



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

Date: Wednesday, 22 June 2016

**Committee:
Central Planning Committee**

Date: Thursday, 30 June 2016

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, 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

Vernon Bushell (Chairman)
Ted Clarke (Vice Chairman)
Andrew Bannerman
Tudor Bebb
Miles Kenny
Dean Carroll
Amy Liebich
Pamela Moseley
Peter Nutting
Kevin Pardy
David Roberts

Substitute Members of the Committee

Peter Adams
Tim Barker
Roger Evans
John Overall
Jane MacKenzie
Alan Mosley
Keith Roberts

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the Minutes of the meeting of the Central Planning Committee held on 26th May 2016.

Contact Michelle Dulson on 01743 257719.

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 5pm on Monday 27th June 2016.

4 Disclosable Pecuniary Interests

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

5 Land Adj. 38 Longden Road, Shrewsbury (15/05091/FUL) (Pages 9 - 28)

Erection of two residential dwellings; formation of driveway.

6 Land South of Calverton Way, Shrewsbury (15/04910/OUT) (Pages 29 - 42)

Outline Application for the erection of 4No residential units (to include access).

7 Sunderton Farm, Uffington, Shrewsbury (15/04709/EIA) (Pages 43 - 82)

Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access

8 Proposed dwellings at Wilcott, Kinton (16/00327/REM) (Pages 83 - 96)

Application for approval of reserved matters (appearance, layout, scale and landscaping) pursuant to permission 14/03619/OUT for the erection of 2 no. dwellings.

9 19 - 21 Hills Lane, Shrewsbury (16/01776/FUL) (Pages 97 - 108)

Change of use of first floor from office to A4 use (pubs and bars).

10 Land North of London Road, Shrewsbury (16/02049/FUL) (Pages 109 - 120)

Erection of single storey supported living accommodation for three adults.

11 Proposed dwelling rear of Enterprise House, Main Road, Pontesbury, Shrewsbury (15/00999/FUL) (Pages 121 - 122)

Erection of a dwelling.

12 Schedule of Appeals and Appeal Decisions (Pages 123 - 136)

13 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 28th July 2016 in the Shrewsbury Room, Shirehall.

This page is intentionally left blank



Committee and Date

Central Planning Committee

30 June 2016

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 26 May 2016

2pm – 4.35pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Michelle Dulson

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257719

Present

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Andrew Bannerman, Dean Carroll, Miles Kenny, Pamela Moseley, Peter Nutting, Kevin Pardy, David Roberts and Tim Barker (Substitute) (substitute for Tudor Bebb)

1 Election of Chairman

RESOLVED:

That Councillor Vernon Bushell be elected Chairman for the ensuing municipal year.

2 Apologies for absence

Apologies for absence were received from Councillors Tudor Bebb (substitute: Tim Barker) and Amy Liebich.

3 Appointment of Vice-Chairman

RESOLVED:

That Councillor Ted Clarke be appointed Vice-Chairman for the ensuing municipal year.

4 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 28 April 2016 be approved as a correct record and signed by the Chairman.

5 Public Question Time

There were no public questions, statements or petitions received.

6 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 15/04859/EIA, Councillor Tim Barker declared that he was the Chairman of the Armed Forces Community Covenant Partnership and an Armed Forces Member Champion.

With reference to planning applications to be considered at this meeting, Councillors Andrew Bannerman and Peter Nutting stated that they were members of the Planning Committee of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

With reference to planning applications 16/00370/VAR and 16/00371/VAR, Councillor Dean Carroll declared that he was personally acquainted with the owner but had never discussed the applications with him.

With reference to planning application 15/04859/EIA, Councillor David Roberts declared that he was acquainted with the applicant. As local Ward Councillor he would make a statement and then leave the table, take no part in the consideration of, or voting on, this application.

With reference to planning applications 16/00370/VAR and 16/00371/VAR, Councillor Andrew Bannerman, as local Ward Councillor, would make a statement and then leave the table, take no part in the consideration of, or voting on, this application.

With reference to planning applications 16/00370/VAR and 16/00371/VAR, Councillor Miles Kenny declared that he had spoken to the applicant and that he knew one of the objectors to planning application 16/00371/VAR.

7 Ashleys Wine Bar Ltd, 9 Shoplatch, Shrewsbury, Shropshire (16/00370/VAR)

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

Mr M Evans, Secretary of the Shrewsbury Town Centre Residents Association, 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), Councillor Andrew Bannerman, the local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement the following points were raised:

- He asked that Members recommend deferring this item pending the issue of guidance around concerns over the late night economy;

- He reminded Members that a review of the licence had been undertaken due to disturbance after 10pm;
- He requested that a condition be attached to cease serving and the premises be emptied by 12midnight in order to safeguard amenities and the locality which he felt were no longer relevant as economic progress was considered more important;
- He stated that 95% of town centre pubs did stop serving at 11 and emptied by 12midnight and that residents had a good relationship with the vast majority of pubs in the locality;
- He queried why the issue of opening hours could no longer be controlled through conditions;
- He felt that if permitted, more pubs would apply to stay open longer causing more nuisance;
- He stated that residents were worth more than the economy;
- Visitors had complained on Trip Advisor about the noise in the town after midnight; and
- If this application were permitted there would be a tiny increase in the economy but a very big risk to the amenities/locality.

Mrs L Davies, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members noted the comments of all speakers. In response to comments, the Technical Specialist Planning Officer explained that Public Protection deal with licensing issues and also advised Planning on Health and Safety matters.

RESOLVED:

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

8 Ashleys Wine Bar Ltd, 9 Shoplatch, Shrewsbury, Shropshire (16/00371/VAR)

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

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

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15), Councillor Andrew Bannerman, the local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement the following points were raised:

- The planning regime no longer took responsibility for the amenity of the area;

- He felt that outdoor seating should be restricted to 10pm due to noise disturbance issues;
- The visitor economy was being affected as well as the residents;
- He felt that due to the position of the premises so close to residents that it should not be part of the late night economy.

Mrs L Davies, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members noted the comments of all speakers. The Technical Specialist Planning Officer clarified that the current planning condition permitted the use of the pavement seating area until 11.30pm. He explained that the variation being requested was for the tables, chairs and other equipment associated with the pavement seating area to be cleared and stored within the building between the hours of 2.30am and 8am instead of 11.30pm and 8am.

RESOLVED:

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

9 Land Adj 38 Longden Road, Shrewsbury, Shropshire (15/05091/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations. The Principal Planner explained that reference to the Section 106 agreement in the recommendation should be removed as it no longer fell within the affordable housing criteria.

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.

Ms H Bruce, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr S Thomas, 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. Members felt that photographs of the view from the other side of the valley would have been of great benefit.

RESOLVED:

That, contrary to the Officer's recommendation, this application be deferred to a future meeting subject to receiving a visual montage of the view from the Rad Valley.

10 Ensdon Farm, Holyhead Road, Montford, Shrewsbury (15/04859/EIA)

The Technical Specialist Planning Officer 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.

The Technical Specialist Planning Officer reported two further objections relating to noise levels, suffering of birds, the concerns of Natural England and concerns around waste and harmful emission.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15), Councillor David Roberts, the local Ward Councillor, spoke in support of the application and then left the table, 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 Members delegate authority to the Planning Manager to grant planning permission for the proposed development, subject to:

- The conditions as set out in Appendix 2 to the report;
- The replacement of conditions 5 and 6 in Appendix 2 with conditions proposed by Highways England;
- Additional conditions relating to a HGV passing place and design of site access; and
- Satisfactory resolution of issues raised by Highways England regarding A5 junction improvements.

11 Land South Of Calverton Way, Shrewsbury, Shropshire (15/04910/OUT)

The Area Planning & Enforcement Officer introduced this application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations.

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

Mr C Burge, a local resident, spoke against 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. They expressed concern that a residential development was being proposed in a commercial area which they felt would change the nature of the area and have a detrimental effect on the pub.

The Principal Planning Officer explained that the proposal was only for a small part of that community space and that the social, environmental and economic benefits from the additional housing outweighed this loss.

It was proposed that the application be refused as it would affect the viability of the pub and would mean a loss of community space and therefore went against Planning Policy CS8.

RESOLVED:

That Members be minded to refuse this application and for it to come back to a future meeting with advice as to the reasons for refusal.

12 2 Oak Lane, Bicton Heath, Shrewsbury (16/00882/FUL)

The Area Planning & Enforcement Officer introduced this application and with reference to the drawings displayed, she 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.

The Area Planning & Enforcement Officer reported further objections relating to loss of privacy, scale, overbearing, outlook and overlooking.

RESOLVED:

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

13 Schedule of Appeals and Appeal Decisions

Members considered the Schedule of Appeals and Appeal Decisions for the Central area as at 26 May 2016.

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 26 May 2016 be noted.

14 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday 30 June 2016 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

This page is intentionally left blank



Committee and date
 Central Planning Committee
 30 June 2016

Item
5
 Public

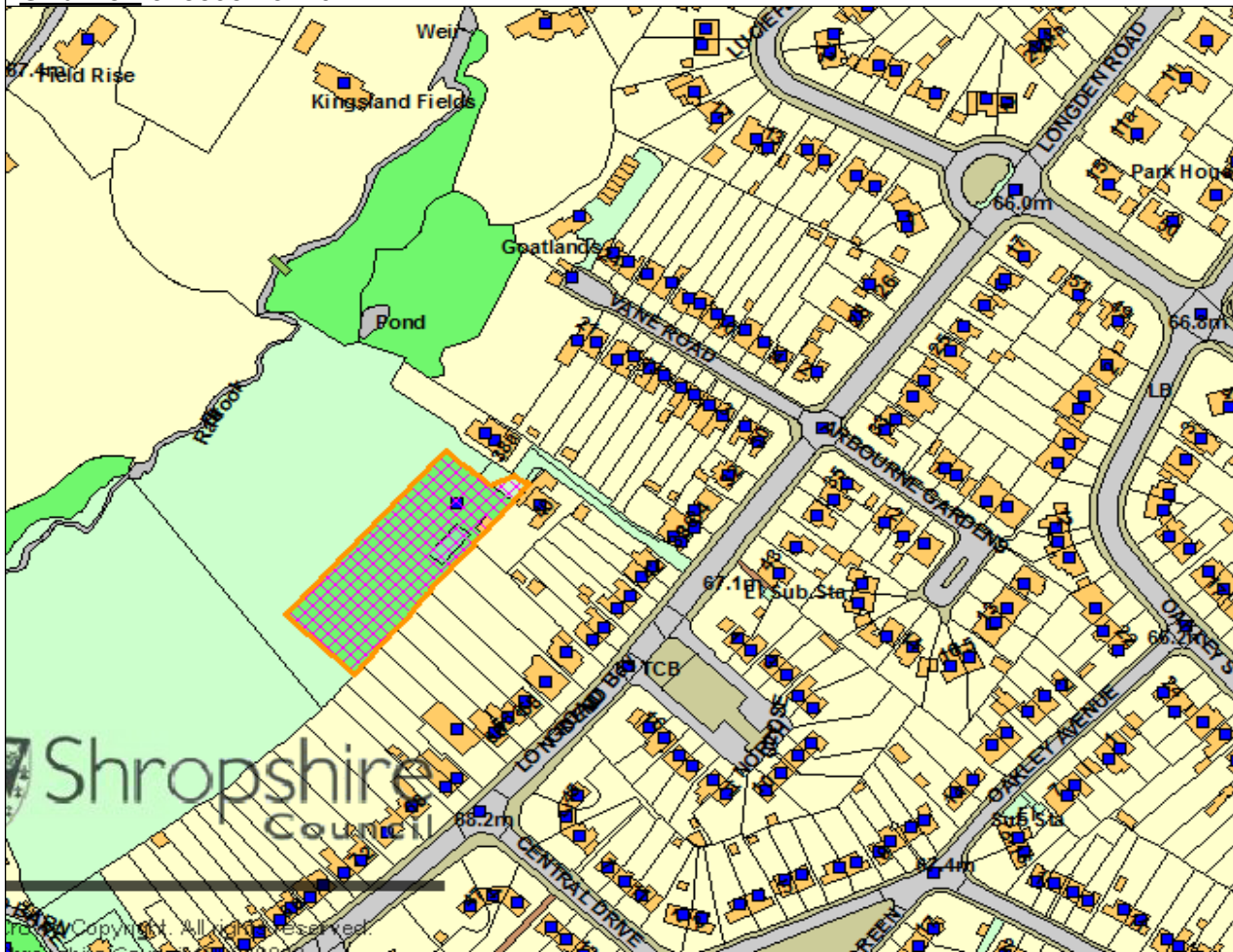
Development Management Report

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

Summary of Application

| | | |
|---|--|-------------------------|
| Application Number: 15/05091/FUL | Parish: | Shrewsbury Town Council |
| Proposal: Erection of two residential dwellings; formation of driveway | | |
| Site Address: Land Adj 38 Longden Road Shrewsbury Shropshire | | |
| Applicant: Mr D Davies | | |
| Case Officer: Nanette Brown | email: planningdmc@shropshire.gov.uk | |

Grid Ref: 348898 - 311624



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2015 For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

- 1.1 **This application was deferred at the previous meeting of the Central Planning Committee in order that a visual montage of the views of the site available from the Rad Valley could be submitted. The agents for the application have now submitted photographs taken from the closest public footpath (which forms part of the Severn Way) looking towards the application site as well as further drawings that provide illustrative sections through the developed site.**
- 1.2 This application seeks planning permission for the erection of two detached dwellings and formation of a shared driveway.
- 1.3 The site has been subject of a previous appeal against non-determination of application ref: 14/00267/FUL. This previous application also sought planning permission for the erection of two detached dwellings and formation of a driveway. The appeal was dismissed on the grounds that the proposed dwellings because of their height and large footprint would result in an unacceptable visual intrusion into the valley and would neither preserve nor enhance the character or appearance of the Shrewsbury Conservation Area.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within the urban conurbation of Shrewsbury. The site lies within an area of green space that forms the valley surrounding the Rad Brook. The valley is bounded by the area of Kingsland to the north, with Coleham to the south and Roman Road to the west. Shrewsbury's town centre lies approximately 800 metres to the north.
- 2.2 The application site is set back approximately 80 metres from Longden Road with access gained via a shared private access track/driveway that runs to the north east of No.42 Longden Road. No's 38 & 40 Longden Road also utilise this track as their main access to their properties and the occupants of No.42 use the track to access a rear parking area. The site contains a derelict greenhouse that it is understood was formerly used as part of a market garden.
- 2.3 To the south-east of the development site lie the rear gardens of residential dwellings that front Longden Road. No.38 Longden Road is a bungalow, situated to the north east of the appeal site, with an access/opening to the adjacent field running between its south west boundary and the application site. No.40 is also set to the north east of the appeal site. To the north and west the site is surrounded by fields and trees that form part of the Rad Brook valley.
- 2.4 The application site is situated within the southerly boundary of the 'Kingsland Special Character Area' which forms part of the larger Shrewsbury Conservation Area, with the Conservation Area boundary coinciding with the sites south-eastern boundary. There are no listed buildings within the immediate vicinity of the property.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Shrewsbury Town Council and the Local Elected Member have submitted a view contrary to officers recommendation for approval based on material planning reasons that cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman or vice chairman agree that the Town Council and Local Member have raised material planning issues and should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Affordable Housing – No objection

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

4.1.2 SuDs – No objection

Suggested conditions and informatives should planning permission be granted relating to surface water drainage.

4.1.3 Cllr Chebsey (Locally Elected Member) – Objection

Having examined the application it appears to be very similar to previous proposed plans for the site. Therefore the same reasons for refusal apply to this current application. The fact remains that the new houses are encroaching into the Radvalley area which is a wild life haven and corridor within the urban area and the access is appalling and difficult. It is very important that the valley has no further development allowed in order to maintain this location for local residents to enjoy. For these two reasons I strongly object to this application.

There have been a number of applications for this site but still there is the problem of the dangerous access and egress on to Longden Road. It is many years since the site was used as a market garden and the volume of traffic on Longden Road has increased since that time. The lane will not support any further development, it is not simply the residents who may live in the new properties but also the access required during construction and thereafter servicing the properties.

Having just looked at the amended plans my earlier comments still stand. In principle I am against any development at this location due to the poor access and also any further erosion of the open space in the valley. This area should be kept as an amenity facility for the local residents and the green space should be preserved.

4.1.4 CPRE – Objection

Near repeat of previous application and CPRE objection to development of the site still stands; site is valuable open space previously identified by SABC as greenspace and is within the conservation area; this is one of the few remaining

green corridors in town that the Council should preserve; access to the site is totally unsuitable as an access to further larger properties; will set a precedence of urban creep into the Rad Valley; urge that this application is refused.

4.1.5 **Shrewsbury Town Council – Objection**

The Town Council has objected to the previous applications for this land as they feel that any development would encroach onto a rare green corridor in Shrewsbury, which they feel should be preserved for the benefit of both the residents and the wildlife in the area. Members are adamant that the green spaces within Shrewsbury should be protected and preserved without question and they have concerns that the proposals will have a negative visual impact to the detriment of a variety of people who use the area as an outdoor recreation space. The development will set a precedence of urban creep into the Rad Valley and an erosion of valuable green space. Shrewsbury Town Council objects to this application.

The Town Council has considered the updated plans for this application and in the light of few obvious changes to the details, members feel that their objections remained as previously stated.

4.1.6 **SC Archaeology – No comments**

4.1.7 **SC Highways – No objection**

No Objection – subject to the development being constructed in accordance with the approved details, and the recommended conditions.

The development seeks to construct 2 detached dwellings on land which once served a market garden site. The existing private accommodation track is narrow and somewhat overgrown along the adjacent property boundaries which could create difficulties with vehicles accessing the site. It is appreciated that the former use of the site (market garden) could possibly generate more traffic than could be expected by these two new dwellings and may also have included HGV's. Therefore it would not be appropriate to recommend refusal on this situation alone. However, there is the possibility of improving this track with appropriate pruning and vegetation clearance, which may also help make these new properties more marketable. The existing access onto Longden Road is considered acceptable to serve these two new dwellings, as the pedestrian and/or vehicular activity generated by this proposals is unlikely to be contrary to the interests of highway safety.

4.1.8 **SC Ecology – Comments**

Have read the above application and the supporting documents including the

- Extended Phase 1 Habitat Survey and Outline Ecological Impact Assessment and Confidential Appendix Pertaining to Badgers by Eco Tech both dated January 2014.
- Supplementary Information on Great Crested Newt dated May 2014
- Confidential report pertaining to badgers by Eco Tech dated February 2016

Recommend conditions and informatives.

The layout of the development has been amended on drawing SA20511 01 Rev A to provide a 15 metre new broadleaved tree planting belt on the western site boundary and a 15 metre buffer between this new planting and built development. I am satisfied that this planting, together with retention of trees on the northern site boundary, adequately protects the Environmental Network.

Partial conditions and informatives are suggested relating to landscaping, badgers, external lighting, and provision of bat boxes and protection of wild birds.

4.1.9 **SC Conservation – Objection**

Previously provided comments at the pre-application last September on this new application which follows on from an Appeal Decision dated March 26th 2015 which dismissed an appeal on the refusal to grant planning permission for two new dwellings on these lands.

The main issue of concern in terms of historic environment matters, confirmed in the Appeal Decision, was whether the proposed development would preserve or enhance the character or appearance of the Shrewsbury Conservation Area. As noted in the Appeal Decision the site lies within the Kingsland Special Character Area, which forms part of the larger Conservation Area, and is part of the Rad Brook valley which provides an important 'green lung' extending into the heart of Shrewsbury and which makes a significant contribution to the setting of the historic town.

Two particular issues –

- a) the size, footprint and height of the proposed dwellings, and
- b) the impact of the dwellings on the trees on the site – were highlighted in the Appeal Decision.

While a revised house design with a smaller footprint and siting within the property has been submitted remain concerned that the dwellings still appear to be larger and taller than the existing dwellings at the end of the lane. Any revised proposal for these lands would need to more than adequately address this specific issue and remain concerned that the current proposal does not clearly demonstrate that the scheme would preserve and enhance the character and appearance of the wider Conservation Area and the immediate vicinity of this property. A high quality bespoke house design incorporating details, materials and finishes that better reflects and respects the nature and location of these valley lands should be considered. Also note that any revised proposal for these lands would also need to more than adequately demonstrate to our Trees Team that the substantial trees on the site would a) be protected and b) not impact adversely on the living conditions of the potential residents of the new dwellings and therefore not be subject to pressure for their removal.

Further comments dated 14th March 2016:

Further to the earlier comments dated January 21, 2016, revised plans have been submitted which add a planting buffer between the proposed built development and new planting on the site, moves the lots closer to the southern boundary of the site

further from the trees along the northerly boundary, and which re-orientates the proposed building footprints on the site, with some detailing also added to the building design, among other revisions described by the agent.

Reiterate that the main issue of concern in terms of historic environment matters, confirmed in the Appeal Decision, was whether the proposed development would preserve or enhance the character or appearance of the Shrewsbury Conservation Area. While SC Trees Team have advised that subject to the inclusion of conditions the revised layout positions of the proposed dwellings are acceptable, the remaining issue highlighted in the Appeal Decision - the size, footprint and height of the proposed dwellings – in our view has not been adequately addressed. Having reviewed the further revised house design that has been submitted remain concerned that the dwellings do still appear to be larger and taller than the existing dwellings at the end of the lane. Reiterate that proposals for these lands would need to more than adequately address this specific issue, and remain concerned that the revised scheme does not clearly demonstrate that the proposal would preserve and enhance the character and appearance of the wider Conservation Area and the immediate vicinity of this property.

Had recommended in last comments that a high quality bespoke house design incorporating details, materials and finishes that better reflects and respects the nature and location of these valley lands and this specific site within them needs to be considered. Add that any development here needs to better assimilate with this predominantly wooded and natural area, and blend better with its surroundings. The proposed house designs reflect a more urban residential development which could appear out of context on this site. Should development on these lands be acceptable, the opportunity to better appreciate and understand the context of this site should be taken, and this should inform the design of development on these lands, including the incorporation of external materials, finishes and detailing which have better regard for the context of the site.

