighbourhood Plan policies GQD1, GQD2 and LL3.

### **6.3 Impact on Residential Amenity**

- 6.3.1 Given the separation distances between the proposed site and the dwellings in the area it is considered that there would be no adverse impact up residential amenity of the scattered dwellings in the wider locality. Accordingly, there is no conflict with policy CS6 which aims to safeguard residential amenity.

### **6.4 Impact on Highway Safety**

- 6.4.1 Policy CS6 requires all development to be safe and accessible to all and have appropriate parking. The existing access was approved by SC Highways following alterations in respect of the exemption licence. The proposal involves the stopping up of the existing access and the creation of a new purpose built access which will be located in a more central position as opposed to the existing access which is located in the south east corner of the site. This change would improve visibility in comparison to the existing access.
- 6.4.2 SC Highways Development Control have assessed the access proposals and have also reviewed the comments submitted by a Development Consultant, who

specialises in highways and drainage, on behalf of an objector, and those of a Transport Consultant on behalf of the applicant. The Council's Highways Development Control Team conclude that the proposed access would not be detrimental to highway safety to serve a site of 20 tent pitches, four shepherds huts and five touring caravans.

- 6.4.3 The Developing Highways Manager South has provided the following additional comments in response to the Highway objection received from Mr Andy Gough on behalf of an objector.

When considering the submitted application, it is considered that Manual for Streets 2 applies, which seeks to provide a standard between Manual for Streets and DRMB. It is considered that in an appeal situation that guidance within Manual for Streets 2 would apply. Standards set out in Manual for Streets 2 recommends that a visibility splay of 2.4 metres by 151 Metres is provided where approach speeds are 60mph in dry conditions.

Despite the above, the proposed visibility splays are based on a site assessment, and have been considered by Mouchel to be appropriate for the surrounding conditions, specifically that westbound vehicles will be exiting the 30mph speed limit. It is also considered that the proposed access provides betterment to the existing access.

- 6.4.4 In consideration of the above, the proposed development and associated access is considered acceptable from a Highways perspective. Conditions would be attached to any permission granted to ensure that the existing access is closed and not used for any purpose, the maximum gradients for the new access, provision of the visibility splays and on the positioning of access gates.

## 6.5 Drainage

- 6.5.1 Core Strategy policy CS18 relates to sustainable water management. The site is naturally well drained being on limestone and also benefits from an existing soakaway. It is outside any Environment Agency designated area at risk of flooding and does not create any impermeable hard-standing from which on-site run-off would be increased. The additional run-off of storm water from the newly created roof area of the facilities and storage building will be harvested using water butts and re-used on site for welly washing and watering hanging baskets etc. Surplus water during the winter months will be directed to the existing soakaway on site, which has adequate capacity. SC Drainage has no objections subject to conditions and the proposal is therefore compliant with policy CS18.

## 6.6 Ecology

- 6.6.1 *Inter alia* policy CS17 seeks to protect and enhance Shropshire's environmental assets and policy MD12 seeks to avoid harm to them and chapter 11 of the NPPF aims to conserve and enhance the natural environment.
- 6.6.2 An Extended Phase One Habitat Survey was carried out on this site in November 2015 by Arbor Vitae. SC Ecology has assessed the report which advises that the majority of the site consists of improved grassland. The grassland is regularly mown and the sward is kept very short. Native species-poor hedgerows form three of the site boundaries, with a wire fence forming the north-western boundary. The

south-western and north-eastern hedgerows have been heavily grazed in the past and are therefore open and have gaps. The south-eastern roadside hedgerow is much more dense. It is noted that all of the hedgerows are going to be retained.

- 6.6.3 Furthermore, a number of young trees have been planted on the site. These are largely ornamental, non-native species. Outside of the site to the south west lies a strip of recently planted woodland comprising mainly broad-leaved species approximately 15 years old.
- 6.6.4 The opportunity exists to allow small areas of grassland to develop as species-rich grassland through appropriate management.
- 6.6.5 Wenlock Edge Site of Special Scientific Interest (SSSI) lies approximately 80m to the north and 190m to the west. However, the proposed development is unlikely to have any adverse impact on the SSSI and no further consideration is required.
- 6.6.6 All trees on the site were too young to contain features which might provide roosting habitat for bats. The temporary buildings and structures on site similarly provide no potential for bats. The site boundaries are likely to be used by foraging and commuting bats. Therefore, any new lighting on the site should be sensitive to bats and follow the Bat Conservation Trust guidance.
- 6.6.7 The hedgerows and trees on the site provide nesting habitat for birds, and as such Any vegetation removal should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check for active nests should be carried out and if any active nests are present then works cannot proceed until the young birds have fledged.
- 6.6.8 No evidence of any other protected or priority species was observed on, or in close proximity to, the site.
- 6.6.9 Accordingly, it has been demonstrated that there will be no adverse impact on any of Shropshire's natural assets and a suitable soft landscaping plan will provide an opportunity to enhance the biodiversity of the site. The proposal is therefore compliant with policies CS17 and MD12 and national guidance contained within the NPPF.