Further comments received 13th May 2016

Refer you to earlier series of comments on this application and would advise that while the height and design of the proposed Plot 1 house only has been reduced in scale, the March 14, 2016 comments are still relevant to this current revised scheme and direct you specifically to the last paragraph in these comments – the scheme including the house designs and site layout remains urban in nature and out of context with the valley land surroundings. Repeat that should development on this site be acceptable, the opportunity to better appreciate and understand the context of this site should be taken, and this should inform the development here including a higher regard for the context of the site.

4.1.10 **SC Trees – No objections**

The revised layout positions the dwellings at a more acceptable distance from the significant trees along the north west boundary. The development will still result in the loss of minor trees on the site; however this is being mitigated through planting of broadleaf trees to the south of the site. The species and exact positions of these new trees must be carefully selected to prevent any long-term impact to the residential amenity of the new properties.

Recommend conditions be applied to any grant of planning permission to protect retained trees and provide new planting.

4.2 - Public Comments

4.2.1 28 objections received from 8 different addresses and 1 petition (of 17 signatures from 9 different addresses) summarised as follows:

Principle

This scheme is not different than the previous scheme; should consist of affordable housing not luxury homes; contrary to policy including policies CS6 and CS17; should be a committee decision and not a delegated officer decision; market garden use ended on or before 1988 and its operation rarely required traffic/deliveries to site; SAMDev does not identify this area as suitable for housing

Visual Impact

New buildings should not be located within this part of the conservation area, detrimental to character and appearance; this area provides an important 'green lung' making an important contribution to this part of the setting of the town; damaging to local environment; retaining a few trees/landscaping shown will not provide sufficient mitigation; the shown elevation of the buildings is also a concern as they appear to be above the tree line and would be clearly visible in both summer and winter; visual blight; bland design makes no attempt to use the setting of the site and its views available; new dwellings would be a dominant feature in the landscape and will set a precedent; loss of 66 trees to this emerging woodland with many reaching over 12 metres in height will be a considerable loss of the immediate environment; excavation works will be required to link site to the main drainage; proposed house designs are still larger and taller than the bungalow to No.38;

Ecology

Loss of a range of habitat environments for wildlife; development will introduce additional artificial lighting; will cause ecological degradation replacing important environmental functions of the area with hard urbanisation; dislocating the subtle links between the open countryside and green spaces along the Rad Valley and into River Severn and Quarry; loss of 66 trees will reduce available habitat for insects, birds, animals and plants; local wildlife includes wild birds and badgers; the land is emerging woodland;

Residential Amenity

The construction and use of the proposed dwellings will have a detrimental impact on neighbours through noise and disturbance; vehicles will pass within 6 metres of the front of adjacent properties, including construction traffic; the site currently has no services and the application does not state how these will be provided; waste and recycling are only collected from the kerbside;

Highways Safety

The access track is substandard in width and also by its layout at its junction with the county road; intensified use of the track increases chance of vehicles meeting and times requiring vehicles to reverse into the road; no passing places; cars leaving the access track onto Longden Road have poor visibility and also cannot be

seen by oncoming vehicles; Paragraph 4.1.7 of the report to committee on 26th May is incomplete and misleading. It does not state that the Highways Advice Note published on 29th December 2015 was only a desk top study, there is no mention on the Condition laid down for lane widening; SC Highways DC was quite opposed to the similar application last year – yet the traffic situation is exactly the same i.e. 2 houses, each likely to have 2 cars.

5.0 THE MAIN ISSUES

- Principle of development
- Affordable Housing
- Previous appeal decision – Planning Inspectors conclusions
- Visual impact on the Conservation Area – current proposal
- Highway Safety
- Ecology
- Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Relevant planning policies are contained in Shropshire Local Development Framework: Adopted Core Strategy and the Adopted Site Allocations and Management of Development (SAMDev) Plan. Core Strategy Policy CS2 (Shrewsbury - Development Strategy) of the core strategy identifies Shrewsbury as the primary focus for development in Shropshire. The policy also identifies that development will have regard to the promotion, conservation and enhancement of the town's natural and historic features, green corridors and spaces including the corridors of the River Severn and its tributaries. Policy MD1 of SAMDev also supports sustainable development in Shrewsbury. As this site is clearly located within the built area of Shrewsbury in principle the site is in an area where new residential development could be found to be acceptable subject to consideration of other material planning considerations.

6.1.2 Policy CS6 (Sustainable Development and Development Principles) and Policy MD2 (Sustainable Design) both set out the sustainable design and development principles of the Council and seek to ensure that the health and well-being of communities, including residential and local amenity is safeguarded. These Policies also seek to ensure that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate.

6.1.3 Core Strategy CS9 (Infrastructure Contributions) requires developments providing additional dwellings to help deliver more sustainable communities by making contributions to local infrastructure including contributions from residential developments towards affordable housing as also required by policy CS11 (Type & Affordability of Housing).

6.1.4 Policy CS17 (Environmental Networks) and policies MD12: The Natural Environment and MD13 The Historic Environment set out that developments will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. Both policies state that this will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

6.2 Affordable Housing

- 6.2.1 The Type and Affordability of Housing SPD was adopted by Shropshire Council on 12th September 2012. This SPD sets out the requirement for all new open market developments to make a contribution to the provision of affordable housing. Policies CS9 and CS11 require new small scale housing developments to help deliver more sustainable communities by making contributions to local infrastructure including contributions from residential developments towards affordable housing. Such a contribution would usually of been secured by an s106 legal agreement and the applicant's agent submitted a proforma form confirming their clients were willing to pay the relevant contribution at the point of submission of this application.
- 6.2.2 However, the Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on the 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sqm), or 5 units or less in designated protected rural areas.
- 6.2.3 Reading and West Berkshire Councils sought to challenge the WMS at the High Court and on 31st July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point Shropshire Council continued to apply its affordable housing policy.
- 6.2.4 The Government challenged this decision through the Court of Appeal which overturned Mr Holgate's decision on the 11th May 2016. Consequently the WMS still applies and the National Planning Policy Guidance was amended on the 19th May 2016.
- 6.2.5 In addition to this the Housing & Planning Act gained Royal Assent on the 12th May 2016 and this gives power to Government to make secondary legislation to achieve the same result i.e. set minimum thresholds for affordable housing contributions. It is understood that West Berkshire and Reading Councils are considering whether to challenge the Court of Appeal decision in the Supreme Court.
- 6.2.6 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not require an Affordable Housing Contribution for applications

for 10 or less dwellings and less than 1,000sqm floor area in the majority of cases.

- 6.2.7 This proposed development consists of the provision of two dwellings and will create less than 1,000sqm floor space. The site is within the Shrewsbury and not within any designated protected rural area. Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre date the Court of Appeal decision and subsequent changes to the National Planning Policy Guidance, meaning that on balance and at this moment in time, National Policy Prevails. The application is therefore recommended by Officers for approval without being subject to a Section 106 agreement in relation to the financial contribution for affordable housing.

6.3 Previous appeal decision – Planning Inspectors conclusions

- 6.3.1 This site has been subject to a previous appeal (ref APP/L3245/A/14/2228392) that was dismissed. This previous scheme was also for the erection of two detached dwellings. The Planning Inspector set out that were two main issues to consider:

- Whether the proposed development would preserve or enhance the character or appearance of the Shrewsbury Conservation Area;
- The impact of the proposal on highway safety.

- 6.3.2 Conservation Area - The Inspector expressed concerns relating to the size and design of the proposed dwellings and their impact on the trees on the site. He considered that many of the trees on site are self-set and their loss would not be significant but many of those trees on the northern and western boundaries are more substantial specimens. Although the dwellings were shown to be sited outside of the root protection area for these trees, the Inspector concluded that this relationship would have an adverse impact on living conditions through limited light, resulting in difficulty in resisting future pressure to have them removed. He considered that the loss of these more substantial trees would have an adverse impact on the character and appearance of the area and the proposed dwellings would be more obvious as a result.

The Inspector also considered that the proposed dwellings would be larger and taller than the two bungalows currently accessed off the track and whilst there is a building on site he considered that the proposed houses would because of their size (footprint and height) result in an unacceptable visual intrusion into the valley.

- 6.3.3 Highways – The Inspector acknowledged that the site had been previously used as a market garden and whilst it has not been used for some time, he found no evidence to show that it had been abandoned. He noted that such a use would likely generate traffic and possibly large delivery vehicles and concluded that the proposed two dwellings would not generate significantly more traffic than if the site returned to a commercial market garden. He determined that the proposals impact on highway safety would not justify the withholding of planning permission.
- 6.3.4 The Inspector therefore concluded that the proposed two dwellings would create harm to the conservation area and dismissed the appeal.

6.4 Visual impact on the Conservation Area – current proposal

- 6.4.1 The application site has been previously used as a market garden and this was noted by the previous appeal inspector. Whilst it appears that the site has not been used for this purpose in any commercial sense in recent years, no evidence has been put forward to indicate that this use has been abandoned. An old greenhouse still exists on the site and Officers note that this use could be continued. One of the main issues therefore for this site is the potential impact of the chosen designs of properties on the character and appearance of the surrounding conservation area.
- 6.4.2 Amended plans have been submitted for this application that have revised the design and size of the proposed dwellings significantly from the designs put forward on the earlier planning submission and subsequent appeal. The latest drawings now show both dwellings proposed set further towards the northern end of the site and so will be further away from existing mature trees. Plot 1, set closest to the site entrance is shown to be a detached 4 bedroom bungalow, and Plot 2 is a detached 4 bedroom two storey dwelling, its height just exceeding 7 metres at its tallest ridge height. The design of both properties has been chosen to reflect traditional housing, with pitched roofs and chimney detailing. The shared driveway to the properties would enter the site at its northern boundary, off the end of the existing private drive/access and will curve around the western side of both dwellings in order to allow the buildings to be set as far away from the retained trees as possible.
- 6.4.3 The submitted plans show the majority of self set trees within the centre of the site to be removed with most of the trees along the northern and western site boundaries retained. SC Tree & Landscape Officers have confirmed that they are satisfied that the revised layout positions are at a more acceptable distance from the significant trees along the north west boundary and have withdrawn their previous objections, with suggested conditions to secure details of new proposed planting and also a tree protection plan and Arboricultural method statement.
- 6.4.4 It is therefore considered that the revised positioning of the two dwellings within the site would overcome the previous Appeal Inspectors concerns relating to future pressures on the existing trees retention/removal. Conditions could be added to any consent granted withdrawing permitted development rights for both properties requiring that any extension works or outbuildings are subject to local authority consideration in order to preserve the new tree planting and existing trees on site.
- 6.4.5 As well as raising concern over the potential for future pressure of removal of the trees in the previous submission the appeal inspector also identified concerns relating to the size of both the footprint and height of the proposed dwellings and the visual impact this would have on the character and appearance of the conservation area.
- 6.4.6 The amended designs of both plots reduce the size of footprints previously considered at appeal and have also attempted to reduce the height of the dwellings. Plot 1 at the northern end of the site, situated closest to adjacent neighbours and at the highest part of the site in terms of land levels has been reduced in scale and height to a bungalow, with accommodation shown only at ground level. This design attempts to more closely reflect the scale and size of the adjacent bungalow, No.38. It will also have less impact on the amenities of the closest neighbour, No.40 as discussed in the following sections of this report. Plot 2

whilst still a two storey dwelling has been reduced in size in terms of its footprint and although its overall height at its tallest ridge point has not been reduced since the previous application, the design incorporates a gabled design that includes differing ridge heights over different sections of the dwelling which aids to visually break up the overall mass of the dwelling.

6.4.7 Whilst it has been advised by SC conservation officers that the design of the development of this site should better assimilate with this predominantly wooded and natural area it is considered that the retained trees along the western site boundary as well as the additional deciduous tree planting indicated at the southern end of the site would further screen any new buildings. It is also noted that the design of the properties at No.38 and 40 are of traditional pitched roof designs utilising regular materials, brick, tiles etc. Whilst this site could have provided an opportunity for alternative designs and materials as hinted at by conservation officers it is considered that in this instance for the reasons above, the proposed designs are acceptable and would not result in any unacceptable visual intrusion into the valley.

6.4.8 **The agents have submitted photographs showing views taken from the nearest public footpath to the site.** This footpath runs to the north west and west of the application site and crosses the Rad Valley. The footpath lies at distances of over 200 metres from the application site. The photographs illustrate that the application site cannot be easily viewed from the footpath due to the mature trees and planting within the rad valley itself. Along with the trees that are to be retained along the north and north western boundaries it is considered that the existing screening and that proposed as part of this application will to preserve the overall appearance and character of the conservation area.

6.5 Highway Safety

6.5.1 The site will be accessed via a private shared access that leads down from Longden Road. The application site is set at the end of this access drive. SC Highways Officers have not raised any objections to the proposed scheme. It is noted that the previous market garden use could be brought back into use with the potential to create more potential traffic movements than that of two dwellings. Officers consider that the existing access onto Longden Road is acceptable to serve these two new dwellings, as the pedestrian and/or vehicular activity generated by this proposal is unlikely to be contrary to the interests of highway safety.

6.6 Ecology

6.6.1 Submitted with the application were an Extended Phase 1 Habitat Survey; Outline Ecological Impact Assessment and Confidential Appendix pertaining to Badgers and Supplementary Information on Great crested Newts by Eco Tech dated January & May 2014 as well as supplementary Information on Great Crested Newt dated May 2014 and a further confidential report pertaining to badgers by Eco Tech dated February 2016. The LPA considers that the contents of the reports are satisfactory.

6.6.2 SC Ecologists also note that the layout of the development has been amended to provide a 15 metre new broadleaved tree planting belt on the western site

boundary and a 15 metre buffer between this new planting and built development and are satisfied that this planting, together with retention of trees on the northern site boundary, will adequately protect the Environmental Network.

6.7 Residential Amenity

- 6.7.1 Objections have been raised by occupants of adjacent properties including Nos.38 & 40 Longden Road and the other properties fronting Longden Road to the south east of the site. Their objections included loss of privacy and loss of amenity by noise and disturbance from the occupants of the new dwellings and likely traffic movements to and from the site.
- 6.7.2 Officers consider that the use of the site would not have any significant detrimental impact on residential amenity to immediate adjacent neighbours. The two residential properties proposed would be located within the appeal site at a sufficient distance away from No.40 Longden Road not to result in any direct overlooking and plot 1 has now been amended to a single storey dwelling which would further reduce any potential impacts. Between the appeal site and No.38 lays a vehicular access point to a field situated lower down in the valley and it is considered that this would help to ensure a sufficient degree of separation between the properties.
- 6.7.3 The houses located fronting Longden Road all have lengthy rear gardens that extend to the application sites eastern boundary. The submitted plans show land levels on the site fall away in a westerly direction down into the valley and also indicate the positions and heights of the new dwellings. Officers are satisfied that the new dwellings would not result in any significant opportunity for overlooking of these rear gardens and rear elevations of the properties fronting Longden Road.
- 6.7.4 Officers also consider that the traffic movements likely to be generated by the two residential properties included in this application would not have any significant detrimental impact on the residential amenity of occupants of adjacent dwellings through noise and disturbance.

7.0 CONCLUSION

- 7.1 The application site is situated within the built area of Shrewsbury and in principle the site is in an area where new residential development could be found to be acceptable subject to consideration of other material planning matters.
- 7.2 The application site is located within the Shrewsbury Conservation Area and also within the identified Kingsland Special Character Area. It is considered that the proposed amended scheme and the detailed proposed designs of the two dwellings to replace the former market garden use are acceptable. Their design and appearance as well as the amount of trees to be both retained and new trees to be planted on site, will cumulatively not result in any unacceptable visual intrusion into the adjacent valley. The existing screening of the site from any public views has been illustrated by the submitted photographs taken by the agents and together with the retained trees and proposed planting on site it is considered that the development would not be visually intrusive. The proposed scheme is therefore considered to preserve the overall appearance and character of the conservation area and special character area. It is also considered that due to the proposed

layout and size and design of dwellings proposed the development would not have any significant or detrimental impact on the residential amenity of adjacent or nearby neighbours.

- 7.3 The submitted ecological habitat reports and statements are acceptable and the development will not have any adverse impact on the surrounding natural environment and protected wildlife.
- 7.4 The likely traffic movements created by this development would be less than the potential traffic movements from the existing/latest market garden use. It is also considered that the existing access from the access drive out onto Longden Road is acceptable as the pedestrian and/or vehicular activity generated by this proposal is unlikely to be contrary to the interests of highway safety.

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:
NPPF

Core Strategy and Saved Policies:

CS2: Shrewsbury – Development Strategy

CS6: Sustainable Design and Development Principles

CS9: Infrastructure Contributions

CS11: Type and Affordability of Housing

CS17: Environmental Networks

MD1: Scale and Distribution of Development

MD2: Sustainable Development

MD12: Natural Environment

MD13: Historic Environment

Type and Affordability of Housing Supplementary Planning Document (SPD)

RELEVANT PLANNING HISTORY:

14/00267/FUL Erection of two detached dwellings; formation of driveway NONDET 6th January 2015

Appeal

14/02171/NONDET Erection of two detached dwellings; formation of driveway DISMIS 26th March 2015.

11. Additional Information

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

Planning file: 15/05091/FUL

Central Planning Committee agenda for the meeting dated 26th May 2016.

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Anne Chebsey

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 shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).
Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction worksReason: To avoid congestion in the surrounding area and to protect the amenities of the area.
5. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and

particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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.

6. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a landscaping and tree planting scheme, prepared in accordance with of BS 8545: 2014 Trees: from nursery to independence in the landscape, has been submitted to and approved by the local planning authority and these works shall be carried out as approved. The submitted scheme shall also include:

Means of enclosure, including all security and other fencing;

Hard surfacing materials;

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

Planting plans, including wildlife habitat and features (e.g. hibernacula);

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

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, native species used to be of local provenance (Shropshire or surrounding counties);

Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;

Implementation timetables

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and to ensure that there is no nett loss of trees from the urban area and to provide natural landscape features that help to integrate the development into the local environment.

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

7. Prior to the first occupation of the dwellings details of a minimum of three bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling
- addition or alteration to the roof
- hard surfacing
- fences, gates or walls
- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area.

9. No windows or other openings shall be formed above ground floor level in the South East (rear) elevations of either dwelling.

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

10. The first floor windows in the South East elevation of Plot 2 shall be permanently formed as a high level top hung opening light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation.

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

11. No site clearance works or development shall commence until the badger sett on site has been closed under licence in accordance with details given in the Confidential report pertaining to badgers by Eco Tech dated February 2016

Reason: To ensure the protection of badgers, under the Protection of Badgers Act (1992)

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 Trust booklet Bats and Lighting in the UK

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



| |
|----------------------------|
| <u>Committee and date</u> |
| Central Planning Committee |
| 30 June 2016 |

| |
|-------------|
| <u>Item</u> |
| 6 |
| Public |

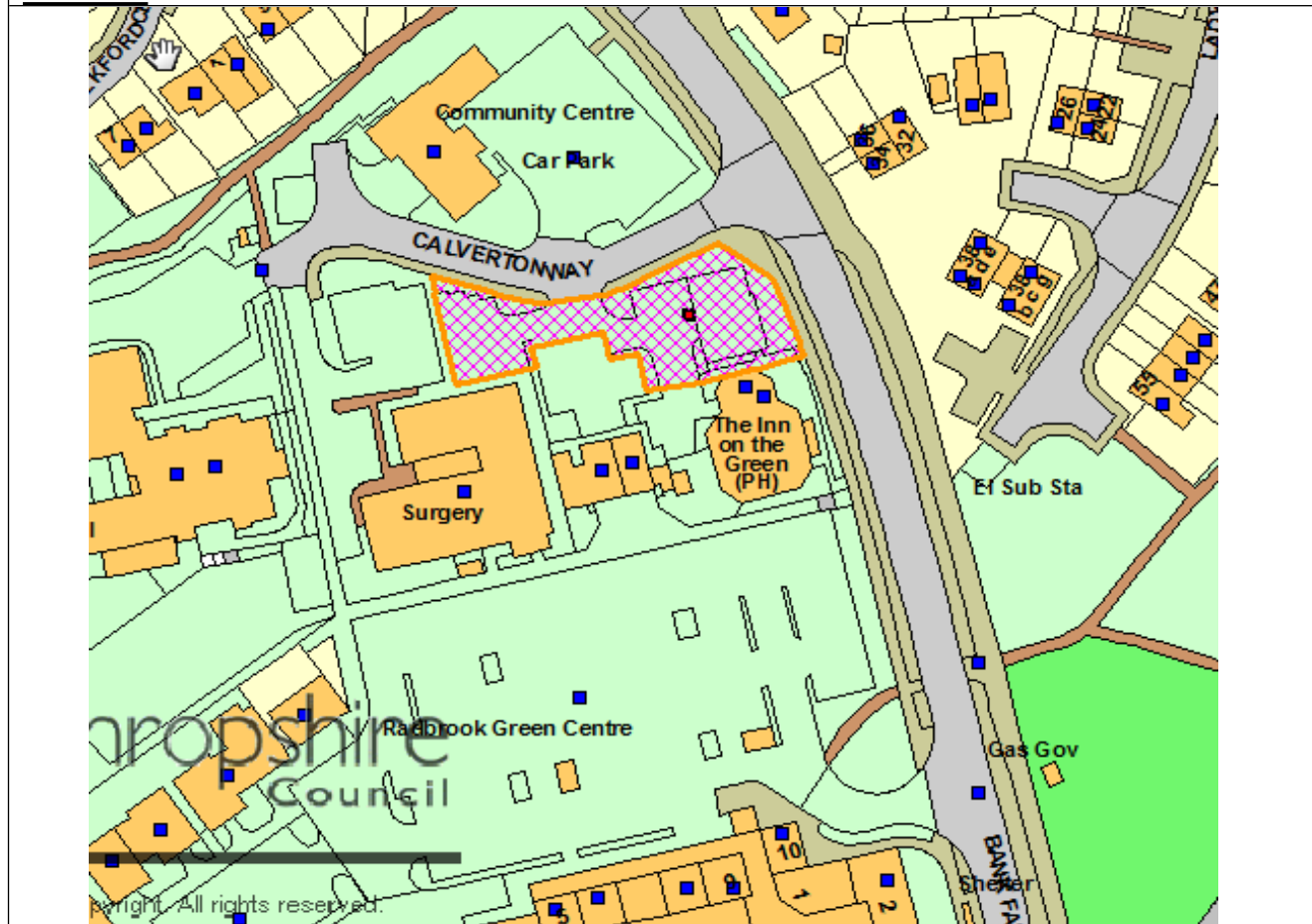
Development Management Report

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

Summary of Application

| | | |
|--|--|-------------------------|
| Application Number: 15/04910/OUT | Parish: | Shrewsbury Town Council |
| Proposal: Outline Application for the erection of 4No residential units (to include access) | | |
| Site Address: Land South Of Calverton Way Shrewsbury Shropshire | | |
| Applicant: Newriver Property Unit Trust No. 4 | | |
| Case Officer: Mared Rees | email: planningdmc@shropshire.gov.uk | |

Grid Ref: 347680 - 311350



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2015 For reference purposes only. No further copies may be made.