## **7.0 CONCLUSION**

- 7.1 The site is located within easy access of Much Wenlock where there is a full range of services and facilities. The area is popular with holidaymakers, and there are numerous tourist attractions slightly further afield. The proposal would expand an established holiday accommodation enterprise (albeit one hitherto uncovered by express planning permissions) on a modest scale and with transitory structures unlikely to have any lasting visual impact, and the provision of tourist accommodation is considered to be of benefit to the surrounding area.
- 7.2 The application includes a business overview which explains the campsite business has grown quickly and the applicants are experiencing increasing demand and wish to secure the sustainable future of their business and expand the client base by offering accommodation on site in the form of the shepherds huts.



7.3 The proposed new site access arrangements would be an improvement over the existing situation and would not be detrimental to highway safety, being suitable to accommodate the scale and nature of traffic likely to be generated.

7.4 Accordingly the proposed development is compliant with Local Plan policies CS5, CS6, CS16, CS17 & CS18 of the adopted Core Strategy and policies MD2, MD11, MD12 and MD13 of the SAMDev, policies GQD1, GQD2, EJ7 and LL3 of the Much Wenlock Neighbourhood Plan and national guidance contained within the NPPF 2012. It is therefore recommended that the application is approved with conditions.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

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

Shropshire Core Strategy:  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS16 Tourism, Culture and Leisure  
CS17 Environmental Networks  
CS18 Sustainable Water Management

SAMDev Plan:  
MD2 Sustainable Design  
MD7b General Management of Development in the Countryside  
MD11 Tourism facilities and visitor accommodation  
MD12 The Natural Environment  
MD13 The Historic Environment  
S13 Much Wenlock Area

Much Wenlock Neighbourhood Plan

RELEVANT PLANNING HISTORY:

16/00521/FUL Erection of multi-purpose building; siting of 4no Shepherds Huts and a composting toilet cabin. WDN 14th September 2016

11. Additional Information

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

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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Design and Access Statement
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Environmental Statement
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Transport Assessment
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Planning Statement
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Cabinet Member (Portfolio Holder)
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Cllr M. Price
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Local Member
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Cllr David Turner
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Appendices
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APPENDIX 1 - Conditions
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## 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. No more than 4 shepherds huts structures, 5 touring caravans and 20 tent pitches shall be provided/sited within the application site at any one time.  
  
Reason: To define the scale of the holiday accommodation enterprise, for the avoidance of doubt.
4. The shepherds huts, touring caravans and tents stationed/installed on the land shall be occupied for holiday purposes only, and shall not be occupied as a person's sole, or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the individual shepherd huts and touring caravan and tent pitches, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.  
  
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.
5. Only touring type caravans that can be towed legally on the public highway may be stationed on the land in accordance with the number limit in condition 3 above.  
  
Reason: To define the permission for the avoidance of any doubt and in the interests of visual amenity.
6. The shepherd huts installed on the land shall only be sited in the positions shown on the approved drawings and shall not exceed the length, width and height of the Shepherd hut structures shown on the approved drawings.  
  
Reason: To define the permission for the avoidance of any doubt, in the interests of visual amenity.
7. The new site access shall be constructed, and use of the existing access discontinued, before occupation of the shepherd huts and use of the touring caravan and tent pitches that are the subject of this planning permission commence. The existing access shall be stopped up in accordance with details which have first been approved in writing by the local planning authority.

Reason: In the interests of highway safety and visual amenity.

8. The gradient of the access(s) from the highway carriageway shall not exceed 1 in 24 for a distance of 10m and thereafter the gradient of the drive shall not exceed 1 in 10.

Reason: To provide a safe access to the development in the interests of highway safety.

9. Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.

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

10. Prior to the first use of the access the visibility splays shown on drawing number 98-16-07 -August 2016 by Sumner Consultancy Ltd, shall be formed and shall thereafter be kept clear of all growth and obstruction.

Reason: In the interests of highway safety.

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

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

12. 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 Trusts Bats and Lighting in the U.K. guidance.