ADDENDUM REPORT – 30/06/2016

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

1.0 INTRODUCTION

- 1.1 This application was originally considered by Central Planning Committee on 4th February 2016 and a resolution to grant approval was the outcome.
- 1.2 The Council had not adequately demonstrate that the application had been publicised in accordance with the guidelines set out in the Council's Statement of Community Involvement.
- 1.3 The application was subsequently re-publicised in accordance with the Council's own practice and following the consultation expiry date, the application was referred back to Central Planning Committee on 26th May 2016, where Members indicated that they were minded to refuse the application but the decision was deferred to enable consideration of the reasons for refusal.
- 1.4 Substantiated reasoning for the recommendation of refusal of the application were not agreed during the Committee Meeting.
- 1.5 The application is referred back to Central Planning Committee on 30th June 2016 to establish reasons for refusal.

2.0 REASONS FOR RECOMMENDATION OF REFUSAL

- 2.1 Officers remain of the opinion that there are insufficient valid planning reasons to substantiate Members change in resolution for the scheme.
- 2.2 The scheme has not altered in any way since Members resolved to grant approval on 4th February 2016, and the reasoning for officer recommendation for approval has already previously been set out in the original report and subsequent addendum.
- 2.3 During discussion of the application at the previous Committee Meeting, the loss of the beer garden was a concern raised.
- 2.4 However, the submitted Illustrative Block Plan clearly demonstrates provision could be made elsewhere on the site to accommodate the provision of a beer garden. There is no planning policy requirement within the Core Strategy or SAMDev which states that pub beer gardens should have a minimum size requirement.
- 2.5 Furthermore, the application site is not a designated community asset and it is not therefore protected as such in planning policy terms.
- 2.6 The proposal would not result in the loss or closure of the public house, which is shown as being retained on the submitted Illustrative Block Plan.
- 2.7 However, if Members are still minded to refuse the application, Officers consider that Core Strategy Policy CS8 'Facilities, Services and Infrastructure Provision' would be the most relevant policy for use in the reason for refusal, in particular, the first criterion,

which states that existing facilities, services and amenities that contribute to the quality of life of residents and visitors, will be protected and enhanced.

2.8 Members are requested to substantiate their reasoning for refusal of the scheme, using the above Policy for justification.

3.0 OTHER MATTERS

3.1 Concern was also raised during the Committee Meeting regarding site ownership.

3.2 As demonstrated on the Site Location Plan and clarified by officers during the discussion, the applicant is also the owner of the public house and this has been further confirmed by the agent.

ADDENDUM REPORT – 26/05/2016

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

1.0 INTRODUCTION

- 1.1 This application was determined by Central Planning Committee on 04th February 2016 with a resolution to grant approval.
- 1.2 The application was publicised in accordance with Part 3, Article 15. (5) (b) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.3 In this respect, relevant neighbouring properties were notified of the proposed development by letter. A Site Notice was not erected.
- 1.4 In accordance with the Council's own practice, a Site Notice should have been erected on or near the site in order to further publicise the application.
- 1.5 To ensure compliance with the Council's own practice, the Site Notice was subsequently erected on 19th April with a standard 21 day consultation period in which to reply to any notifications made. The revised consultation expiry date was 10th May.
- 1.6 This Addendum Report lists the additional representations received during the revised consultation period and addresses relevant planning considerations raised.

2.0 REPRESENTATIONS RECEIVED

- 2.1 17 additional representations have been received during this re-consultation period, all of which object to the proposal.
- 2.2 Concerns raised include:- overdevelopment of the site, adverse impact on existing and proposed levels of visual and residential amenities, loss of a community facility, loss of the beer garden serving the public house, adverse impacts on highway safety, the proposal would be overbearing in relation to the existing public house on the site, loss of parking provision, the location of the application site is unsuitable for the proposed development, insufficient space to accommodate additional pupils in the local schools, adverse impact on the community, the proposal would increase overlooking elsewhere, adverse impact on the existing view from the Function Room of the public house, the existing community facilities in the area would be spoiled by the proposal.

3.0 RESPONSE TO REPRESENTATIONS RECEIVED

- 3.1 Similar concerns and issues have been raised during the re-consultation period, to those which were originally received, as set out in paragraph 4.2 of the original Committee Report.
- 3.2 Visual Amenity
 - 3.2.1 The application is made in outline only with matters relating to layout, appearance, scale and landscaping reserved for future consideration.

- 3.2.2 As set out in paragraphs 6.2.2 to 6.2.5 of the original Committee Report, the size of the site is considered to be capable of accommodating the amount of development proposed without appearing cramped or incongruous in this location.
- 3.3.3 The proposal is not considered would result in any overbearing impacts in relation to the public house in the context of its proposed two storey height.
- 3.2.4 Further consideration in regards to precise details of layout, appearance, scale and landscaping can only be made at reserved matters stage.
- 3.3 Residential Amenity
- 3.3.1 As set out in paragraphs 6.3.1 to 6.3.4 of the original Committee Report, it is recommended that relevant spacing standards and design features which can achieve natural surveillance, are adhered to during the reserved matters stage of development.
- 3.3.2 Concerns raised in regards to the loss of a view from the function room of the public house are not considered would result in a reason sufficient to warrant refusal of the application, particularly in the context that this application is made in outline only with final design, layout and landscaping considerations to be determined during the reserved matters application.
- 3.3.2 Public Protection raises no objection to the application in terms of any noise impacts to proposed occupants, which may arise as a result of the nearby public house and/or community facility. This is set out in paragraph 6.3.3 of the original Committee Report.
- 3.4 Highway Safety
- 3.4.1 As set out in paragraphs 6.4.1 and 6.4.2, it is not considered that the additional activity generated by the proposals or the loss of part of the public house car park would result in significant pedestrian or vehicular activity which would be contrary to highway safety.
- 3.4.2 The indicative Proposed Site Plan indicates that parking provision for the development and public house would be located west of the properties.
- 3.4.3 Highway Authority raises no objection to the amount and layout of the proposed parking provision as well as the overall development.
- 3.5 Education
- 3.5.1 The amount of development proposed has not triggered the need for contributions in regards to education. A CIL contribution will be payable and can be used to contribute towards education if there is a requirement from the proposed development.
- 3.6 Loss of a Community Facility
- 3.6.1 As demonstrated on the submitted Block Plan (Dwg No SK02 D), the existing public house is shown and would be retained.
- 3.6.2 The application site comprises part of the car park and part of the communal area serving the public house.

- 3.6.3 The submitted Block Plan (Dwg No SK02 D) demonstrates that proposed provision of communal areas would be made to the east and west of the public house.
- 3.6.4 Therefore, given that the public house would be retained and provision for communal areas would still be made, it is not considered that the proposal would result in adverse impacts on the community.
- 3.6.5 There is no evidence to demonstrate how the proposal would spoil existing community facilities and notwithstanding this, it is not considered that the proposal would have an adverse impact on existing community facilities in the area.
- 3.6.4 The reduction in size of the existing communal area is not considered to outweigh the benefits which would arise from the scheme in regards to the provision of market and affordable housing within Shrewsbury Settlement Boundary, the sites locational sustainability and growth to the local economy through the construction phase of development as well as through the associated supply chain.

4.0 CONCLUSION

- 4.1 The development proposal has not changed in any way since Members resolved to grant approval for the scheme in Central Planning Committee on 04th February 2016.
- 4.2 The additional representations received are not considered would raise any further considerations which would outweigh the benefits in granting approval for the scheme.
- 4.3 The scheme would comply with all relevant Core Strategy and SAMDev Policies as set out in Section 10 of the original Committee Report and officer recommendation is for approval.

Recommendation:- Approve subject to the completion of a S.106 Legal Agreement and the conditions set out in Appendix 1.

COMMITTEE REPORT - 04/02/2016

| | |
|------------|---|
| 1.0 | THE PROPOSAL |
| 1.1 | This planning application seeks outline permission for the construction of up to 4 no. residential apartments. Approval for access is also sought. |
| 1.2 | All other matters are reserved for future consideration. |
| 1.3 | The Indicative Block Plan shows proposed access into the site would be via the existing access off Calverton Way and would be shared with the Inn on the Green Public House. |
| 1.4 | Parking provision would be to the west of the public house. |
| | The illustrative scheme shows the apartment block would lie adjacent to the Inn on the Green and would front Bank Farm Road. |
| 2.0 | SITE LOCATION/DESCRIPTION |
| 2.1 | The application site is located within the settlement boundary of the Shrewsbury Area as defined on Policy Map S16 INSET 1. |
| 2.2 | The application site comprises part of the car park to the Inn on the Green Public House. The site is irregular in shape and lies to the north of the public house. The site fronts onto Bank Farm Road and extends westwards along Calverton Way and the side elevation of Radbrook Green Surgery. |
| 2.3 | Calverton Way and Radbrook Community Centre lie to the north. Radbrook Primary School is located to the west and a Co-operative food store lies to the south. |
| 3.0 | REASON FOR DELEGATED DETERMINATION OF APPLICATION |
| 3.1 | The Parish Council have raised an objection to the application. The Chair and Vice Chair, in consultation with the Head of the Development Management Service, have agreed that the application is called to Committee. |
| 4.0 | COMMUNITY REPRESENTATIONS |
| 4.1 | - Consultee Comments |
| | SC Public Protection – No objection. SC Public Protection raises no objection however note that a high specification of |

| | |
|------------|---|
| | glazing with the ability to reduce noise from external areas is used in the apartments as future complaints regarding noise from the adjacent public house may restrict future operations of the pub. An informative to this effect would be attached to any grant of consent. |
| | SUDS – No objection. SUDS raises no objection subject to a condition to secure a surface water drainage scheme. |
| | SC Affordable Houses – No objection. No objection subject to an affordable housing contribution. The type and affordability of housing will be set at the prevailing percentage target rate at the date of the reserved matters application. |
| | SC Highways – No objection. Highway Authority raises no objection subject to the submission of a Construction Method Statement prior to commencement of development. |
| | Shrewsbury Town Council – Objection 'The Town Council has concerns regarding the access to both the proposed new properties and the existing public house in relation to both customers and delivery wagons as well the local business premises, school and community centre. Members felt that as there are no existing residential properties in this area, there will be a conflict among users of what is a community area.' |
| | Radbrook Community Association – Objection. |
| 4.2 | - Public Comments |
| | 5 objections received. Concerns raised include:- adverse impact on highway safety, potential loss of the public house and car park, the proposal would comprise over-development, loss of car parking would result in an adverse impact on the operations and overall usage of the Community Centre, any noise impacts from the Community Centre cannot be adjusted to suit the development proposal, inappropriate site location, loss of a community facility. |
| 5.0 | THE MAIN ISSUES |
| | Principle of development Character and Appearance Residential Amenity Highway Safety Drainage Affordable Housing |
| 6.0 | OFFICER APPRAISAL |
| 6.1 | Principle of development |
| 6.1.1 | The application site is situated within the development limit for Shrewsbury as |

| | |
|------------|--|
| | identified on Policy Map Shrewsbury Area S16 INSET 1, to which Policy S16 applies. Core Strategy Policies CS1 and CS2 identify Shrewsbury as a primary focus for development, including housing. |
| 6.1.2 | Policy MD1 of the adopted SAMDev supports sustainable development in Shrewsbury whilst Policy S16.1 encourages appropriate development on suitable sites within Shrewsbury's development boundary, to which accords with the Strategy. |
| 6.1.3 | The proposal would provide 4 no. residential units within the development limit of Shrewsbury and would provide a contribution towards affordable housing provision. |
| 6.1.4 | The proposal would help to foster economic growth both during the construction phase of development and throughout the associated supply chain. |
| 6.1.5 | In locational terms, the proposal is within walking distance of a number of facilities and services including Radbrook Community Centre, Radbrook Primary School, Radbrook Green Surgery, a Co-operative food store, and bus stops on the adjacent side of the road. |
| 6.1.6 | The principle of development, having regard to the sites location within Shrewsbury Settlement Boundary and its overall sustainability credentials is considered to be acceptable, subject to compliance with visual and residential amenity policies and other associated matters including highway, drainage and affordable housing contributions. |
| | |
| 6.2 | Character and Appearance |
| 6.2.1 | The indicative Block Plan shows that the apartment block would be sited on part of the existing car park to the Inn on the Green and would front Bank Farm Road. |
| 6.2.2 | The Block Plan demonstrates that the application site is capable of accommodating a two storey apartment block with associated car parking, landscaping and communal area without appearing cramped or incongruous in this location. |
| 6.2.3 | The public house is part single and part two storey in height, therefore the overall scale of the proposed apartment block should take this into account, ensuring it does not overdominate the adjacent building. |
| 6.2.4 | A dual frontage would ensure that natural surveillance and active frontages are achieved along Bank Farm Road and Calverton Way. |
| 6.2.5 | A robust landscaping scheme should be submitted with the reserved matters application, with planting and soft landscaping along the southern and western boundaries of the application site. This would help to ensure the space within the public house is clearly defined from the private space of the apartment block. |
| 6.3 | Residential Amenity |
| 6.3.1 | It is recommended that the reserved matters application demonstrates that spacing |

| | |
|------------|---|
| | standards between neighbouring properties are appropriate. |
| 6.3.2 | Proposed principal windows are advised to be inserted along the rear elevation of the apartment block which would help to provide natural surveillance and overlooking over the communal parking area. |
| 6.3.3 | Public Protection raises no objection, advising that a high specification of glazing is recommended for use on the proposal, given the sites proximity to the adjacent public house. This would be added as an informative to any grant of consent. |
| 6.3.4 | Detailed boundary treatments would be secured at reserved matters stage and it is advised that these are clearly defined to help to achieve adequate privacy levels in any communal areas for proposed occupants. |
| | |
| 6.4 | Highway Safety |
| 6.4.1 | It is considered that the additional vehicular and pedestrian activity generated by the proposed development would be unlikely to result in any significant highway impacts which would be contrary to the interests of highway safety. |
| 6.4.2 | Highway Authority raises no objection subject to a pre-commencement condition to secure the submission of a Construction Method Statement. |
| 6.4.3 | The proposal would comply with Policy CS2 of the Core Strategy and Policy MD2 of the SAMDev. |
| 6.5 | Drainage |
| 6.5.1 | SUDS raise no objection subject to a condition to secure a surface water disposal scheme. |
| | |
| 6.6 | Affordable Housing |
| 6.6.1 | In accordance with Core Strategy Policy CS11, the proposal would need to contribute towards the provision of affordable housing. |
| 6.6.2 | The required contribution would be set at the prevailing percentage rate at the date of a reserved matters application. |
| | |
| 7.0 | CONCLUSION |
| 7.1 | The application site is located within the settlement development limit of Shrewsbury to which the policies within the Core Strategy and SAMDev support provision of housing in suitable locations within the settlement boundary. The principle of development is considered to be acceptable. |
| 7.2 | The application site is considered could comfortably accommodate the level of housing proposed along with appropriate landscaping and boundary treatments, without raising any significant adverse impacts on visual or residential amenities. |

| | |
|------------|---|
| 7.3 | The scheme would contribute towards provision of affordable housing and the proposal is not considered to raise significant adverse impacts in terms of highway safety. |
| 7.4 | Overall, the proposal is considered to be acceptable and would comply with the above mentioned policies within SAMDev as well as the Shropshire Core Strategy. |
| 8.0 | Risk Assessment and Opportunities Appraisal |
| 8.1 | Risk Management |
| | <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ❑ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. ❑ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose. <p>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.</p> |
| 8.2 | Human Rights |
| | <p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p> |
| 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 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:
NPPF

Core Strategy and Saved Policies:
CS2, CS6, CS9, CS11,

SAMDev:
MD1, MD2, MD3, S16.1

RELEVANT PLANNING HISTORY:

11. Additional Information

[View details online:](#)

| |
|---|
| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) |
| Cabinet Member (Portfolio Holder) Cllr M. Price |
| Local Member Cllr Keith Roberts |
| Appendices APPENDIX 1 - Conditions |

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

1. Details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The approved plans to which this permission relates are:-

1:1250 Site Location Plan
Dwg No SK02 Rev D

Reason: For the avoidance of doubt and to specify the plans to which this permission relates.

5. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, wheel washing facilities, measures to control the emission of dust and dirt during construction and a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect existing residential amenities in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

6. Prior to commencement of development, a surface water disposal scheme incorporating the use of soakaways, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed surface water drainage systems for the site are of a robust design in accordance with Policy CS8 and CS18 of the Core Strategy.



| |
|----------------------------|
| <u>Committee and date</u> |
| Central Planning Committee |
| 30 June 2016 |

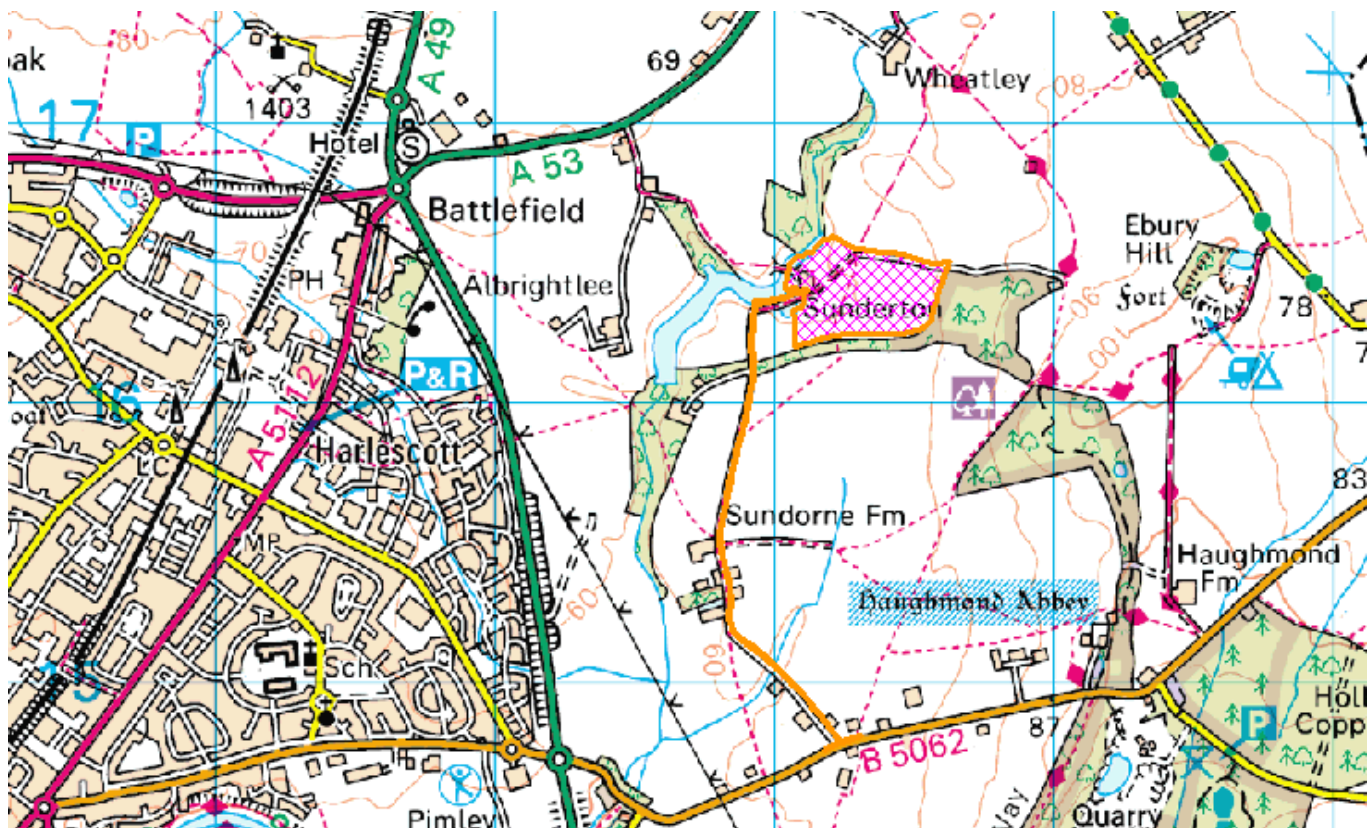
| |
|-------------|
| <u>Item</u> |
| 7 |
| Public |

Development Management Report

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

Summary of Application

| | |
|--|--|
| Application Number: 15/04709/EIA | Parish: Uffington |
| Proposal: Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access | |
| Site Address: Sunderton Farm Uffington Shrewsbury Shropshire SY4 4RR | |
| Applicant: JE & R Hockenhull & Sons | |
| Case Officer: Frank Whitley | email: planningdmc@shropshire.gov.uk |



Recommendation:- Refuse**Recommended Reason for refusal**

1. It is considered that the proposal as submitted will lead to an unacceptable loss of amenity to occupiers of neighbouring residential dwellings by virtue of traffic movements. It is not considered that a condition to limit night time movements is sufficient to overcome these objections. The benefit of additional glazing to reduce noise levels is not proven. The development is therefore contrary to the core planning principles of the National Planning Policy Framework and the requirements of Shropshire Core Strategy Policy CS6 and Policy MD7b of the SAMDev Plan which both seek to ensure development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. There are no other material considerations which outweigh the conflict with the development plan.

REPORT**1.0 THE PROPOSAL**

1.1 The application seeks planning permission for the erection of four intensive poultry houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access. The application follows a scoping opinion provided by Shropshire Council in February 2015 reference 15/00178/SCO.

1.2 Each poultry building is to measure 97.53m long, 24.4m wide and a maximum height of 4.6m. The buildings will provide accommodation for up to 200,000 broiler chickens and will be of steel portal frame construction with steel profile coated cladding on the roof (coloured slate blue) and walls (coloured dark green).

1.3 Also proposed are:

- 14m wide concrete apron alongside buildings to enable access and turning
- four control rooms each measuring 6m wide and 5m long
- feed bins
- ground source heat pump
- heating control building measuring 12m by 12m
- office
- canteen
- solar photovoltaic panels
- passing place for large vehicles to the east of Sundorne Castle Archway
- access improvements onto B5062
- landscaping plan

1.4 The Environment Agency has issued an environmental permit in order for the site to operate. (This covers on site operations only).

2.0 SITE LOCATION/DESCRIPTION

2.1 Sunderton Farm is located at the end of a 2km private drive accessed from the B5062 which connects Shrewsbury and the village of Roden. Sunderton is located in a flat and low lying area to the east of Shrewsbury bypass. The application site lies in Flood Zone 1 (the lowest risk of flooding). The proposed development forms

part of a planned strategy to ensure the future viability of the farm unit.

- 2.2 The current holding extends to 400 acres and comprises arable with cereals, oilseed rape and fodder beet. There is a herd of sucker cows and circa 220 breeding ewes. According to the application, increased volatility in farm commodity prices has exposed businesses to unpredictable financial returns. The applicants need to protect themselves against this volatility and also wish to expand their business to ensure it is sustainable in the future to support two families. A consultation exercise has been conducted locally in October 2015 prior to the application being submitted
- 2.3 The application is accompanied by an Environmental Statement (ES), as the application is within the criteria of Schedule 1 (17a), Environmental Impact Assessment Regulations 2011, and therefore an ES in support of the application is mandatory.
- 2.4 Also accompanying the application is a design and access statement, elevation and floor plans, site access and layout plans, drainage plans, environmental statement, great crested newt survey report, heritage assessment, noise assessment, nitrate vulnerable zone assessment, and vehicle movement calculations. During the application processing period further information was received in the form of a 'Supplementary Statement, on noise issues.
- 2.5 The application proposes 'broiler' production whereby day old chicks are bought into the site where they are retained for an average of 42 days with about a seven day turn around period. There are anticipated to be up to 7.6 crop cycles per annually. The chickens will be grown for a food processing company that supplies chicken to the retail trade.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The proposal is for schedule '1' EIA development and therefore Committee consideration is mandatory in accordance with the Council's scheme of delegation.

4.0 **Community Representations**

Consultee Comments have been received from the following:

Natural England
Environment Agency
Historic England
Public Protection
Ecology
Trees
Conservation
Archaeology
Highways
Rights of Way
Flood and Water Management
Shropshire Fire and Rescue
Uffington Parish Council

Consultee Comments**4.1 Natural England- no objection**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Conservation of Habitats and Species Regulations 2010 (as amended) & Wildlife and Countryside Act 1981 (as amended)**Internationally designated sites – No objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects on the Midlands Meres and Mosses Phase 1 Ramsar site (Berrington Pool).

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided including the Ammonia report, Natural England concurs with this view.

No objection – no conditions requested

This application is within the impact risk zones for several Sites of Special Scientific Interest (SSSIs) including: Old River Bed, Shrewsbury, Hencott Pool, Bomere, Shomere and Betton Pools and Berrington Pool.

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981 (as amended)*, requiring your authority to re-consult Natural England. This is because atmospheric deposition resulting from emissions from the poultry installation is below the thresholds considered significant by the Environment Agency.

Other advice

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

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

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

more comprehensive list of local groups can be found at Wildlife and Countryside link.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

4.2 Environment Agency- no objection

We have the following comments to assist your determination of the application.

For completeness, we provided the applicant (care of their Agent) with pre-planning application comments on 10 March 2015 (SV/2015/108332/01-L01).

Environmental Permitting Regulations:

Intensive pig and poultry sites are regulated by us under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. Farms that exceed capacity thresholds >40,000 birds require an Environmental Permit (EP) to operate. For completeness, the total number of bird places proposed would exceed the

capacity thresholds and require an EP to operate. Under the EPR the EP and any future variations cover the following key areas of potential harm:

- **Management** – including general management, accident management, energy efficiency, efficient use of raw materials, waste recovery and security;
- **Operations** – including permitted activities and operating techniques (including the use of poultry feed, housing design and management, slurry spreading and manure management planning);
- **Emissions** – to water, air and land including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring;
- **Information** – including records, reporting and notifications.

Development Proposals:

Key environmental issues that are covered in the EP include odour, noise, ammonia, bio-aerosols and dust. These relate to any emissions that are generated from within the EP installation boundary. Based on our current position, we would not make detailed comments on these emissions as part of the planning application process. However, for information, we provided J.E. & R Hockenhull and sons with an initial ammonia screening assessment on 4 March 2015 as part of a pre-permit application consultation. Our report concluded that due to the presence of a Local Wildlife Site (LWS) within 250m of the site (Sundorne Pool (including Kendrick's Rough)), detailed modelling will be required to assess the impact of airborne ammonia. Subsequently, the applicant has carried out ammonia modelling, which demonstrated that the process contribution to ammonia concentrations and acid deposition would be at levels deemed insignificant at the LWS. We are therefore satisfied that the proposed development is unlikely to have a detrimental impact on ammonia at the LWS. In any case, as part of the EP it is 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 an EP we will take action in-line with our published Enforcement and Sanctions guidance.

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

Water Management:

The Water Framework Directive (WFD) waterbody in closest proximity to the proposed development site is the 'Sundorne Brook - source to confluence of River Severn' (Waterbody Reference GB109054049910), which is classified as a 'moderate' waterbody. Any development should not cause any deterioration in water quality or hamper efforts to improve waterbody status to 'good' by 2027. Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and

drainage channels around sheds are normally concreted. Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via: <http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Flood Risk (Surface Water)

Based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed development site is located within Flood Zone 1 which comprises of land assessed as having a less than 1 in 1000 annual probability of river flooding (<0.1%).

We would therefore refer you to our Area 'FRA Guidance Note 1 - for development over 1ha in Flood Zone 1' and would recommend that you consult with your Council's Flood and Water Management team (Lead Local Flood Authority) in relation to the following:

The increase in hardstanding area could result in an increase in surface water run-off. Evidence should be included with the planning application (Environmental Statement) to show that surface water is not increased when compared to existing run-off rates. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least Greenfield runoff, including confirmation of attenuation to the 100 year plus climate change storm event and where possible achieving betterment in the surface water runoff regime.

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. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields. Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations. We can confirm that Sunderton Farm is located within a NVZ.

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:

<http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

4.3 **Historic England- no objection subject to condition**

The proposed poultry houses development is within a sensitive historic environment, with two scheduled ancient monuments (Haughmond Abbey and Ebury hillfort), a number of listed buildings and additional undesignated heritage assets within 1.5km. It is also within the setting of Haughmond Hill hillfort and Queen Eleanor's Bower which are both publicly accessible scheduled ancient monuments which command extensive views over the surrounding plain due to their situation on a modified natural hill.

Due to intervening vegetation there would be limited impacts on Haughmond Abbey and Ebury hillfort, however the development would be visible in views from Haughmond Hill hillfort and Queen Eleanor's Bower, albeit at a distance of 2.5km as part of a panoramic vista. If approved the Council should condition the prior approval of building materials in order that the development is as visually unobtrusive as possible and the landscape planting scheme must be implemented in full.

The Council's Historic Environment team should be consulted, and their advice implemented, regarding the impact on listed buildings, and un-designated heritage assets, including the potential archaeological resource of the site.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

4.4 **SC Public Protection – objection**

(Case officer comments where necessary for clarification are inserted in italics)

Council Public protection has commented on each of the following issues and are considered in turn:

- Noise from Ventilaltion*
- Feed deliveries*
- Depopulation of birds (on site activities)*
- Depopulation (traffic movements)*

The application above proposes to introduce four poultry houses and associated plant, equipment and buildings to run a poultry business. Poultry houses can generate noise from a variety of activities including ventilation fans, feed deliveries and depopulation of birds at the end of a cycle (both from noise on site and vehicles travelling to and from the site). As a result a noise assessment was prepared for Halls Holdings Limited by John Waring, issue 1 dated 16 September 2015 and was submitted with this application.

Noise from ventilation

Having considered the report I am concerned that the report may underestimate the noise levels produced when all ventilation is working at full capacity. However, the noise report suggests that ventilation at night (to note worst case scenario) would be 12dB below the background noise level) and 22dB below background in the day. This indicates that ventilation noise is unlikely to have an impact at any time. As the levels are so far below background even if fan noise in reality is louder on occasion it is still unlikely that noise levels from ventilation will be above background. I therefore have no objection or condition to recommend on this element.

Feed deliveries

The noise report concludes that noise from feed deliveries is likely to produce noise rating level of 9dB above background at the nearest residential receptor which is situated to the south west of the proposed development. It is my understanding that the noise report does not remove any noise for screening effects and it is likely that the delivery vehicle itself will screen the noise of the vehicle engine to a certain degree. Also the prevailing wind is likely to take noise away from the nearest noise sensitive property. As a result I would anticipate that in practice noise levels are likely to be less than those stated in the report. As feed deliveries are short lived, approximately 1 hour, and infrequent e.g. do not take place every day, I do not consider that this element is likely to have a significant impact on the amenity of the area at nearby residential properties. I therefore have no objection or condition to recommend on this element.

Depopulation of birds (on site activities)

On site activities are associated with forklift truck movements loading and unloading modules to and from an HGV. The noise report concludes that this activity is likely to generate a noise rating level at nearest residential properties of 2dB above the background level of 29dB at night. With the prevailing wind taking noise away from the nearest residential receptors and the potential for screening by the vehicles on site in practise this may be less than reported. When considering that a 10-15dB reduction in noise level is expected when moving from the external façade of a building into the internal space it is likely that noise levels inside bedroom when this activity is taking place will be in the region of 16-21dB. As a good internal noise amenity inside bedrooms at night, according to the World Health Organisation document "Guidelines on Community Noise", is 30dB I therefore have no objection or condition to recommend on this element.

Depopulation (traffic movements)

Case Officer comment:

*In relation to depopulation (traffic movements), Public Protection objected to the application as first submitted due to harm (noise) to the amenity of nearby residential dwellings caused by excessive **night time** traffic movements. A condition was initially proposed to limit night time traffic movements to no more than one return movement per hour on the access road. Therefore, subject to this condition being imposed, Public Protection had no objection.*

Despite the suggested condition, Officers took the view that the condition was insufficient to maintain residential amenity of the nearby dwellings and has worked with the agent to find a solution.

The Public Protection Officer has therefore considered a further report designed to reduce noise levels and it is on this basis that the following informal comments in an email to the agent apply.

I cannot comment on every issue that this report highlights as it would require a detailed comment on nearly every paragraph. All in all the report as it stands weakens your cause due to; assumptions not grounded in noise theory, noise levels without known distances at which measured presented, no raw data given to name but a few. As discussed on the phone when undertaking a noise assessment the data must stand up to scrutiny and this will not, particularly as it was not carried out by a suitably experienced consultant.

From the information provided it is clear that you are not going to be able to achieve 45dB L_{Amax} or below inside bedrooms including the effect of the mitigation proposed. You will however get somewhere near this figure. I would therefore propose that the only way forward is to propose the mitigation formally to the case officer and I will make comment. As discussed on site the planning service have asked for legal advice on the legitimacy of conditioning the mitigation and this would not be acceptable. A universal undertaking between all parties may also fall down on some legal footings. It is advised that after you have proposed the mitigation to the planners formally and I have made comment that you ask the planners for their view on moving forward as this falls outside of my expertise.

Case Officer comment

The following is the most up to date formal position of the Public Protection Officer and was received on 16 June 2016

Information placed on the planning portal on 2nd June 2016 was presented to me prior to being placed on the portal formally. My comments of 24th May (Additional comments - Public Protection) are in response to the documents placed although it is recognised that some additional information has been provided (e.g. table 1). Having reviewed the information the noise data carried out on site shows that the type of vehicles to be used for night time depopulation will have an idling noise level in the region of 80dB at 3m. It follows that with the vehicle in motion this noise level will be increased. The original noise level for considering maximum noise levels, stated in the report provided by Mr John Waring dated 16th September 2015, stated that vehicle noise would be in the region of 76dB at the façade of the

properties along the private road. This is the road which depopulation vehicles will use at night. This was calculated by the average noise level over 8 seconds as a vehicle passes by. As a result this calculation does not predict the maximum noise level and offers a reduced noise level over an averaged period. It is therefore reasonable to assume that the maximum noise level would be higher than that which was predicted in the first assessment. This is backed up by the idling noise level presented in the more recent information provided by Mr Shaun Jones.

Having considered the above the following is true. Any vehicle passing the residential properties on the private road running up to Sunderton Farm are at their closest point 5m from the proposed noise source. Noise at the façade of the closest property to the private road will at least 85dB (or higher), considering an idling vehicle would be in the region of 77dB at 5m. As a result from the information provided on noise mitigation to residencies along the private road if all bedrooms were fitted with the proposed replacement windows the weakest point in the proposed windows is the trickle vents which provide 31dB protection. This would equate to an internal noise level of at least 54dB. It is my considered opinion that this would have a detrimental impact from the passing of vehicles during depopulation at night on the amenity of the residents who live within close proximity of the private road.

The information provided does not suggest that there will be no harm to the occupiers of the properties along the private road. The maximum noise levels generated by vehicles passing the residential properties at night are likely in my opinion to cause a significant detrimental impact on the existing residents and this should be a material consideration in the determination of the application. These most recent comments supersede any previous comment made by public protection and I do not consider the use of a condition appropriate to address this issue.

4.5 **SC Planning Ecology- no objection subject to condition**

I have read the above application and the supporting documents including the;

- Design & Access Statement provided by Halls (October 2015)
- Extended Phase 1 Habitat Survey conducted by John Campion Associates Ltd (July 2015)
- Great Crested Newt Survey conducted by Churton Ecology (June 2015)
- A Report on the Modelling of the Dispersion & Deposition of Ammonia from the Proposed Broiler Rearing Unit at Sunderton Farm provided by Steve Smith (March 2015)

Recommendation:

Please include the conditions and informatives below on the decision notice.

Planning Officer to include the Habitat Regulation Assessment screening matrix in their site report.

Natural England must be formally consulted on this application and their comments taken into consideration prior to a planning decision being made.

The proposed planning application seeks to erect four poultry sheds to house a total of 200,000 broiler birds.

Great Crested Newts

7 ponds were subject to presence/absence surveys for great crested newts. Great Crested Newts were not recorded on any survey occasion in any pond and none of the most proximate ponds to the application site appeared suitable to support breeding populations of Great Crested Newt (i.e. those within 250m and most likely to be negatively impacted). The following informative should be on the decision notice.

Informative

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

Ditch

This site is bordered by a ditch. This valuable ecological and environmental network feature must be protected in the site design and should have an appropriate buffer, a minimum 10m, separating the feature from the proposed development. The following condition should be on the decision notice;

1. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the ditch, put in place within the site to protect the ditch during construction works. No access, material storage or ground disturbance should occur within the buffer zone unless previously agreed in writing by the Local Planning Authority. The fencing shall be as shown on a site plan.

Reason: To protect features of recognised nature conservation importance.

Bats & Nesting Birds

Since the proposed development on this site would not require the removal of any trees or any part of the boundary hedgerows, there is little potential for adverse impacts on nesting birds and potential bat roosts. The planning details propose woodland edge planting along the northern edge of the woodland, together with the additional field boundary hedgerow with trees. Providing the following conditions and informatives are on the decision notice no further survey work is deemed necessary.

1. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

2. Prior to occupation, a 'lighting design strategy for biodiversity' for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

1. The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
 - a) Means of enclosure, including all security and other fencing
 - b) Hard surfacing materials
 - c) Minor artefacts and structures (e.g. lighting)
 - d) Planting plans, including wildlife habitat and features (e.g. bat box)
 - e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
 - f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
 - g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - h) Implementation timetables

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

Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

Badger

The proposed development may have some effects on badger foraging areas, but the field signs indicate that the badger activity may be more extensive in the grassland headlands, along the ditch banks and in the wider extensive grasslands of the nearby fields to the south and south-east of the woodlands. These areas would be unaffected by the development proposals. Prior to commencement of works on site a check for badger setts within 30m of the proposed groundworks should be completed by a competent ecologist. The following informative should be on the decision notice.

Informative

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

An experienced ecologist should assess whether any badger setts are present in the hedgerows. If any hedgerow removals are planned within 30m of the sett then it may be necessary to apply for a Licence to interfere with a Badger Sett for the Purpose of Development from Natural England.

The applicant should follow the advice of their experienced ecologist throughout the works. If the applicant does not follow the procedure advised above then they may find themselves vulnerable to prosecution for an offence under the Protection of Badgers Act 1992.

Informative

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

Designated Sites

The proposed application will require an Environmental Permit from Environment Agency (EA). Shropshire Council, under Regulation 61 in the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the EA modelling from the permit to complete the assessment of air pollution impacts but only if Shropshire Council has seen the detailed modelling outputs, understands them and agrees with them. The EA screening output has been provided by Kevin Heede (19th November 2015). The modelling for all designated sites (European designated sites within 10km, SSSI in 5km and local sites in 2km) has screened out below the critical load threshold as agreed by EA and NE except for Sundorne Pool Local Wildlife Site. Due to Sundorne Pool Local Wildlife Site's proximity to the proposed poultry unit detailed ammonia

modelling has been requested by the EA.

The results of the modelling from the proposed poultry rearing unit at Sunderton Farm has been prepared by Steve Smith and submitted in support of this application. The modelling showed that the process contribution to ammonia concentrations, nitrogen deposition rates and acid deposition rates would be at levels deemed insignificant at most receptors considered at Sundorne Pool Local Wildlife Site. There would be a small exceedance of 50% of the Critical Load for nitrogen deposition of 10 kg/ha over a small part of Sunderton Pool Local Wildlife Site. The predicted area of this exceedance is approximately 0.2 ha. There are no predicted exceedances of 100% of the Critical Load at the Local wildlife site. This detailed modelling, along with the Environment Agency screening output, submitted in support of this application therefore indicates that ammonia levels (and nitrogen deposition rates) would be at levels that would be deemed insignificant, for permitting purposes at all Local Wildlife Sites, Ancient Woodlands, SSSIs and Ramsar sites. No further modelling is required to support this planning application.

Habitat Regulation Assessment

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations).

Natural England must be formally consulted on this planning application and the Local Planning Authority must have regard to their representations when making a planning decision. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European or Nationally Designated sites.

4.6 SC Trees- no objection subject to condition

The submitted ecological assessment states that:

“The species-rich hedgerows with trees bordering the proposed broiler sheds site would not be adversely affected by the proposed broiler sheds development. There would be a small net increase in the amount of hedgerow and woodland edge habitats present in the locality, bordering the proposed development”

Therefore I have no objection in principle. If any of the proposed construction is to take place within the Root Protection Areas of the retained trees (using BS 5837 2012 Trees in relation to Design Demolition and Construction) a Tree Protection Plan should be submitted as part of a further application.

4.7 SC Conservation- no objection subject to conditions

We provided comments at the EIA Scoping Opinion stage on this proposal to develop lands directly east of Sunderton Farm for the construction of four poultry buildings along with their related equipment and feed bins. We had provided the following background information in our earlier comments:

Sunderton Farm is accessed by a very long lane running north from B5062 road into Shrewsbury. The junction of this access road with the highway begins just west of the historic Haughmond Abbey, the extensive ruins and lands which are designated as a Scheduled Monument and listed at the highest level of Grade I. The access lane runs north directly past the Sundorne Castle group of designated

heritage assets and immediately adjacent to its impressive early 19th Century crenelated gatehouse. This long access lane terminates at Sunderton Farm, which is comprised of a Grade II listed early 19th Century brick farmhouse, along with a group of farm buildings of both traditional and modern construction located immediately north and east of the listed farmhouse. All of these buildings, and the wider area which includes the site proposed for the poultry buildings, are part of the extensive landscape park associated with the former residence known as Sundorne Castle, built in 1766 and set within a notable landscape including an ornamental lake/pool/pond system, impressive and extensive walled gardens, traditional farm buildings and a large chapel, all of which remain, with the Castle itself being demolished in the 1950s. The access lane noted above served as the 'carriage drive' through the landscape park, with the listed Gatehouse noted above forming part of the parks' romantic setting. Outside of the extensive landscape park area, to the east of the subject site, there is also the Scheduled Monument covering the Edbury Iron Age Hillfort.

Principles of Scheme:

In considering this 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, the National Planning Policy Framework (NPPF) published March 2012, the Planning Practice Guidance, and Sections 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

As the development could have an impact on both designated and non-designated heritage assets and their settings we had formally requested that a Heritage Impact Assessment is prepared and submitted with the formal application for planning permission. We acknowledge that a Heritage Assessment has now been prepared by Castlery Archaeology and which highlights that the application site is of significant historic interest. The report identifies a setting issue relating to the former carriage drive, noted in our comments above, in terms of some visual impact on views to a section of this feature. Otherwise taking into account topography, distance and wooded areas, the Assessment advises that there will be no visual impact on the other identified heritage assets within the wider landscape. The Assessment concludes that the proposal will have minor to negligible adverse impacts on the heritage assets identified provided appropriate mitigation measures are applied, which includes retention and maintenance of existing hedgerows and trees within the site, as well as additional vegetative screening of the proposed poultry sheds to minimize their impact on the appreciation of the heritage assets and historic features of the immediate and wider site. We generally concur with the findings of this Assessment. We would also direct you to the comments and recommendations provided by Historic England on this application, and concur with their recommendations that conditions requiring the prior approval of all building materials (including decorative finishes) should be included in the Decision Notice to minimise any visual obtrusiveness of the development, and that conditions should also be applied requiring the landscape retention and planting scheme is fully implemented as part of the scheme.