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

13. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority, showing existing trees and hedges to be retained and all new planting proposed. The landscape works shall be carried out in full compliance with the plan, schedule and timescales approved in writing by the local planning authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

**Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
  
2. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.  
 No drainage to discharge to highway  
 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.  
 Works on, within or abutting the public highway  
 This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (footway or verge) or
  - carry out any works within the publicly maintained highway, or
  - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
  - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway
 The applicant should in the first instance contact Shropshire Councils Street works team.  
 This link provides further details  
<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>  
 Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.
  
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.  
  
 Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.
  
4. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

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

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of 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.

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

5. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the Council's website at: [www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/](http://www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/).

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

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

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<u>Committee and date</u>
South Planning Committee
10 January 2017

## Development Management Report

### SCHEDULE OF APPEALS AS AT COMMITTEE 10<sup>th</sup> January 2016

<b>LPA reference</b>	16/01085/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Simon Angell
<b>Proposal</b>	Erection of detached dwelling including detached garage/office
<b>Location</b>	Land Adjacent Wayside 4 Ashford Carbonell Shropshire
<b>Date of appeal</b>	13.09.2016
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	
<b>Date of appeal decision</b>	05.12.2016
<b>Costs awarded</b>	No
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	16/02676/PMBPA
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Les Perrins
<b>Proposal</b>	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use of an agricultural building to a residential dwelling
<b>Location</b>	Proposed Dwelling Agricultural Building Holyhead Road Albrighton Shropshire
<b>Date of appeal</b>	19.12.2016
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

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# Appeal Decision

Site visit made on 1 November 2016

**by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI**

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

**Decision date: 05 December 2016**

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**Appeal Ref: APP/L3245/W/16/3155464**

**Land adjacent Wayside, 4 Ashford Carbonell, Shropshire SY8 4BX**

- 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 Mr Simon Angell against the decision of Shropshire Council.
  - The application Ref 16/01085/FUL, dated 8 March 2016, was refused by notice dated 26 April 2016.
  - The development proposed is for the erection of a single detached dwelling including detached garage and office.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. A scheme for a single affordable dwelling has previously been approved<sup>1</sup> at the site and it is understood that this permission remains extant.
3. A further application was submitted for an open market house of a broadly similar but different design, which was refused permission by the Council. The subsequent appeal<sup>2</sup> was dismissed.
4. The Council's statement refers to the appeal scheme as a proposal to remove an affordable occupancy restriction. However, I have considered the appeal on the basis of the description contained within the planning application and which was followed through to the Council's decision notice.

## Main Issue

5. The main issue is whether the location is a sustainable location for open market housing having regard to prevailing development plan policies and the National Planning Policy Framework (the 'Framework').

## Reasons

6. The site is located within the Ashford Carbonell Conservation Area (CA) and comprises an infill plot adjoining a pair of two storey cottages. I agree with the parties that the proposal at the very least preserves the character and appearance of the CA and, in terms of my statutory duty, the design of the

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<sup>1</sup> 11/05428/FUL

<sup>2</sup> APP/L3245/W/15/3024055

dwelling would not be harmful to the significance of the CA, which is derived from its nucleated form. In addition, the appeal site lies in close proximity to Home Farm, a Grade II Listed Building. I am satisfied that the development would not harm the setting of this listed building.

7. The previous Inspector accepted that the development plan policies in relation to the supply of housing were up-to-date and I consider that the fourth bullet point in paragraph 49 of the Framework is not engaged. The decision of the High Court<sup>3</sup> does not alter the fact that the Council is currently able to demonstrate a five years' supply of deliverable housing sites and the appellant does not provide further evidence that counters the Council's contention that it has 5.97 years' housing supply at the present time.
8. I am required to have regard to the development plan in considering this appeal and to make my determination in accordance with the plan unless material considerations indicate otherwise. In this regard the Council draws attention to policies of the Shropshire Core Strategy (CS) adopted March 2011 and the Site Allocations and Management of Development adopted in December 2015 (SAMDev). These were the same policies considered by the previous Inspector; nothing has appeared to have changed in this regard.
9. The Council sets out its locational strategy for growth at Policies CS1 and CS4 of the Shropshire Local Development Framework: Adopted Core Strategy (CS), which in terms of rural communities, is designed to effect a rural re-balance through directing development within such areas to Community Hubs and Clusters. Outside of these settlements, CS Policy CS1 limits new development to that primarily required for economic diversification and to meet the needs of local communities for affordable housing. CS Policy CS4 advises that development outside a community hub or cluster as set out in the Site Allocations and Management of Development Plan (SAMDev) will not be allowed unless it meets CS Policy CS5. CS Policy CS5 seeks to strictly control development in the countryside and provides a number of exceptions for new dwellings.
10. The appeal site is located outside of any identified community hub or cluster as set out in Schedule MD1.1 of the SAMDev and, given the adopted development plan approach, as a proposal for open market housing in an area treated as a countryside location despite its appearance and character as a settlement in its own right, there would be conflict with CS policies CS1, CS4 and CS5 and CS11. Crucially, SAMDev Policies MD1 and MD7a seek to direct development to sustainable locations that have a range of key services and employment opportunities. This aim is entirely consistent with the sustainable development objectives of the National Planning Policy Framework (the Framework) and as the development plan has only very recently been found to be sound, I have to accord the policies significant weight.
11. SAMDev Policy MD1(3) dictates that the identification of any further hubs or clusters can be proposed by Parish Councils following formal preparation of community-led plan or Neighbourhood Plan process and these will be formally considered for designation as part of a Local Plan review. However at this juncture, there is no evidence to suggest that Ashford Carbonell will be considered in the near future, which further undermines the appellant's case.