RECOMMENDATION:

Should the application be recommended for approval, conditions requiring approval

of full details of external materials and finishes on all buildings and features proposed within the site, as well as a landscape retention and implementation scheme, need to be included in the Decision Notice.

4.8 **SC Archaeology- no objection subject to conditions**

Background to Recommendation:

The proposed development consists of a poultry unit comprising four broiler sheds, a biomass building, feed bins, photovoltaic panels, ancillary equipment, and amendments to the access.

The Shropshire Historic Environment Record indicates that the proposed development site falls within the former bounds of Sundorne Castle park (HER PRN 07706). It is also located c. 2.5km north of the Scheduled Monuments of Haugmond Hill hillforts (NHLE ref. 1021282) and Queen Elanors Bower (NHLE ref. 1021281); c.1.1km west of the Scheduled Monument of Ebury hillfort (NHLE ref. 1021283); c. 1.5km north-north-west of the Scheduled Monument and Grade I Listed Building of Haughmond Abbey (NHLE refs. 1021364 & 1052157); c. 220m east of the Grade II Listed building of Sunderton farmhouse (NHLE 1055066); and Grade II Listed gatehouse (NHLE 1177292), chapel (NHLE 1366956) and other ancillary buildings and structures (NHLE refs. 1177324, 1055067 & 1055068) associated with the former site of Sundorne Castle (an 18th century country house that was demolished in 1950).

The proposed development site is also located c. 575m south-west of a non-designated cropmark enclosure of likely Iron Age and/ or Roman date (HER PRN 02467), and c.1.5km north-east of second non-designated cropmark enclosure of likely broadly similar date (HER PRN 02491). On the basis of the latter two sites, the proposed development site itself is deemed to have some archaeological potential, although on the basis of currently available evidence this is assessed to be low.

RECOMMENDATION:

A Heritage Assessment by Castlring Archaeology has been submitted with the application. We confirm that this satisfies the requirements set out in Paragraph 128 of the NPPF with regard to the archaeological interest of the proposed development site.

In their consultation response of 19 November 2015 Historic England indicates that they consider that the proposed development site falls within the settings of the Scheduled Monuments cited above. They therefore recommend that appropriate conditions are applied requiring prior approval of materials to ensure that the proposed development is as unobtrusive as possible within the landscape and that the proposed planting scheme submitted with the application is implemented in full and that prior approval. We therefore recommend relevant standard conditions below.

In view of the findings contained in Heritage Assessment, and in line with paragraph 141 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for this part of the proposed

development. This would comprise a watching brief during the intrusive groundworks during any preparatory works and the construction phase of the development. An appropriate condition of any such consent would be: -

Suggested Conditions:

Standard conditions: C1; D2

Archaeology:

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 development site is known to have archaeological interest

4.9 **SC Highways- no objection subject to conditions**

This planning application has been assessed by Mouchel Consulting, on behalf of Shropshire Council as local highway authority, subject to a technical appraisal and desktop study only. All correspondence/feedback should be directed through Shropshire Council's HDC Team.

The Highway Authority raises no objection to the granting of consent subject to the imposition of the following conditions.

Comments

The application was the subject of an earlier scoping report, which following a site visit between the applicant's agent and the Highway Authority's Central Area Manager no objection to the principle of the proposal was raised from the highway perspective. Further details were sought in connection with the submission of the formal application. In this respect reference has been made to these points raised within the supporting information but detailed information and a plan of the surfacing works at the site entrance onto the adjoining B5062 have not been forwarded.

Conditions

1. Prior to the commencement of development full engineering details of the proposed levelling and surfacing works as outline under point no. 9.15 within the Environmental Statement, shall be submitted to and approved in writing by the Local Planning Authority; the amendments to the access entrance apron onto B5062 shall be fully implemented in accordance with the approved details before the development hereby permitted is first occupied.

Reason: To provide a satisfactory means of access to the site in the interests of highway safety.

2. The proposed works to the private drive, internal access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved plans drawing no's HPJ9242-03 and HPJ9242-05 prior to the poultry units first being brought into operation. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and

parking facilities in the interests of highway safety.

Highway Informative

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.

Background

Planning Application 15/00178/SCO

4.10 SC Rights of Way- no objection provided routes are kept open and available at all times

Public Footpath 16 and Bridleway 15, Uffington run within the site identified and have been included on the 'Landscape Layout' plan. It is noted that Bridleway 17 Uffington is not shown on the plan. A 1:2500 scale plan is attached showing all three routes. Bridleways 15 and 17 will not be affected by the proposals. However, Footpath 16 is shown on the plan running several metres to the west of the proposed sheds and this may well be the line used by the public on the ground. The legally recorded and historic line of the path runs up to a maximum of 18 metres east of the line shown on the layout plan and just cuts onto the hard standing area for the sheds (coloured brown on the plan). I attach a plan showing the legally recorded line of the footpath overlaid with the landscape layout plan to show how it affects the right of way. The applicants will either need to apply for a legal diversion of the footpath onto the line shown on the landscape plan, or accommodate the footpath within the site on its legally recorded line. The Mapping and Enforcement team can provide information and an application form for a legal diversion under the terms of the Town and Country Planning Act 1990, if required. If the path is to be accommodated on its current legally recorded line, the applicants may need to apply to the Mapping and Enforcement Team for a temporary closure of the route during development of the site if it cannot be safely kept open and available at all times. In respect of all the public rights of way within the site identified, please ensure that the applicant adheres to the criteria stated below:

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

be allowed to use the ways 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 rights of way at all times.
- Building materials, debris, etc must not be stored or deposited on the rights of way.
- There must be no reduction of the width of the rights of way.
- The alignment of the rights of way must not be altered.
- The surface of the rights 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 rights of way without authorisation.

4.11 **SC Flood and Water Management- no objection**

The drainage proposals in the FRA using a combination of swale and French drains to provide combined attenuation storage are technically acceptable.

Informative: As part of the SuDS, the applicant should consider employing measures such as the following:

- Rainwater harvesting system
- Permeable surfacing on any new access and hardstanding area
- Greywater recycling system
- Green roofs

Details of the use of SuDS should be indicated on the drainage plan.

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

4.12 **Shropshire Fire and Rescue- no comment**

No comment

4.13 **Uffington Parish Council- support**

Comment: After discussion the Parish Council agreed to support this application

4.14 **Public Comments –one representation supporting and two objections**

Shrewsbury Squash and Racketball Club support the proposal.

Two objections have been received summarised as follows:

- Inaccuracies and misleading observations in the traffic survey relating to existing traffic movements in the access lane
- Concerns about contamination of Sunderton Weir and waterways due to increased lorry movements
- Anticipated level of construction traffic in application is inaccurate.
- Albrightlee Hall Farm has been incorrectly identified in the application as a commercial receptor and is deemed low sensitivity. Because there are

residential properties, the sensitivity should be re-visited.

- Visual, ammonia, and lighting impacts upon Albrightlee Hall Farm which have not been considered fully in the application
- Concerns about manure spreading and impact to water course, Sunderton Weir
- Manure should not be spread on permanent pasture and should be removed off site. This will alter anticipated traffic movements figures.
- Access lane is unsuitable for heavy vehicles
- The possibility of constructing a new road to the north of Sunderton Farm has not been considered
- Impacts to badgers

5.0 THE MAIN ISSUES

1. Principle of development
2. Siting, scale and design
3. Visual impact and landscaping
4. Heritage
5. Residential amenity and public protection- visual/odour/ noise
6. Rights of Way
7. Highways
8. Ecology
9. Other matters including additional buildings and solar photovoltaic panels

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The National Planning Policy Framework, (NPPF), emphasises in paragraph 28 on Supporting a prosperous rural economy, that planning policies should support economic growth in rural areas, in order to create jobs and prosperity by taking a positive approach to sustainable new development and promote the development and diversification of agriculture and other land based rural businesses.
- 6.1.2 Policy CS5: Countryside and green belt in the Core Strategy states that new development will be permitted where it improves the sustainability of rural communities where development diversifies the rural economy including farm diversification schemes. The policy further states that large scale agricultural related development will be required to demonstrate that there are no unacceptable adverse environmental impacts.
- 6.1.3 Policy CS6: Sustainable design and development principles emphasises how development must be designed to a high standard using sustainable design principles and make the most effective use of land whilst safeguarding natural resources.

- 6.1.4 Policy CS13: Economic development, enterprise and employment, puts emphasis on diversifying the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and in rural areas recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy and in particular areas of economic activity associated with agricultural and farm diversification.
- 6.1.5 With regard to the Shropshire Council SAMDev Plan, Policy MD7b (General Management of Development in the Countryside) states that agricultural development will be permitted where proposals are appropriate in size for their intended purpose, well designed and sited close to existing farm buildings, and where there no unacceptable impacts on the environment and existing residential amenity. Policy MD12 (Natural Environment) seeks the avoidance of harm to Shropshire's natural assets and their conservation and enhancement and restoration.
- 6.1.6 The policies referred to above support appropriate agricultural economic growth and diversification having regard to the local environment.
- 6.1.7 The development is generally considered to be an appropriate form of farm diversification for the existing family owned business. Accordingly the development is considered acceptable in principle and accords with the above Core Strategy Policies, though approval is subject to satisfying the main issues identified below.
- 6.1.8 The location for the development is to the side of an existing farmstead in the control of the applicants, the site considered the most appropriate location for the development. Two other potential sites have been considered. The first (Site A), was the field to the north of the application site. This was discounted, mainly on the grounds to its isolation and proximity to Sunderton Pool. The second potential site (Site B) was the field immediately to the south of the application site. This was discounted on the grounds of proximity to unrelated dwellings and Haughmond Abbey. Therefore the sequential site selection in relation to all on-site relevant planning issues is generally considered acceptable.
- 6.2 **Siting, scale and design**
- 6.2.1 Each poultry building measures 97.53m long, 24.4m wide, with a height of 4.6m to the ridge and 2.44m to eaves. The buildings will be sited in parallel, with the pitched rooves facing north and south. Buildings will be 12m apart and the intervening space will be used to site feed bins, control rooms, office and canteen room. The cumulative area of development amounts to approximately 15,040sqm including the heating shed and concrete apron alongside the buildings.
- 6.2.2 The buildings are to be sited close to existing farmstead buildings in an adjacent undeveloped field which lies to the east of a field boundary, pipeline and drainage ditch. The positioning of the buildings is constrained by overhead power cables further to the east. It is noted that a further agricultural portal framed building has been approved immediately to the west of the application site under references 14/01387/AGR. Extensions to this building were approved under references

14/04411/FUL and 14/04412/FUL. This building has not yet been constructed but will measure 15m long, 30m wide and 11.3m high to ridge.

- 6.2.3 Overall the siting of the proposed development is considered acceptable and will not significantly impact upon the setting of Sunderton Farm, having regard to the relationship with existing and approved farm buildings. Although the development covers a significant area, the buildings themselves are modest in height. The massing, layout and supporting infrastructure is considered appropriate for the intended purpose, as is the proposed slate blue cladding for the roofs and dark green cladding for the walls. With further landscape mitigation the impacts are considered acceptable. Solar photovoltaic cells are considered at para 6.8.3 below

Flooding

- 6.2.4 A Flood Risk Assessment has been carried out. The closest waterbody is approximately 140m to the southwest and is a man made pool close to Sunderton farmhouse. Sunderton Pool is just over 2km in length and is 170m west of the site. As the site is within Flood Zone 1, according to information submitted, the risk of fluvial flooding is considered very low with no mitigation required. This applies equally for ground water flooding.

Surface Water Run-Off

- 6.2.5 There are existing field drainage ditches on the eastern, southern and south western boundaries of the site. Run-off will be controlled by the installation of a swale, with a volume of 502cubic metres. French drains will also be laid taking total storage capacity to 814cubic metres. These specifications accord with the requirements of the NPPF and its technical guidance.

Dirty Water run off

- 6.2.6 This will run to a sealed tank on site, with capacity of 30,000 litres and will be emptied after each crop cycle. Disposal to land is stated to be in accordance with the Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) Regulations 2010.
- 6.2.7 A drainage plan has been submitted which proposes a dirty water holding tank below ground. Surface water is to run into a 500m³ swale from where it will be run into a ditch at a reduced run off rate, limited to 6.1 litres/second, according to standards.
- 6.2.8 In terms of siting, design and drainage proposals, the development is considered to accord with the requirements of CS6.

6.3 Visual impact and landscaping

- 6.3.1 A landscape visual impact assessment (LVIA) has been submitted as part of the environmental statement. Key aspects of the impact assessment are noted and discussed as follows.
- 6.3.2 The application site has medium sensitivity in the landscape and lies close to an area to the north west which is described as low sensitivity because of major roads, the northern edge of Shrewsbury, and large commercial premises clustered at the

A49/A53 road junction and scattered along the A53 to the north-east. To the south east, Haughmond Hill has high sensitivity because of its elevated position and views to the west and south west. Overall the effects on the proposed development on the landscape are stated to be very localised and have a minor effect.

6.3.3 There will be no trees or hedge removed and 1950sqm of native trees and shrubs is proposed to be planted or strengthened in the following locations:

- Continuous woodland edge to the northern side of the Carriage Drive
- The woodland on the southern field boundary
- South western field boundary
- Field boundary adjacent to the Shropshire Way bridleway.

6.3.4 Although the above is proposed, it would be considered essential to impose a condition requiring a landscaping plan which would secure the proposed planting. It is considered necessary to enhance the above proposals, particularly to the west of the site, which would reduce the longer range visual impacts on Albrightlee (approx. 820m to the west). Overall it is considered that landscape impacts are acceptable and can be further enhanced by implementation of an appropriate landscaping plan.

6.4 **Heritage**

6.4.1 The NPPF states at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It is also necessary to ensure that the development does not conflict with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 since the proposed development has the potential to affect the setting of designated heritage assets.

6.4.2 The Council SAMDev Plan states in Policy MD13 (The Historic Environment) that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. CS17 (Environmental Networks) also seeks to ensure that development does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of environmental assets, their immediate surroundings or their connecting corridors;

6.4.3 The submitted heritage assessment identifies 31 sites or groups of sites of heritage

interest within 1.5km radius. Some, but not all of these are designated assets. Heritage assets principally relate to Haughmond Abbey, Sundorne Castle Estate, and its landscaped park. Key listed buildings and distances from the application site are:

- Ebury Hillfort- scheduled monument 1.25km to the east.
- Haughmond Abbey (Grade 1 listed) and scheduled monument 1.5km to the south east
- Site of Sundorne Castle and associated structures- Grade 1 listed and scheduled monument 1.2km to the south west.
- Groups of buildings within curtilage of Sundorne Castle – Grade 2 listed.
- Sunderton Farmhouse- Grade 2 listed 200m to the west

- 6.4.4 The heritage assessment is summarised at chapter 8 of the environmental statement.
- 6.4.5 In terms of the historic parkland, its setting and character, the submitted heritage assessment considers that the proposed development will make little significant impact and can be mitigated by maintaining existing hedgerows and trees. It is considered that further screening, particularly to the south and west will make a positive contribution towards the historic environment.
- 6.4.6 In respect of impacts to listed buildings, Historic England note that there will be only limited impact to the Abbey and Ebury Hillfort. Nevertheless landscaping is encouraged to make the development as unobtrusive as possible.
- 6.4.7 Sunderton Farmhouse is the nearest listed building to the application site, but the impacts are considered significantly reduced by the existing intervening farmyard and buildings, and an approved storage shed which is due to be constructed.
- 6.4.8 The submitted environmental statement concludes that after allowing for appropriate mitigation, the development will have a minor to negligible permanent adverse impact on heritage assets. It is noted that the Conservation Officer generally concurs with this assessment and recommends a landscape retention and implementation scheme.
- 6.4.9 The archaeological potential of the site is considered to be low. As an additional safeguard, the Council archaeologist has recommended that a written scheme of investigation is submitted and approved before works commence.
- 6.4.10 In terms of the potential of impacts to heritage assets, the proposal is considered to comply with the requirements of the NPPF, CS6, CS17 and MD13 and does not conflict with the legal requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.5 Residential amenity and public protection Visual

- 6.5.1 Residential dwellings in the area and distances from the application site are: Sunderton Farm (150m), Meadowfields (220m), The Yells (580m) which are all

6.5.2 owned by the applicants and are either occupied by them or their families.

Dell Farm (675m) is the nearest dwelling outside the ownership of the applicants. Partial views of the development will be possible though visual impacts will not be significant, particularly as landscaping matures. No objection has been received.

6.5.3 Several residential properties are identified alongside the access road near Sundorne Castle. At about 1km distant, there will be no visual impact.

6.5.4

Objections have been received from the occupiers of two dwellings at Albrightlee Hall Farm (820m to the west) which are former barns in the process of residential conversion. They are the only objections received. These dwellings have not been considered in submitted statements. However they have been visited by the case officer and the application site has been viewed from several locations at Albrightlee, including from inside the relevant dwellings. Although partial and broken views of the development and solar panels are predicted (particularly before landscaping matures), they are considered long range views and visual impacts are not considered significant. The Public Protection Officer has commented specifically on impacts to occupiers and agrees with this opinion in terms of visual impacts.

6.5.5

Odour

6.5.6 A Scoping Opinion has been provided by Shropshire Council in advance of the application submission. An air quality and odour assessment was initially requested. However due to the intervening distance and buildings, the Council planning officer has since confirmed that such an assessment would not be required. In any event, the site will be covered by an environmental permit regulated by the Environment Agency. This will control odour (and noise) from operations within the site.

Noise

6.5.7 A noise assessment formed part of the Environmental Statement submitted in support of the application and this indicates: has been provided as a stand -alone document and the separate environmental statement provides a conclusion:

- there is likely to be an adverse effect of noise from feed deliveries at one unrelated receptor, Dell Farm;*
- a low impact of noise from day time collection of birds from the sheds is predicted upon residents at Dell Farm;*
- a low impact of noise from night time operation of fans is anticipated upon Dell Farm;*
- a low adverse impact is predicted from night time bird collections upon Dell Farm;*
- during night time removal of birds the brief travelling of HGVs past Sundorne Farm and the 4 cottages in close proximity to it is predicted to have a severe impact (for 8 seconds per event) when they occur on a maximum of 29 nights per year.*

It should be noted that the Environmental Permit issued by the Environment Agency only covers the application site and therefore noise issues relating to access routes fall beyond its scope.

6.5.8 Dell Farm

This unrelated property lies approximately 650m to the south west of the application site and is considered in terms of the following noise impacts. By way of explanation, the lower the rating level is relative to the measured (existing) background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is generally an indication of the specific sound source having a low impact. Background noise is substantially less during the night.

Daytime feed deliveries

Impacts to the amenity of Dell Farm are described as adverse, so could potentially give rise for concerns. However the Council Public Protection Officer has commented specifically that impacts are likely to be lower and acceptable, due screening effects of vehicles, buildings, prevailing winds, and the infrequent timing of deliveries. A significant impact is not anticipated.

Daytime collection of birds, and night time sound from roof ventilation fans

In each case noise created from this activity is anticipated to be less than existing background noise therefore a low and acceptable impact is anticipated.

Night time bird collection from on-site activity

The noise anticipated is only marginally above existing background noise levels. A low to adverse impact on residents is anticipated. The Public Protection Officer has stated that this level of impact is acceptable.

6.5.9 **Traffic movements and Amenity Impact to Residential Properties**

To varying extents, 7 dwellings unrelated to the application are affected due to their position adjacent or near to the private road which leads to the application site. From the B5062 the first 850m is tarmaced and owned by the Sundorne Estate but a right of access is given to the applicant. The remaining track is owned by the applicant.

6.5.10

Unrelated properties affected (listed south to north) are below with their approximate distance from the private road.

6.5.11

Redders- 70m (also 25m from B5062)
 Fairfields- 11m (also 90m from B5062)
 1 Sundorne Castle Cottages- 6m
 2 Sundorne Castle Cottages- 6m
 The Garden House- 6m
 Sundorne Garden- 7m
 Sundorne Farmhouse – 60m

6.5.12

A traffic assessment has been carried out which states that the poultry proposal will generate 1172 traffic movements/year, which equates to an additional 30% over and above existing traffic levels at Sunderton Farm. On the private access road as a whole, an increase of 5.15% is predicted. Currently, an estimated 3.03% of total movements are HGVs, which is predicted to rise to 6.94%.

6.5.13

According to the submitted environmental statement, these figures represent a minor adverse impact. Generally, this level of change is considered acceptable.

6.5.14 **Manure**

As far as possible, and in accordance with Best Practice Guidance and the submitted management plan, manure will be spread on farmland owned and controlled by the applicant. The amount which can be spread is limited to 36% of the total produced, in part due to Nitrogen Vulnerable Zone (NVZ) regulations. A significant quantity will therefore need to be exported. It is predicted that each crop will generate 22 return tractor/trailer movements off the holding on average per crop.

6.5.15 **Timing of Vehicle Movements**

The submitted noise assessment indicates birds will be collected over a period of 4 days during each crop cycle of 47 days. According to information submitted, bird collections normally takes place between 10pm and 10am. In total there will be 36 return bird collection movements per cycle, of which 28 return movements will be at night (between 2300 to 0700).

6.5.16 **Daytime movements**

Noted to be low impact to residential properties and are considered acceptable.

6.5.17 **Night time movements**

The submitted noise assessment states that the traffic generated by the proposed poultry houses would only make a slight impact except for very brief periods during 29 nights per year when a severe impact would be predicted to occur.

6.5.18

Dwellings 7m or less from the road are severely impacted. Sundorne Farmhouse is predicted to be moderately affected by HGVs. The noise assessment suggests that due to the proximity of Redders to the public highway, (where background levels of noise are higher), additional noise from bird collections during the night is negligible. In the case of Fairfields, some existing night time disturbance can reasonably be expected from the Rugby and Squash Club. The environmental statement suggests that noise impacts are moderate and adverse but not significant.

6.5.19

The Council Public Protection Officer has concluded that on the basis of the application as submitted, vehicle movements at night are likely to have a significant adverse effect on the sleep, health and wellbeing of residents in the residential properties close to the road. Noise levels are predicted significantly higher than the minimum needed to achieve reasonable sleep. The application states 28 return night movements which equates to 3 or 4 nights in each crop cycle.

6.5.20

The agent has stated in writing that the business model requires up to two return movements per hour during the night. This suggests that collections will tend to be clustered or concentrated within specific periods.

6.5.21

In his initial consultation response, the Public Protection Officer suggested limiting by condition, return movements at night to no more than 1/hr. It is Officer's opinion, that it is considered important to consider the wider context and apply sensible planning balance. Having done so, the proposed condition is not considered sufficient to overcome issues of night time disturbance for the following reasons:

- The applicant has stated in writing that that the business model and poultry integrator requires the ability to operate two return movements per hour. Although the applicant has stated that he would be willing to accept this limit, there is a considerable risk of non-compliance with the condition, in part because the poultry operator is a third party.
- The World Health Organisation (WHO) suggests that noisy events capable of disrupting sleep should be limited to 10-15 in an 8 hour period. Although the proposed condition of 1 return movement per hour would achieve this guideline in terms of number of events, actual noise levels from each event are considerably higher than recommended limits. Noise levels would still be "severe" and would not be reduced in magnitude.
- By limiting the number of movements at night, the equivalent additional movements would be expected between 2200-2300hrs or 0700-1000hrs ie first thing in the morning and late in the evening.
- The WHO guidelines are considered only partially satisfied by imposition of the condition because the disturbance to dwellings is sustained for 3 or 4 nights in each cycle- potentially 29 nights per year, in addition to increased traffic movements during the daytime.

6.5.22

The case officer has worked with the applicant to explore other measures to reduce noise magnitude. The applicant has investigated the installation of vented double glazing in the affected dwellings. This work would provide a sound barrier provided the window is closed. Sundorne Estate owns the most affected dwellings and the applicant has stated in writing that the Estate is agreeable in principle to glazing installation. None of the dwellings are listed. However despite requests from the case officer, no written confirmation from the Estate has been forthcoming. The Council's Legal Services have advised that a Section 106 to secure such works is not a realistic proposition. A condition to control night time traffic movements cannot be imposed since the properties affected are outside the application site and not within the control of the applicant. The Environmental Permit issued by the Environment Agency only controls on site activities.

6.5.23

Further noise assessment survey work and calculations were carried out by the applicant during February and March 2016. Assuming the use of specialized double glazing fitted with vents, the applicant has calculated that noise levels will

6.5.24 be within WHO guidelines.

The agent has suggested that if Members of the Planning Committee approve the application, Sundorne Estate would be prepared to carry out glazing work prior to

6.5.25 the decision letter being issued.

These calculations have been submitted to the Council and the Public Protection Officer has commented (see para 4.4 earlier in the report). Informal remarks from the Public Protection Officer to the agent express deep concerns about methodology, assumptions made in the calculations, and that the work was not carried out by a qualified and experienced noise consultant. Accordingly, the Public Protection Officer concludes that on the basis of information submitted, noise magnitude levels will not be reduced to below WHO guidelines, even with

6.5.26 specialized double glazing fitted.

It should further be noted that the proposed type of double glazing is fitted with

6.5.27 vents. Like any double glazing, the window needs to be closed to be fully effective.

The case officer refers to appeal decision reference APP/L3245/A/10/2136255 (Erection of 5 poultry sheds, improvements to existing highway and creation of new access). In her decision the Inspector took the view that a sudden or irregular noise between 2300 and 0700 hours may well disturb the restorative process of sleep and hence have a detrimental effect on the living conditions of nearby residents. The Inspector also gave weight to HGVs braking and accelerating past dwellings which would add to disturbance. In this example, affected dwellings were adjacent to a public highway, where one could reasonably expect higher noise

6.5.28 levels to be tolerated.

In the application under consideration, the 280m tarmac section of road past the affected dwellings lies between a track and cattle grid to the north, and a bend around Sundorne Castle Gatehouse to the south. HGVs are likely to be accelerating into and braking before departing the section of road. Moreover, because the road is single vehicle width, any oncoming traffic could result in an HGV slowing down or stopping. It is noted that the applicant suggests in the environmental statement that the extent of disturbance can be reduced from “severe” to “adverse” by informing occupants in advance of dates and timings of movements. In reality it is likely that occupiers will know when disturbance is likely, because of the production cycle. Even if forewarned of disturbance, the capacity to avoid it is probably limited.

6.5.29

The above mentioned cattle grid is potentially a source of further noise and vibration. Even though the cattle grid currently serves no function in terms of preventing the movement of livestock it is understood that Sundorne Estate is reluctant to remove it due to its ability to reduce traffic speeds.

6.5.30

On balance, and given the cumulative disturbance to all the dwellings listed above, it is considered that the proposal, with or without the proposed condition, and with or without fitted double glazing, fails to safeguard the existing level of residential amenity enjoyed by their occupiers contrary to the requirements of CS6 and MD7b.

6.5.31

Additional weight can be attributed to the access road being a private lane, where a higher level of amenity could reasonably be expected by the absence of unlimited public traffic. It is noted that no objections have been received from the dwellings concerned but this is not considered sufficient to outweigh the harm identified in the overall planning balance.

6.6 **Rights of Way**

6.6.1 Two bridleways converge at a point immediately to the south east of Sunderton Farm. Bridleway 17 approaches from the west and passes through the centre of existing farm buildings. Bridleway 15 approaches from the south west and continues in a north east direction. Neither route will be obstructed by development. However a footpath passes the application site immediately to its west. According to the Council Rights of Way Officer the legally recorded route deviates from the field boundary fence line, and passes over the area of proposed hardstanding. In practice it is recognised that the most obvious route for walkers will be to follow the fence, thus avoiding the development. However the Council Rights of Way Officer has advised that a legal diversion of the footpath is secured to accommodate the development. There is no requirement for the diversion to be secured prior to planning permission being granted, or works commencing, provided the legally recorded route of the footpath remains open at all times. Conditions have been recommended.

6.6.2 The route of the Shropshire Way long distance footpath passes the application site approximately 500m at its closest point to the east. The application states that only partial views of the development will be possible though occasional gaps in hedgerows. The impact to walkers is localised and not considered significant,

6.6.3 Although there will be some additional impacts on riders and walkers, particularly when passing through the site, the level of additional harm (visual and disturbance) over and above the existing situation is not considered sufficient to justify refusal of the proposal. Sunderton Farm is an operational farm and HGV/tractor/trailer movements are expected. Essentially the additional impacts of the proposed development should be balanced with the impacts of the existing situation. It is noted that no objections have been received in this regard from the Council Rights of Way Officer.

6.7 **Highways**

6.7.1 The Council Highways officer has met the applicant's agent prior to the scoping stage of the proposed development. No objection was raised to the principle of development, subject to the submission of further details which are now satisfactorily referenced in the environmental statement. A traffic impact assessment has been provided with the application.

6.7.2 The southern half of the access road is owned by Sundorne Estates and is tarmaced. The northern half of the access road is owned by the applicant and is in need of repair. A tarmac passing place is proposed immediately to the east of Sundorne castle.

- 6.7.3 A plan has been submitted with the application intended to show improvements to the existing access onto the B5062. The plan indicates that 150m visibility can currently be achieved in both directions. Nevertheless the applicant has clarified that minor works to the layout of the junction are intended to aid HGVs entering and exiting the private access road. The Council Highways officer has recommended conditions which will require full engineering details of proposed levelling and surfacing prior to the commencement of development.
- 6.7.4 Overall Highways impacts in relation to the B5062 are not considered significant, subject to appropriate controls and conditions being implemented correctly.
- 6.8 **Ecology**
- 6.8.1 An ecological assessment and extended phase 1 habitat survey has been completed. A Habitat Regulations Assessment has been carried out and this is attached to the report for reference. The site lies within a nitrate vulnerable zone (NVZ) and calculations have been provided and made available to consultees.
- 6.8.2 There are two Ramsar sites within 10km, two SSSIs within 5km, and six locally designated sites within 2km of the application site. Natural England has been consulted and confirmed no objection to the development.
- 6.8.3 There are no predicted direct or indirect impacts on any of the designated sites.
- 6.8.4 The site and surroundings was inspected for the presence of great crested newts, bats, nesting birds, badgers, otter, water vole and dormouse. No negative impacts are predicted as a result of the development. Nevertheless, the Council ecologist has recommended appropriate conditions to maintain a 10m buffer between the development and a drainage ditch alongside the development, the submission of a lighting and landscaping plan, the installation of bat boxes, and informatives referring to compliance with Habitats Directives and Regulations, and the Wildlife and Countryside Act 1981
- 6.8.5 In terms of ecological impacts, the proposal is considered acceptable and in accordance with Policy CS17: Environmental Networks of the Shropshire Core Strategy and Policy MD12 (Natural Environment) of the SAMDev Plan as well as the National Planning Policy Framework.
- 6.9 **Other matters including additional buildings and solar photovoltaic panels**
- 6.9.1 The application proposes a number of smaller buildings and structures alongside the poultry sheds. Apart from a separate heating shed, the four control rooms, canteen, office/store and feed bins will be sited between the poultry buildings. Only the upper sections of the feed bins (7-8m high) will be visible above the buildings when viewed from the west.
- 6.9.2 No indication is given in relationship to the external colour of the feed bins. These by the nature of their height and scale can appear conspicuous in the landscape and as such it is recommended that a condition is attached to any approval notice issued in order to control their colour.

6.9.3 Details of the solar photovoltaic panels have been provided with the application. Panels are proposed to cover the entire south facing elevation of the southern most building, and less than a third of the adjacent building. The poultry buildings have a shallow profile and it is not anticipated that the installation of solar panels will have a significant impact either in terms of landscape, or in terms of impacts to neighbours. By virtue of position and topography, residents of Albrightlee Hall Farm will have partial views of the solar panels, but given the distance (820m) the visual impact over and above the limited impact of the buildings is considered very low. These limited visual impacts are outweighed by the site contribution to renewable energy provision as per the aims of CS6 which (in part) seeks in part to mitigate and adapt to climate change.

6.9.4 Overall, the limited additional impact of additional buildings, structures and hardstanding is considered acceptable and accords with Core Strategy CS6. CS6 also seeks to mitigate and adapt to climate change and to ensure that development is energy efficient. Renewable energy generation is encouraged in development where possible.

7.0 CONCLUSION

7.1.1 The proposal is for four poultry buildings and supporting infrastructure which would house up to 200,000 birds on site, as part of a farm diversification venture for the existing family farming business.

7.1.2 The proposed development raises no adverse concerns from internal or external consultees, aside from the Council's Public Protection Officer. As noted above the occupiers of affected dwellings are likely to be subjected to severe night time disturbance, and the initial proposal to limit traffic movements to no more than one return movement per hour is not considered adequate to protect the occupiers of nearby dwellings. In any event the business model requires the capability of two or more return movements per hour so such a condition is likely to be unworkable.

7.1.3 The agent has investigated the possibility of fitting specialist double glazing as a noise reduction measure. However survey calculations and predicted benefits are not proven to the satisfaction of the Public Protection Officer.

7.1.4 In all other respects the development is considered acceptable, but this is not considered sufficient to outweigh the harm identified above in the overall planning balance. There is an unacceptable risk of harm the amenity of nearby residents, contrary to the aims of Policies CS6 and MD7b and core planning principles of the NPPF. As a consequence of the issues as discussed and having regard to all material planning considerations, the recommendation has to be one of refusal.

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:

NPPF

Core Strategy and Saved Policies:

CS5, CS6, CS13, CS17, MD7b, MD12, MD13

Relevant planning history:

11/00258/VAR Variation of condition number 2 attached to Planning Permission Ref. 04/0804 dated 30/07/2004 to allow an increase in the height of the eaves GRANT 18th March 2011

11/05062/AGR Erection of an agricultural storage shed PNAGR 23rd November 2011

14/01387/AGR An open plan, portal framed agricultural building. PNR 17th April 2014

14/04411/FUL Erection of additional building on the eastern elevation of the recently approved storage building (planning ref: 14/01387/AGR). GRANT 26th November 2014

14/04412/FUL Erection of additional building on the western elevation of the recently approved storage building (planning ref: 14/01387/AGR) GRANT 26th November 2014

15/00178/SCO Proposal for 4 poultry buildings with feed bins and ancillary equipment and amendments to access SCO 13th February 2015

15/00548/DIS Discharge of Condition 3 (Drainage) on Planning Application 14/04411/FUL for the erection of additional building on the eastern elevation of the recently approved storage building (planning ref: 14/01387/AGR). DISAPP 12th February 2015

15/00549/DIS Discharge of Condition 3 (Drainage) on Planning Application 14/04412/FUL for the erection of additional building on the western elevation of the recently approved storage building (planning ref: 14/01387/AGR) DISAPP 12th February 2015

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 John Overall

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

| |
|---|
| 15/04709/EIA Sunderton Farm Uffington Shrewsbury Shropshire SY4 4RR Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access |
|---|

Date of completion for the HRA screening matrix:

| |
|--------------------------------|
| 19 th November 2015 |
|--------------------------------|

HRA screening matrix completed by:

| |
|--|
| Nicola Stone Planning Ecologist 01743-252556 |
|--|

Table 1: Details of project or plan

| | |
|---|--|
| Name of plan or project | 15/04709/EIA Sunderton Farm Uffington Shrewsbury Shropshire SY4 4RR Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access |
| Name and description of Natura 2000 site and Nationally designated site which has potential to be affected by this development. | <p>Midland Meres and Mosses (Ramsar phase 1) → Bomere, & Shomere Pools Bomere, Shomere & Betton Pools Midland Meres and Mosses Ramsar Phase 1 (59.08ha), as a group, are particularly important for the variety of water chemistry, and hence flora and fauna, which they display. It is included within the Ramsar Phase for its Open Water, Swamp, Fen, Basin Mire and Carr habitats with the plant species <i>Elatine hexandra</i> and <i>Thelypteris palustris</i>.</p> <p>Phase 2 Sites/Ramsar feature - Midland Meres and Mosses (Ramsar phase 2) Hencott Pool Most of Hencott Pool Midland Meres and Mosses Ramsar Phase 2 (11.5ha) is swamp carr on very wet peat dominated by alder <i>Alnus glutinosa</i> and common sallow <i>Salix cinerea</i> with frequent crack willow <i>Salix fragilis</i>. Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. It is included in the Ramsar Phase for its Carr habitat and the species <i>Carex elongata</i> and <i>Cicuta virosa</i></p> |
| Description of the plan or project | Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access. |
| Is the project or plan | No |

| | |
|---|-----------|
| <p>directly connected with or necessary to the management of the site (provide details)?</p> | |
| <p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p> | <p>No</p> |

We have identified the following effect pathways:

- Damage to the Ramsar site caused by aerial emissions
- Possible effects on the hydrology of the Ramsar site, and

1. Possible impact of aerial emissions

- ➔ Email from Kevin Heede (Environment Agency Environment Agency 19th November 2015) providing Ammonia Screening Output and Pre-app report.
 - The EA, as a more competent authority, has screened out the ammonia impacts from the proposed development on Ramsar sites within 10km; SSSIs within 5km.

2. Hydrology

- ➔ SC Ecology has assessed Natural England’s Ramsar Catchment Areas. The proposed site location falls outside of the catchment area. No further assessment has been undertaken.

Conclusion

Providing works are carried out in accordance with the approved plans SC Ecology has concluded that the proposed development will not impact on the integrity of Ramsar sites in 10km.

The Significance test

➔ There is no likely significant effect on the European Designated Site (Bomere & Shomere Pools, and Hencott Pool) from planning application 15/04709/EIA.

The Integrity test

There is no likely effect on the integrity of the European Designated Site (Bomere & Shomere Pools, and Hencott Pool) from planning application 15/04709/EIA.

Conclusions

Natural England should be provided with SC Ecologist HRA. Comments should be received prior to a planning decision being granted.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

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

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

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

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

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

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

Habitat Regulation Assessment Outcomes

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

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

Duty of the Local Planning Authority

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

This page is intentionally left blank



| |
|----------------------------|
| <u>Committee and date</u> |
| Central Planning Committee |
| 30 June 2016 |

| |
|-------------|
| <u>Item</u> |
| 8 |
| Public |

Development Management Report

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

Summary of Application

| | |
|--|---|
| <u>Application Number:</u> 16/00327/REM | <u>Parish:</u> Great Ness |
| <u>Proposal:</u> Application for approval of reserved matters (appearance, layout, scale and landscaping) pursuant to permission 14/03619/OUT for the erection of 2 no. dwellings | |
| <u>Site Address:</u> Proposed Dwellings At Wilcot Kinton Shrewsbury Shropshire | |
| <u>Applicant:</u> Mr T E Jones | |
| <u>Case Officer:</u> Oliver Thomas | <u>email:</u> planningdmc@shropshire.gov.uk |

Grid Ref: 337861 - 318668



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2015 For reference purposes only. No further copies may be made.

Recommendation:- It is requested that should the planning committee resolve to approve this application, delegated powers be afforded back to the Area Planning Manager. Due

to the ecologist raising concern and requesting additional information in regards to European Protected Species. Subsequent to this additional information being submitted and approved, the application will gain approval subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is seeking reserved matters approval for the erection of two residential dwellings pursuant to Outline permission 14/03619/OUT. These reserved matters are to include appearance, landscaping, layout and scale; with access being approved at outline stage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is currently used for agricultural purposes for the sheltering of cattle and storage. Currently on site are three Dutch barns, two of which are used to shelter cattle. The Dutch barns are proposed to be demolished if planning permission is successful. The site is adjoined by open fields to the north and east, within the applicant's ownership, with neighbouring residential dwelling to the north west and west on the opposing side of the highway.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Applications where the Parish Council submit a view contrary to officers approval based on material planning reasons the following tests need to be met;
- These contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and
 - The Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish Council has raised material planning issues that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SuDS – No objections.

The drainage proposal is acceptable; therefore the condition can be discharged.

4.1.2 SC Affordable Housing – Additional information required

As an open market housing proposal, the Core Strategy requires the development to

contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually.

As part of the application process the applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed.

4.1.3 SC Highways – No objections subject to conditions.

The principle of the development has been previously approved under outline consent 14/03619/OUT and these highway comments are forwarded in respect of the submitted details for the approval of reserved matters.

4.1.4 SC Archaeology – No objections.

We note Condition 14 on Planning Permission 14/03619/OUT. We have no further comments to make with respect to archaeological matters.

4.1.5 SC Trees – No objection subject to conditions.

Having had a look at the site, there is an issue with shading and impact on residential amenity caused by the trees on land adjacent. The problem is that there is outline for two dwellings and there isn't really space to rearrange the site. Unfortunately Trees were not consulted at outline, otherwise an AIA would have been requested and the site could have been limited to just one dwelling. As such in order to ensure that trees are protected to the required standard a condition has been imposed.

4.1.6 SC Conservation – No objections (25/05/2016)

Subject to the imposition of relevant condition, the Historic Environment team have no further comments.

– Additional information required (28/04/2016)

This application for three new dwellings affects property within the centre of the historic settlement of Wilcot. While I have not visited the property and my initial assessment is desk based, I understand that it is currently occupied by three agricultural buildings, one a 20th Century Dutch barn and the other buildings likely dating from the mid to late 19th Century based on our circa 1900 archival Ordnance Survey mapping layer. As these buildings are proposed to be demolished in order to facilitate redevelopment of the site for new dwellings, additional information on these buildings needs to be provided in terms of a Heritage Buildings Assessment for our review and in order to justify their removal. Should the proposed development be approved, these buildings should be recorded and the information provided to the

Historic Environment Record.

As noted above, the property is sited at the core of this early settlement and there are a number of designated and non-designated heritage assets in close proximity to the property which are also important to the overall character and appearance of the settlement, and it is important that any proposal here respects these buildings, their setting and the landscape features important to Wilcot. Specifically, directly across the road to the south is the Grade II listed Wilcot Hall, a mid to late 19th Century house but which incorporates a much earlier core, along with its traditional agricultural buildings. To the east is a former mill pond of potential heritage interest, and immediately south-east of the pond is a Norman motte and remains of a tower keep which has been designated as a Scheduled Monument.

Along the frontage of the property along the local roadway there is a sandstone wall that is a characteristic feature of the settlement and there is a public element at the entrance to the property with a public letterbox inserted in the sandstone wall and community notice board evident beside it.

Development will need to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including the Historic Environment Planning Practice Guide published by English Heritage and the National Planning Policy Framework (NPPF).

As noted above further details on the existing buildings are required to determine their historic value and should development be permitted the early buildings should be formally recorded. Features such as the sandstone walling along the frontage is important to the settlement and needs to be retained and better respected than shown in the plans provided, and all existing boundary trees and hedging should be retained to better reduce any detrimental impact on the nearby heritage assets. As submitted, the property appears to be overdeveloped with three detached dwellings and three detached garages currently proposed; the scale of development should be reduced on this centrally sited location within this small historic settlement to reduce the overall impact on the area. The development will need to reflect local vernacular detail in terms of scale, details, materials, and building and access drive layout.

Additional information will be required on the existing buildings as noted above. A reduction in the intensity of the development proposed is recommended at this core location within the historic settlement.

4.1.7 SC Ecology – Additional Information required (20/06/2016)

During the Ecological Appraisal conducted by Pearce Environment during July '014 two badger setts were located just off the application site boundary within the plantation woodland strip to the south. In 2014 it was considered that development to the south of the site was achievable, through careful design, badger protection and buffer areas/wildlife corridors for safe badger passage. As the site layout has been submitted it is not clear how the badger setts will be protected and retained during development.

Additional information and update badger survey work is required in order to update

the badger mitigation strategy in line with the updated site layout.

4.1.8 **Great Ness and Little Ness Parish Council – Reconsult – Objection (04/05/2016)**

The Parish Council would like to add the following comments to the initial objection to this application

- a) The reduction in the size of the properties is questionable, as the footprint has only been reduced by detaching the garages from the house.
- b) The access has not been changed; there remains a high risk of accidents with the T-junction on one side and a blind bend on the other, all of which is very close to the access;
- c) No attempt has been made to address the concerns of the neighbouring residents. No new fencing has been proposed and no plan to provide support for the banking.