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<sup>3</sup> Case No: CO/2850/2016 dated 2 November 2016

12. I have no reason to disagree with the previous Inspector's assessment of the sustainability credentials for this settlement and her analysis of the three dimensions of sustainability. Thus I also conclude that the cumulative benefits of an additional open market house at this location would be unlikely to significantly enhance the vitality and viability of the rural community as set out in paragraph 55 of the Framework. Therefore, despite all of the appellant's representations to the contrary relating to the need to have sufficient housing in rural areas and the approach taken by the Council to the preparation of the SAMDev, this is not an appropriate location for further open market housing at this time.
13. The appellant has drawn my attention to both a planning permission for an open market dwelling on another site in the village and a number of appeals involving housing proposals in other Shropshire settlements. However the full details are not before me and in any event, the characteristics of each site are different. The point raised by the appellant that it is iniquitous to apply different approaches to sustainable development within the same village is noted; but the case at New House Farm was considered prior to the adoption of the SAMDev and on the basis of paragraph 49 of the Framework.
14. The Framework also makes it clear that housing applications, irrespective of the position on the supply of housing sites, should be considered in the context of the presumption in favour of sustainable development as found in the Wychavon case and it is this issue that is decisive in this appeal. For the same reasons set out by the previous Inspector, I have also found that Ashford Carbonell does not contain the range of services and facilities to sustain open market housing, particularly in the context of the Council's strategy.
15. The appellant also refers to the Council's case presented at a recent inquiry into an appeal at Ludlow (APP/L3245/W/15/3137161) where it appears the Council acknowledged that there will be a continuing need to boost significantly the supply of housing, including on greenfield sites. However proposals on such sites would still need to be considered in the context of sustainable development, as is the case here. The Inspector did acknowledge the national need to deliver housing; however, in the context of the appeal at Ludlow, this was for a substantial housing scheme that made a significant contribution to housing delivery at a sustainable location. This would not be the case here.
16. I agree with the Council that at this early period of the development plan, it would not be appropriate to look to meet housing growth on sites that are not sustainable. I have no evidence that new housing will not come forward on the Council's preferred locations in the Ludlow area. However, ongoing monitoring of the success of the Council's strategy in terms of housing delivery will in any event take place.
17. Clearly, the site does not encroach into open countryside. However, as it stands the proposal would not provide an affordable dwelling as one of the exceptions in Policy CS11 and the Council's Local Development Framework Supplementary Planning Document on the Type and Affordability of Housing adopted September 2012 (SPD); moreover, it is not a conversion and neither would it provide for an essential need for a rural worker. It would not represent sustainable development in the meaning set out in the development plan, which has only just been found to be in line with Government's sustainable development principles set out in the Framework and would

therefore be contrary to Policies CS1, CS4, CS5 and CS11 of the CS and Policies MD1 and MD7a of the SAMDev, together with the SPD.

*Other matters*

18. The appellant suggests that government policy has changed in respect of affordable housing contributions. However, since the appeal is being dismissed for other reasons on the basis of a submission for an open market dwelling, this matter has had little bearing on my assessment of the proposal.
19. By the same token, the proposed revised scheme for the proposed dwelling resulting in the floor area being in excess of the limit set for affordable houses in the SPD and CS Policy CS11 also does not bear heavily on my decision, which is dismissed on the main issue.

**Conclusion**

20. There are no material changes in circumstances since the last appeal that would warrant a different decision to be taken. For the above reasons and having regard to all other matters raised I conclude that this appeal should be dismissed.

*Gareth W Thomas*

INSPECTOR