- **Objection (02/03/2016)**

After careful consideration Great Ness and Little Ness Parish Council strongly objects to this planning application on the grounds that there is a need for more 2/3 bedroom houses and not 5 bed roomed ones as there are many larger properties that are not selling in the area. The type and style of the dwellings are not in character with the surrounding area and the access to the highway is down a single track road that Highways have already objected to in their last report. Concerns are also for the two badger sets in that area and the Parish Council would like a Conservation Survey carried out. The Parish Council would also like to draw your attention to the listed Victorian Post Box on the wall. These two five bedroom houses do not comply with their Parish Plan of Housing Needs Survey.

4.2 - Public Comments

4.2.1 **13 letters of objection were received from public representations, with their main considerations being summarised as follows;**

- Access point leads on to dangerous stretch of road, causing harm to highway users;
- Site is unsuitable for two additional dwellings;
- Wilcott has limited services which will result in a reliance on motor vehicle to access those within Nesscliffe;
- With the loss of the cow shed, will this result in a future application for a replacement shed?
- Proposed would be out of keeping with surrounding development, which consists of moderately large dwellings sitting in large plots;
- Proposal goes against Parish Plan which supports 2/3 bedrooms;
- Proposed materials would not sympathise with surrounding developments;
- Two 5 bedroom houses would amount to a large increase in vehicle movements;
- Proposal scale is too large for the site and its surroundings;
- Badger set was noted on the outline application, but seems to have been disregarded with this current application;

- If granted, site will need a comprehensive landscape plan to ensure the protection of both residential and local amenities.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Impact on residential amenity
Visual impact and landscaping
Highways and access issues
Drainage issues
Ecological issues
Affordable housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of development on site has already been established by the granting of outline permission 14/03619/OUT; in which it was considered that the site be deemed suitable for residential development with a domestic access arrangement agreed upon. Notwithstanding this, the decision notice did not purport to grant consent for the layout or number of dwellings (Condition 4).

6.1.2 The purpose of this application is to consider the detailed reserved matters for the construction of residential development in accordance with Policies contained within the Shropshire Core Strategy, the SAMDev Plan and the National Planning Policy Framework. These reserved matters include the appearance and layout, scale and landscaping.

6.2 Siting, scale and design of structure

6.2.1 Policy CS6 of the Shropshire Core Strategy: 'Sustainable Design and Development Principles' requires developments to protect, conserve and enhance the built environment and be appropriate in scale, density, pattern and design whilst taking into account the local context and character. The development should also safeguard against local and residential amenity, further ensuring that sustainable design and construction principles are incorporated.

6.2.2 Further to Policy CS6, SAMDev MD2: 'Sustainable Design' requires developments to achieve local aspirations for design in terms of visual appearance and functionality. Proposals need to respond appropriately to the form and layout of the existing development including a mixture of uses, streetscapes plot sizes, scale and density that reflect locally characteristic architectural design and details which enhance, respect and restore the local context and character.

6.2.3 Section 7 of the National Planning Policy Framework: 'Requiring good design' attaches great importance to the built environment, with great weight being afforded to proposals which are considered outstanding or of innovative design helping to raise the standard of design within the area.

- 6.2.4 The proposal is for the development of no.2 three bed houses, both traditionally styled, two storey detached dwellings. Each dwelling will be accessed by a shared driveway, with each having a separate detached garage – Plot 1 will have a single bay with Plot 2 having a double bay garage. These garages are traditionally styled and will mirror the design and architectural traits of their adjoining dwellings.
- 6.2.5 Both dwellings are of identical scale; however they will mirror each other creating symmetry on site, despite being set at different orientations and within different sized plots. Plot 1 will sit fairly central on site with direct sightlines from the access point, whereas Plot 2 is positioned further south, with a slightly offset building line and orientated at a slight angle due to the plot shape and for visual aesthetics in creating two individual units in surroundings of predominantly single dwellings where their appearances are unique in style and form.
- 6.2.6 The surrounding area and immediate vicinity consists of sporadic development, each being well secluded from one another, predominantly within a large plot with views screened via substantial boundary treatments. Despite the proposal not following suit in respecting the existing layout, it is recognised and provided within the Parish Councils' comments that its aspirations are for smaller dwellings which are to supply housing that is capable to cater as 'small family homes' as expressed in the Parish Plan. Whilst this Plan does not hold significant weight in the decision making process, the outline was to permit residential development only with no scale or layout agreed upon and originally submitted plans were considered over development, with a scale too large. As such two options were put forward, either a single dwelling which would respect the existing form and layout of the immediate surroundings or to provide 2 small scale dwellings, in line with the Parish Plan and the Parish Councils originally submitted comments. The later was agreed upon.
- 6.3 Impact on residential amenity**
- 6.3.1 Policy CS6 of the Shropshire Core Strategy: 'Sustainable Design and Development Principles' attaches great importance in ensuring that proposals protect all aspects of both residential and local amenities of neighbouring developments and their occupants.
- 6.3.2 Whilst there is a need to make efficient use of development land, it is also important to ensure that reasonable living conditions for the occupants are provided and the development does not have unacceptable consequences for neighbouring occupants, such as overshadowing or loss of privacy. The two dwellings have been designed and positioned so as to protect and retain residential amenities, with only a single window opening to both side elevations of both dwellings – serving the first floor bathroom, as such is expected to be obscured glazing and will not provide views into neighbouring dwellings or their domestic space.
- 6.3.3 Guidance contained within the SPD 'Type and Affordability of Housing', advises that developments should normally provide a satisfactory level of children's play (for family accommodation), the external drying of washing, storage of tools and garden equipment, etc. All development should provide acceptable facilities/conditions for the storage and collection; originally submitted plans showed an inappropriate and unacceptable level of private amenity space commensurate to the size of the proposed dwellings, thus failing to comply with the SPD guidelines. However,

amended drawings following a reduction in scale of dwellings has resulted in the level of private amenity space available to be considered acceptable in supplying three bedroomed dwellings.

- 6.3.4 Public representations have raised concerns over the lack of immediate services and facilities within Wilcott; however upon adoption of the SAMDev Plan, Wilcott has been recognised as a Community Cluster under MD1. Community Clusters status' were given dependent on the communities aspirations for additional development and their aspire to become more sustainable. Sustainability is based on various factors, not just the locality of services/facilities, but also on intangible assets as expressed within 14/03070/OUT - the sites sustainability has been considered and accepted at outline stage.

6.4 Visual impact and landscaping

- 6.4.1 The site is currently in agricultural use and occupied with a number of outbuildings to house cattle. The proposed development would improve the visuals of the site, as part of the site is being used as a miscellaneous storage site with a large amount of rubble occupying the north-western boundary; well-maintained grassed garden and dwellings would be a marked improvement on its current situation.
- 6.4.2 Representations have been received making aware that a large amount of trees have been torn down in recent years, removing the boundary definition between the two sites. A landscaping scheme has been submitted, showing which trees are to be retained, planted and their location. The scheme also shows the placing of boundary treatments on site and their up-keep management. The two plots will be separated with a 1.8m high timber fence; an existing stone wall will remain and span the boundary perimeter to the south, to soften the noise pollution from the adjoining highway and retain the visual appearance of this historic settlement core, using reclaimed materials and matching the existing. This is considered acceptable; with a condition ensuring its completion prior to occupation will be attached in accordance with the comments received from Historic Environment.
- 6.4.3 The site lies within close proximity to the Grade II listed Wilcott Hall, whilst the proposed will not directly affect or alter this, the development does have potential to impact upon its special character and appearance and in accordance with national policies and guidance including PPS5 Historic Environment Planning Practice Guidance and section 12 of the NPPF and in conjunction with Policy CS17 of the Shropshire Core Strategy: 'Environmental Networks' and SAMDev MD13: 'The Historic Environment', all proposals which are likely to affect its setting and/or significance are accompanied with a Heritage Assessment; as such it was requested that a Heritage Statement be submitted, as special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This was considered acceptable by the Conservation Officer subject to important settlement features being retained and where required to be removed and replaced with great care to ensure the historical importance of the settlement is retained as per para 135 of the NPPF and a proposals direct or indirect potential to impact upon a non-designated heritage asset.

6.5 Highways and access issues

6.5.1 All access issues were dealt with at outline stage, with the creation of a new vehicle access being considered acceptable subject to the submission of full details at reserved matters stage. These have been submitted and are found to raise no objections from the Highway Authority. Despite the number of representations received highlighting the current road conditions of the site and surroundings, the Officer is unable to consider these due to access arrangements being approved at outline stage and further confirmation from the Highways Authority that no objections arise from the proposed details.

6.5 Drainage issues

6.5.1 Policy CS18 of the Shropshire Core Strategy: 'Sustainable Water Management' indicates that developments should integrate measures of sustainable water management to reduce flood risk and surface water drainage. Following the submission of the drainage details in conjunction with details submitted at outline stage, the Drainage Engineer has submitted comments confirming that the site has incorporated adequate provisions in line with the requirements of CS18.

6.6 Ecological issues

6.6.1 Policy CS17 of the Shropshire Core Strategy: 'Environmental Networks' recognises that Shropshire has a wealth of environmental assets and that development must protect, enhance and expand these assets. Proposals must protect and enhance the diversity and high quality of the natural environment, without adversely affecting the visual, ecological or recreational values and functions. Those which have potential to affect these assets must be designed in a way that does not adversely affect by means of creating barriers or severing links.

6.6.2 The council's ecologist was consulted at outline stage in response to the submitted ecology report; no objections were raised subject to the imposition of conditions (12, 13, 16, 17 & 19 – 14/03619/OUT). These conditions were in association with protection and mitigation for European Protected Species and following the submitted independent ecology report. Those requiring attention at reserved matters stage in regards to bats and nesting birds have been adequately dealt with by providing the required number of bat and bird boxes, alongside developing in accordance with the recommendations contained within the ecology report. However, the ecologist has highlighted that additional information is required in relation to the mitigation for harm to the established badger setts just of the southern boundary; these comments were received at a late stage, as such it is requested that the planning committee agree, subject to approval, to permit the Area Planning Manager delegated powers upon receipt and confirmation of this additional information.

6.7 Affordable housing

6.7.1 Despite the comments received from the Affordable Housing team, no further information was requested. This is due to the applicants having not entered into a S106 Agreement at outline stage; as a result of an administrative error. However, since the granting of 14/03619/OUT and following the recent decision in the Court of Appeal (C1/2015/2559), the previously dismissed Written Ministerial Statement has once again become a significant material consideration. As a result, the Council will generally not require an Affordable Housing Contribution (AHC) for applications for

10 dwelling and less than 1000sq m floor area in the majority of cases where the site is not located within a designated rural area. Great Ness, under Schedule 1 is a designated rural area; however, no AHC will be required as the designation only reduces the threshold to 5 units or 1000sq m floor area.

7.0 CONCLUSION

The proposed development is considered to be acceptable in terms of scale, layout, appearance and landscaping. The erection of two dwellings as shown on the approved plans will not unacceptably impact upon residential amenities or the character and appearance of the locality. The proposals is considered to be in accordance with all relevant policies contained within the Shropshire Core Strategy, the SAMDev Plan and the National Planning Policy Framework; as such it is recommended that permission be GRANTED subject to the imposition of appropriate planning conditions and subject to the submission of additional information regarding the badger survey work.

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:

The National Planning Policy Framework

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS11 – Type and Affordability of Housing

CS17 – Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

Relevant planning history:

14/03619/OUT Outline application for the erection of two dwellings to include means of access (amended description) GRANT 5th March 2015

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 David Roberts |
|------------------------------------|

| |
|---------------------------------------|
| Appendices APPENDIX 1 - Conditions |
|---------------------------------------|

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

1. 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.

2. The development hereby permitted shall begin before the expiration of two years from the date of this notice.

Reason: In accordance with Section 92 of the Town and Country Planning Act, 1990.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

4. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no SA14965/03 prior to the dwelling being occupied. The approval parking and turning areas shall thereafter be maintained at all times for the purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

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

5. The garages hereby approved shall not be used as living accommodation. The garage buildings shall only be used for domestic purposes incidental to the enjoyment of the residential dwelling.

Reason: To safeguard the residential character and amenity of the area.

6. The existing community information board and its associated works shall be carried out in accordance with the terms of the application and approved plans.

Reason: To ensure the satisfactory preservation and safeguard the interest and character of the surrounding amenities.

7. No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

This shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

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. The existing community post box feature shall remain in-situ and fully protected during the approved works.

Reason: To safeguard the historical interest and character of the surrounding amenities.

9. All hard and soft landscape works shall be carried out in accordance with the approved plan. The works shall be carried out in the next available planting season. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

This page is intentionally left blank



| |
|----------------------------|
| <u>Committee and date</u> |
| Central Planning Committee |
| 30 June 2016 |

| |
|-------------|
| <u>Item</u> |
| 9 |
| Public |

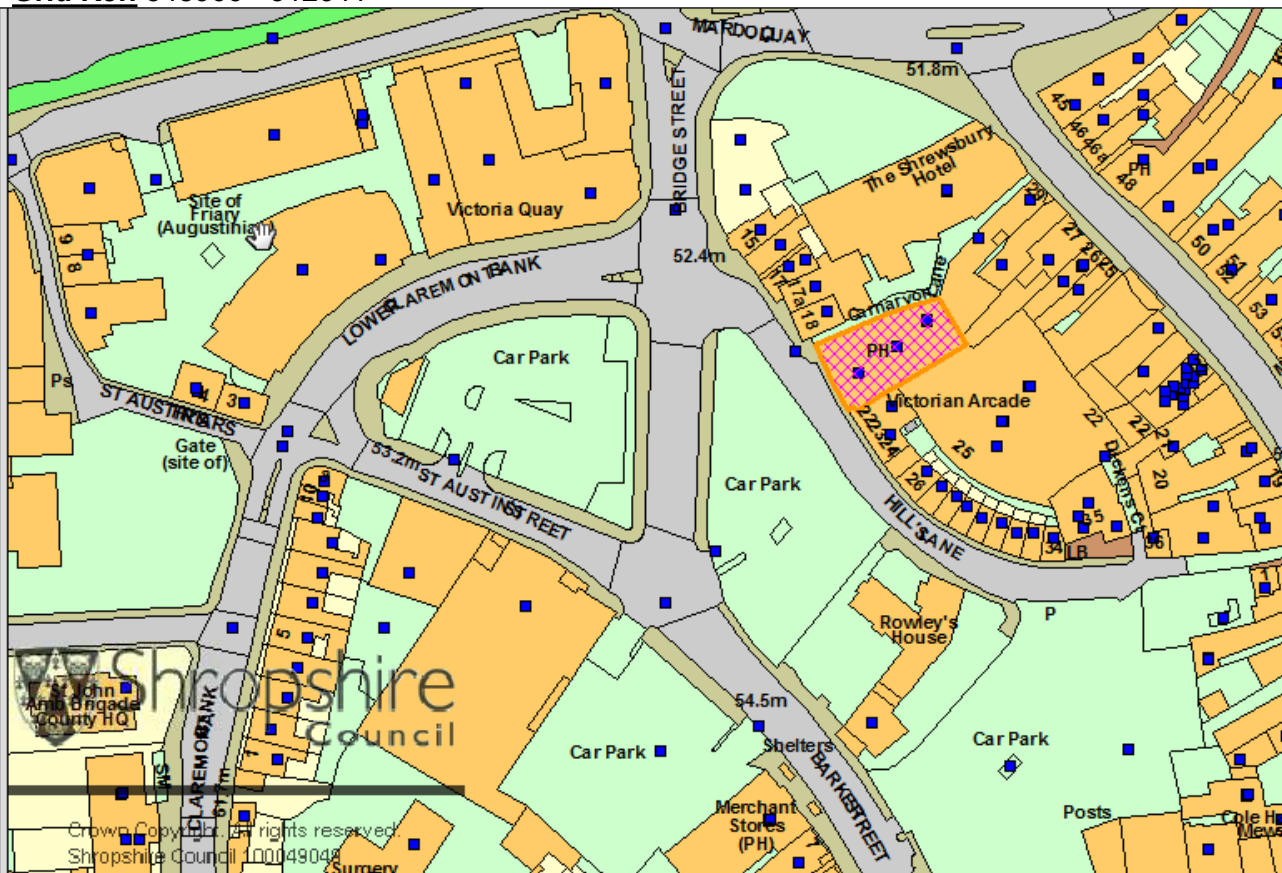
Development Management Report

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

Summary of Application

| | | |
|---|--|-------------------------|
| Application Number: 16/01776/FUL | Parish: | Shrewsbury Town Council |
| Proposal: Change of use of first floor from office to A4 use (pubs and bars) | | |
| Site Address: 19-21 Hills Lane Shrewsbury SY1 1QU | | |
| Applicant: Mr Nigel Blair | | |
| Case Officer: Jane Raymond | email: planningdmc@shropshire.gov.uk | |

Grid Ref: 348966 - 312641



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2015 For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

1.1 This application relates to change of use of the first floor from office to A4 use (pubs and bars) as an extension to the existing ground floor bar known as 'The Beach'. The proposed floor area the subject of this change of use is 215sqm and the application is seeking permission to remain open between 9pm and 4am seven days a week.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application relates to the first floor above a bar known as 'The Beach' situated in Hills Lane, Shrewsbury. 'The Beach' already has planning permission for use as a drinking establishment with a floor area of 316 sqm and the current actual opening hours are from 9pm until 4am Wednesday, Friday, Saturday and Sundays proceeding a bank holiday. The licensable opening hours are 11am to 4am seven days a week. 'The Beach' was previously a public house known as 'The Queen Victoria' and then 'Lloyds' with no planning conditions restricting its hours of opening attached to the original planning permission (85/0039/195/84). The first floor is vacant and was last used as office.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Area Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **Drainage Comment:** Part of the building is in Flood Zone 2, however, the change of use is on the first floor from office to late night bar (A4) should be acceptable.

4.1.2 **SC Archaeology:** We have no comments to make with respect to archaeological matters.

4.1.3 SC Conservation:

Background to Recommendation:

This change of use application proposes the conversion of the first floor of 19-20 Hill's Lane, a prominent unlisted possibly late 19th Century commercial building which presents an attractive decorative red brick front elevation to Hill's Lane and which completes the long Grade II listed three storey brick terrace to the east. While not listed, we would consider the building to be a non-designated heritage

asset that contributes to the visual character of the street scene and to the character and the appearance of the Conservation Area, which in this location comprises part of the 'Town Centre Special Character Area. The building and much of Hill's Lane is visible in wider views from main routes through the Conservation Area and from the public parking areas directly to the front of the building.

Principles of Scheme:

In considering this 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, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) published March 2012, the Planning Practice Guidance, and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

While in terms of historic environment matters we are generally not opposed in principle to this application, we would note that the current colourful fascia signage and colourful window vinyls at ground floor level are dominant visual elements which negatively impact on the appearance of the building and on the street scene. Should the upper floors be occupied by a late night bar use, the windows at first floor level should remain free of advertising, and consideration of a reduced scheme of signage at ground floor level to reduce visual impact is recommended. Inappropriate or dominant lighting schemes should not be encouraged in this location.

Recommendation:

While in principle we do not generally oppose the change of use, please note comments above in terms of external signage and lighting, and relevant conditions are recommended to be included.

- 4.1.4 **SC Public Protection:** A noise assessment is required to ensure that noise produced in this area does not spill out into the surrounding area or into any adjoining properties. The noise assessment must be suitably detailed and robust and must consider break out noise through the fabric of the building including walls and ceiling. In order to provide a detailed assessment details of all noise making and amplifying equipment will be required. The assessment must consider noise from all sources including any extraction for air conditioning and additional plant and equipment.

Initially advised that an assessment is produced and submitted prior to determination of this application in order that comments can be made which answer questions in relation to the impact on the amenity of the general area and residential properties in the locality. Subsequently recommended a condition to state the following:

Prior to use a noise assessment will be carried out in order to establish background noise at locations to be agreed in advance with the local planning authority. Mitigation will be required to ensure no increase in noise is caused by the proposed development. Reason: to protect the amenity of the area.

4.2 - Public Comments

4.2.1 **Shrewsbury Town Council objects:** Members are aware of the proximity to residential properties to this site and whilst the applicant wishes to expand his operation Members are of the view that opening times till 4am are unsuitable and unnecessary in this location. They fear if agreed, this could have a cumulative impact on the area in terms of anti-social behaviour, noise nuisance and disrespect for the public realm thereby setting an unwanted precedence within the town. Members have agreed that were the applicant to amend opening times to a more suitable 2am watershed they would withdraw their objection.

4.2.2 **Cllr Bannerman objects:** I wish to object to this application. If you are minded to approve it, I would ask that it be referred to committee.

I realise there is little chance of preventing the late Licence application being approved, because of the 2003 Act's presumption in favour of allowing 24 hour drinking. However I believe that Planning offers a better opportunity of consideration of residents' amenity and the wider aspects of further extending the Late Night Economy.

Hills Lane is still in part a residential street - there are nine dwellings in the eastern part of the street, there are further dwellings in Mardol, which is very close. Across the car park are the dwellings on Claremont Bank. So despite the denomination of the West End as the hub of the Late Night Economy, residents still live there and, with the arrival of 200 students in the planned buildings on Barker St, this number will increase substantially. So noise and antisocial behaviour are real concerns.

The Beach Bar already accommodates 350 customers. This extension will substantially increase this number. All these people will have to disperse after 4am, mostly past residences. Trip Advisor is already recording adverse comments from customers in hotels and B and B's, who were unable to sleep at night. The already disturbing number of incidents of antisocial Behaviour, street fouling and damage to property in the town will increase.

In response to growing concerns, Shropshire Council, with the support of Shrewsbury Town Council, is in the process of drawing up some planning guidance for applications for licensed premises in the town centre. It would be wise to refrain from granting further extension of the Late Night economy until this guidance has appeared.

5.0 THE MAIN ISSUES

Principle of development
Impact on local and residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Paragraph 18 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 6.1.2 Paragraph 21 of the NPPF goes further and states that investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.
- 6.1.3 Paragraph 23 seeks to ensure that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:
- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- 6.1.4 Core Strategy CS1 (Strategic Approach) identifies Shrewsbury as *'a sub-regional centre and Shropshire's growth point, and will be the focus for significant retail, office and employment development'*. It states that the role for Shrewsbury *'reflects the Shrewsbury Vision and the aspirations of the community in Shrewsbury to continue to thrive as a centre for employment and services, whilst maintaining its outstanding natural, built and historic environment'*.
- 6.1.5 Core Strategy CS2 states that *'Shrewsbury will develop its role as Shropshire's primary retail, office and commercial centre, and the vitality and viability of the town centre will be promoted, protected and enhanced. The Riverside and West End areas of the town centre will be redevelopment priorities.*
- 6.1.6 The importance of economic development and employment growth in Shrewsbury is integral to the strategy for the town. This will support the prosperity of Shropshire and ensure the sustainable and balanced development of the town. As well as the major employment land provisions made, Policy CS2, linked to Policies CS13 and CS15, also allows Shrewsbury to fulfil its strategic retail and commercial role and, as part of that, the safeguarding and enhancement of the role of the town centre.
- 6.1.7 Shrewsbury Town Development Strategy states that the Shrewsbury Vision is to provide a sustainable and complementary mix of retail, community, employment and residential uses. Policy CS13 supports enterprise and seeks to deliver sustainable economic growth and prosperous communities and that particular emphasis will be placed on *'Raising the profile of Shrewsbury developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2'*.
- 6.1.8 The site is within Shrewsbury Town centre in close proximity to other drinking

establishments. The main town centre and in particular the Riverside and West End are considered to be primary locations for this type of use and it is considered appropriate that consideration is given to extending the existing business to the upper floor subject to material considerations in relation to the impact on existing levels of residential amenity.

- 6.1.9 The NPPF states at para 120 that to prevent unacceptable risks from pollution (which includes noise) planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
- 6.1.10 Core Strategy CS6 states that, amongst other objectives, development should contribute to the health and wellbeing of communities, including safeguarding residential and local amenity.
- 6.1.11 Objection has been raised in relation to an increased floor area with late night opening attracting more users to the area and the resultant noise and disturbances that might result, and this will be addressed later on in the report. However it is considered that the proposed extension of the premises and existing business accords with CS1, CS2 and CS13 and that bringing more people into the town centre should be considered as both appropriate and necessary in promoting and enhancing the vitality, viability and sustainability of Shrewsbury.

6.2 **Impact on local and residential amenity**

- 6.2.1 The main impact on local and residential amenity is in two parts – the impact of noise emanating from within the building and the impact of customers leaving the venue and returning home in the early hours of the morning.
- 6.2.2 Noise from within the building:
Public protection initially considered that prior to determining the application a noise assessment should be submitted to consider break out noise through the fabric of the building including walls and ceiling and should include an assessment of all noise making and amplifying equipment and noise from other sources including any extraction for air conditioning and additional plant and equipment. The agent subsequently submitted the following statement:
- 6.2.3 *We have traded in Shrewsbury for five years and are an asset to the late night economy and we believe taking the upper floor of the premises will enhance our customer experience, When we took the site we invested heavily in sound proofing five years ago as we have a restaurant partially above our premises also, We used a sound proofing company DB attenuation who we will be using again if our planning permission is approved, I am aware that I will need to do a full noise / sound escape survey at the premises. I am more than happy to commit to a condition of planning being approved that we will carry out a survey and then implement the recommendations.*

- 6.2.4 On receipt of this statement Public Protection have no objection to the application subject to a condition requiring a noise assessment and any proposed mitigation to be carried out prior to use. Subject to this condition it is not considered that noise from within the premises would result in any noise and disturbance to surrounding premises or residents. Furthermore if noise is heard from within the establishment this is already controlled under alternative legislation and enforced against via the Councils' public protection function.
- 6.2.5 Opening hours: It is recognised that extended late night uses can cause issues in relation to the amenity of residents living in close proximity to the site or on routes leading to or away from the site and other venues. In assessing the application it is therefore necessary to consider whether the additional premises with the hours proposed will lead to an increase in people attending this part of the town centre at the hours requested and whether this would cause harm to residential amenity. In considering this issue recognition should be given to the fact that there are already a number of establishments operating during these later, early morning hours.
- 6.2.6 The following provides the existing late night opening hours and licensing hours in relation to other venues in proximity to the application site:

| | Planning control | Licensing control & Closing time |
|--|---|---|
| The Beach Hills Lane | 85/0039/195/84 No control | Mon- Sun: 11:00- 04:00 (close 04:30) |
| Waterfront Victoria Avenue | 95/0827/080/77 No control | Mon – Sat: 10:00 - 02:00 Sun: 12:00 - 00:30 (close 30 mins later) |
| Bonds Lower Claremont Bank | 95/0827/080/77 No control | Mon - Sat: 10:00- 04:00 Sun: 10:00 - 02:00 (close 30 mins later) |
| Armoury Victoria Avenue | 95/0517/080/77 No control | Mon – Sat: 10:00 - 00:00 Sunday: 12:00 - 22:30 (close 30 mins later) |
| Vodka Source Barker Street | Historic Public House No control | Mon – Tue: 09:00 - 02:00 Wed – Sat: 09:00 - 04:00 Sun: 12:00 - 02:00 (close 30 mins later) |
| Montgomerys Lower Claremont Bank | 15/04044/VAR Sun – Tues: 0800 to 0130 Wed – Sat: 0800 to 0230 | Sun – Tues: 08:00 - 01:00 Wed: 08:00 – 03:00 Thursday: 08:00 - 02:00 Fri & Sat: 08:00 – 03:00 (close 30 mins later) |
| | | |

- 6.2.7 It can be seen from the above table that here are a range of opening hours (the majority of which are controlled by licensing) and on the busiest nights (Wed, Fri and Sat) the closing times range from midnight until 4 in the morning. This late

night activity is an already established activity so should not be considered as something alien within this part of the town centre. It is considered that allowing an additional floor of accommodation for A4 use to the same opening hours as the ground floor where there is an established use will not result in a significant increase in noise and activity in this part of town or within streets or routes to or away from the site above that which already exists.

- 6.2.8 If considering refusing this application or imposing conditions restricting the opening hours, where other business's have already attained such permissions and are operating within legally allowed time frames, it would be difficult for the Council to successfully defend any subsequently submitted appeal. The Council has already determined that the existing and other premises in the locality can operate at the hours currently under consideration.
- 6.2.9 The licensing regime already controls issues of disturbance and noise generated from patrons leaving the premises late at night and a licence can be revoked if there are grounds to do so. This power extends beyond that of a planning permission with conditions imposed.
- 6.2.10 The town centre is a location within which an active and thriving late night economy should be promoted, and with adequate public protection provided by the Council and external agencies, it is considered that this proposal would have no significant impact on local and residential amenity and that this proposal should be supported and viewed favourably.

7.0 **CONCLUSION**

- 7.1 The proposed change of use of the upper floor to A4 drinking establishment accords with the aims and provisions of the NPPF and Shropshire Core Strategy policies CS1, CS2 and CS13. It is also considered that the proposed hours of opening are acceptable having regard to the existing opening hours of premises in the locality and that the proposal would not result in a significant increase in noise and disturbance in the locality above that which already exists and therefore accords with CS6. Approval is therefore recommended.

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: NPPF
Core Strategy and Saved Policies: CS1, CS2, CS6 and CS13

RELEVANT PLANNING HISTORY:

SA/85/0039 Alterations to change the use of former 'High Speed Tyres' Depot into a Public House, and existing vehicular access doors blocked up and insert new windows and doors on ground floor. PERCON 21st February 1985

SA/02/0411/F Change of Use of First Floor Mythstories Museum, including alterations to create three one bed apartments and one office (amended description) PERCON 24th May 2002

SA/03/0145/F Change of use and alterations of first floor from Mythstorie Museum to 3 no. 1 bedroom apartments and additional dining area for existing restaurant PERCON 8th April 2003

SA/04/0100/F Change of use of first floor from museum to 3 no. offices PERCON 3rd March 2004

11. Additional Information

| |
|--|
| List of Background Papers: File 16/01776/FUL |
| Cabinet Member (Portfolio Holder): Cllr M. Price |
| Local Member: Cllr Andrew Bannerman |
| 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. Prior to the approved development first being brought into use a noise assessment and any mitigation required to ensure no increase in noise is caused by the proposed development, shall be submitted to and approved in writing by the LPA. The noise assessment shall be carried out in order to establish background noise at locations to be agreed in advance with the

local planning authority. Any approved mitigation shall be implemented prior to the approved development first being brought into use and maintained for the lifetime of the development.

Reason: to protect the amenity of the area.

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

4. The premises shall not be open to the public/customers, nor any services be available to the public/customers outside the following hours: 21:00 to 04:00 Monday to Sunday, nor shall any member of the public/customers remain on the premises outside these hours.

Reason: To safeguard the residential amenities of the area, in accordance with Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy.

This page is intentionally left blank



Committee and date
 Central Planning Committee
 30 June 2016

Item
10
 Public

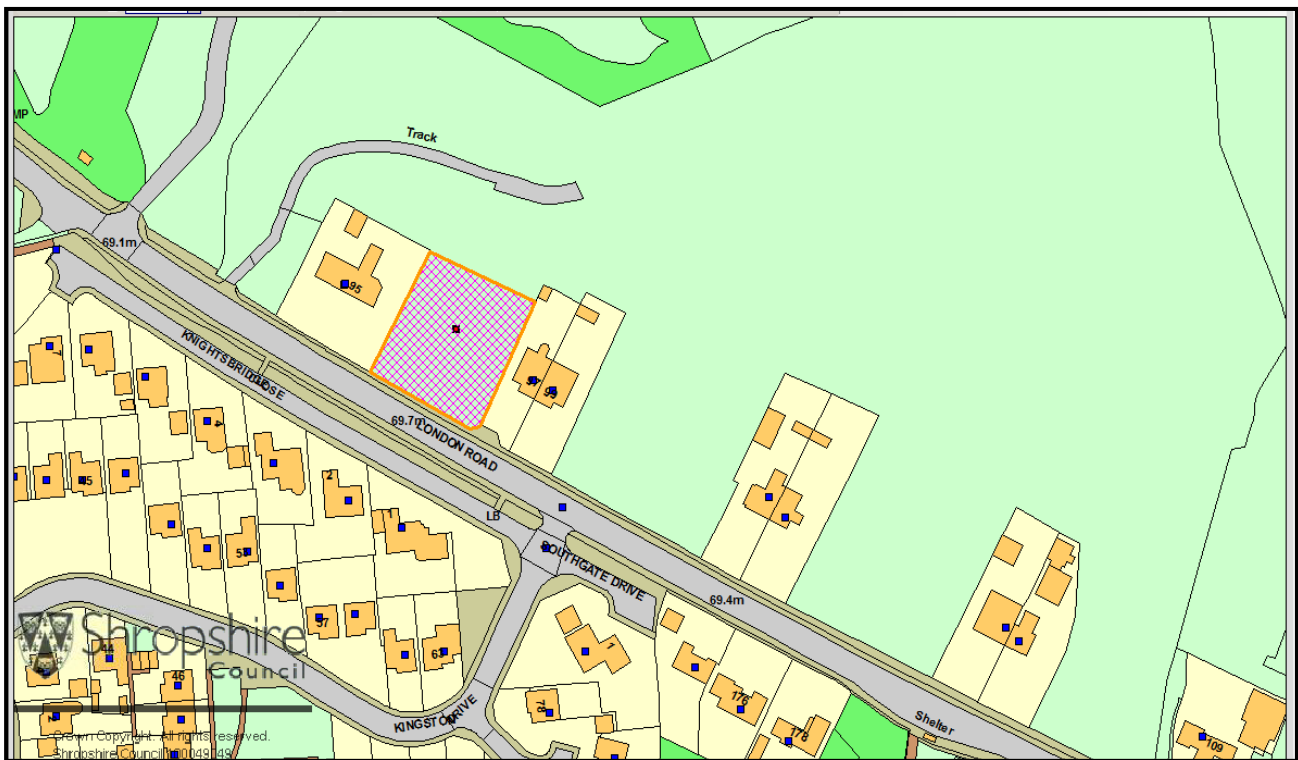
Development Management Report

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

Summary of Application

| | | |
|---|---|-------------------------|
| <u>Application Number:</u> 16/02049/FUL | <u>Parish:</u> | Shrewsbury Town Council |
| <u>Proposal:</u> Erection of single storey supported living accommodation for three adults | | |
| <u>Site Address:</u> Land North Of London Road Shrewsbury Shropshire | | |
| <u>Applicant:</u> Shropshire Council | | |
| <u>Case Officer:</u> Mared Rees | <u>email:</u> planningdmc@shropshire.gov.uk | |

Grid Ref: 351549 - 310998



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2015 For reference purposes only. No further copies may be made.

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

REPORT

| | |
|------------|---|
| 1.0 | THE PROPOSAL |
| 1.1 | This application seeks full planning permission for the construction of 1 no. 3 bedroom, sheltered dwelling. |
| 1.2 | The dwelling is intended to provide supported living accommodation for 3 adults. |
| 1.3 | The dwelling would be single storey with three bedrooms. Parking provision would be located to the front and a garden area would be at the rear. |
| 1.4 | A new access would be created direct off London Road. |
| | |
| 2.0 | SITE LOCATION/DESCRIPTION |
| 2.1 | The application site is located within the settlement boundary of the Shrewsbury Area as defined on Policy Map S16 INSET 1. The site is specifically allocated for housing development under SHREW001. |
| 2.2 | The application site lies between No's 95 and 97 London Road and comprises a roughly rectangular shaped parcel of land laid to grass. |
| 2.3 | Site boundaries comprise a hedgerow running along the site frontage to London Road, trees and hedegrows running along the northern and western boundaries and low level post and wire fencing running along the eastern boundary. |
| | |
| 3.0 | REASON FOR DELEGATED DETERMINATION OF APPLICATION |
| 3.1 | The applicant is Shropshire Council, therefore the proposed development would require determination of the application by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution. |
| | |
| | |
| 4.0 | COMMUNITY REPRESENTATIONS |
| | |
| 4.1 | - Consultee Comments |
| | SC Highway Authority – No objection. SC Highway Authority raises no objection subject to pre-commencement conditions to secure the required visibility splays and appropriate access, parking and turning area as well as a condition requiring removal of permitted development rights in regards to any closure in proximity to the highway boundary. |
| | SUDS – No objection. SUDS raises no objection subject to conditions to pre-commencement conditions to |

| | |
|------------|--|
| | secure a surface water drainage and disposal scheme. |
| | SC Affordable Housing – No objection. SC Affordable Housing advises that the proposal would provide much needed adapted accommodation in Shrewsbury and would not trigger the need for an affordable housing contribution. |
| | SC Trees – No objection. SC Trees raise no objection to the scheme, which includes the removal and replacement of part of the frontage hedgerow for a new access. |
| | SC Ecology – No comments received at the time of writing. An update with Ecology comments will be provided prior to the Committee meeting. |
| | Shrewsbury Town Council – No objection. No objection. |
| | |
| 4.2 | - Public Comments |
| | No representations received to date. |
| | The consultation expiry date on the Site Notice is 28 th June. |
| | Therefore any representations received from the general public will be provided as a verbal update during the Committee meeting. |
| 5.0 | THE MAIN ISSUES |
| | Principle of development Character and Appearance Residential Amenity Highway Safety Drainage Affordable Housing |
| 6.0 | OFFICER APPRAISAL |
| | |
| 6.1 | Principle of development |
| 6.1.1 | The application site is situated within Shrewsbury Settlement Boundary as identified on Policy Map Shrewsbury Area S16 INSET 1, to which Policy S16 applies. |
| 6.1.2 | The application site is designated for residential development as set out within SAMDev under SHREW001. Provision for 50 no. dwellings has been made under this allocation. |
| 6.1.3 | The accompanying development guidelines for residential development within the above allocation states that development should be low density and served by new accesses off London Road. |

| | |
|------------|--|
| 6.1.4 | Development within this allocation should include a landscape buffer to the Crematorium site and a well landscaped eastern edge, having regard to the sensitivity of the Severn Valley. |
| 6.1.5 | Policy S16.1a further advises that development of allocated housing sites identified on the Policies Map should be in accordance with Core Strategy Policies CS6, CS9 and CS11 as well as SAMDev policies MD2, MD3 and MD8. |
| 6.1.6 | The proposal would provide supported living accommodation for 3 adults with learning and physical difficulties, on a site identified as appropriate for housing development and where there is an identified need, as confirmed by SC Affordable Housing. The proposal would comply with Policy CS11 of the Core Strategy and would not trigger a need for an affordable housing contribution. |
| 6.1.7 | The applicant would pay a contribution towards the CIL Charging Schedule in accordance with the provisions set out in Policy CS9. |
| 6.1.8 | The proposal would comprise the construction of 1 no. dwelling on an allocated housing site, therefore it is considered that there is sufficient infrastructure to accommodate the proposal in accordance with SAMDev Policy MD8. |
| 6.1.9 | The proposal is not considered would compromise the settlement housing guideline for Shrewsbury, having regard that the SAMDev has still only been formally adopted for less than a year and the site forms part of a formal allocation for residential development. The proposal would comply with Policy MD3. |
| 6.1.10 | The principle of development, having regard to the sites location within Shrewsbury Settlement Boundary as well as its formal allocation for residential development is considered to be acceptable, subject to compliance with visual and residential amenity policies and other associated matters. |
| 6.2 | Character and Appearance |
| 6.2.1 | The submitted Site Plan demonstrates that the application site is capable of accommodating a single storey bungalow with associated car parking and garden area without appearing cramped or incongruous in this location. |
| 6.2.2 | Although the footprint of the dwelling is considered to be large, its single storey height would help to ensure its overall scale is appropriate to the size of the site as well as the existing dwellings either side. The property would not appear discordant in this respect. |
| 6.2.3 | A pitched roof and traditional materials incorporating red brick and grey roof tiles is considered to be appropriate to the vernacular of the surrounding area. |
| 6.2.4 | Part of the existing boundary hedge running along the roadside would be removed to accommodate the proposed access. This is considered would be acceptable |

| | |
|------------|---|
| | and would not result in an adverse impact on visual amenity, in the context of the existing driveways direct off London Road and which are located either side of the application site. |
| 6.2.5 | Conditions to secure an appropriate landscaping scheme and boundary treatments are considered to be reasonable and would further help to integrate the property with the surrounding area. |
| 6.2.6 | Overall the design and layout of the proposal is considered to be acceptable and would not adversely impact on existing visual amenities of the area. The proposal would comply with Core Strategy Policy CS6 and SAMDev Policy MD2. |
| | |
| 6.3 | Residential Amenity |
| 6.3.1 | The facing ground floor side elevation to the neighbouring property at No 97 comprises a garage, therefore it would appear that there would be no facing principal ground floor windows to the side elevation of the existing and proposed dwellings. |
| 6.3.2 | An existing tree and hedgerow boundary running between both properties would also help to screen the majority of the proposed bungalow from the existing dwelling. |
| 6.3.3 | The facing side elevation of the neighbouring property at No 95 comprises principal windows serving a kitchen. |
| 6.3.4 | The occupant of the neighbouring property has confirmed that the kitchen is served by more than one window and furthermore, there is a dense row of trees running along the side boundary between the application site and the property at No 95 which would help to provide screening between both properties. |
| 6.3.5 | Proposed principal windows along the front elevation of the bungalow would help to provide natural surveillance over the parking area and driveway. |
| 6.3.6 | A condition to secure boundary treatments is considered to be acceptable and would help to achieve adequate privacy levels in any communal and garden areas. |
| 6.3.7 | Overall, the proposal is considered to be acceptable in terms of its impacts on residential amenity of neighbouring properties and the application would comply with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev. |
| | |
| 6.4 | Highway Safety |
| 6.4.1 | Adequate on-site parking and turning facilities are proposed and it is considered that residential development in this location would be unlikely to be detrimental to highway safety. |
| 6.4.2 | Highway Authority raises no objection subject to conditions to secure the required |

| | |
|------------|--|
| | visibility splays, provision of parking and turning areas and removal of p.d rights relating to closures within 5m of the highway boundary. |
| 6.4.3 | The proposal would comply with Policy CS2 of the Core Strategy and Policy MD2 of the SAMDev. |
| 6.5 | Drainage |
| 6.5.1 | SUDS raises no objection subject to conditions to secure foul and surface water drainage schemes. |
| | |
| 6.6 | Affordable Housing |
| 6.6.1 | The scheme would provide adapted accommodation in Shrewsbury where there is a need for this type of development. |
| 6.6.2 | The proposal would not require affordable housing contributions and SC Affordable Housing raises no objection. |
| 6.6.3 | Given the application site is located within Shrewsbury Settlement Boundary where there is a policy presumption in favour of residential development, it is not considered necessary or reasonable to attach a condition to the decision notice restricting the occupancy of the dwelling. |
| | |
| 6.7 | Trees |
| 6.7.1 | SC Trees raises no objection to the removal of the roadside hedgerow. |
| | |
| 6.8 | Ecology |
| 6.8.1 | An Ecology Survey has been submitted with the application. |
| 6.8.2 | At the time of writing the report, SC Ecology had not provided a consultation response, however when received, an update will be provided prior to the Central Committee Meeting. |
| | |
| 7.0 | CONCLUSION |
| 7.1 | The application site is located within Shrewsbury Settlement Boundary and forms part of an allocated residential development site. The principle of development is considered to be acceptable. |
| 7.2 | The application site is considered would comfortably accommodate the proposed development along with appropriate landscaping and boundary treatments, without raising any significant adverse impacts on visual or residential amenities. |
| 7.3 | The scheme is not considered to raise significant adverse impacts in terms of highway safety or impacts on drainage and trees. |
| 7.4 | No affordable housing contribution is required given the proposal would provide |

| | |
|------------|--|
| | much needed adapted living accommodation within Shrewsbury. |
| 7.5 | An update on any ecology issues as a result of the proposal would be provided prior to the Committee meeting. |
| 7.6 | Overall, the proposal is considered to be acceptable and would comply with the above mentioned policies within SAMDev as well as the Shropshire Core Strategy. |
| 8.0 | Risk Assessment and Opportunities Appraisal |
| 8.1 | Risk Management |
| | <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> ☐ 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. <p>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.</p> |
| 8.2 | Human Rights |
| | <p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p> |
| 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 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:
NPPF

Core Strategy and Saved Policies:
CS2, CS6, CS9, CS11, CS17

SAMDev:
MD1, MD2, MD3, MD8, MD12, S16.1

RELEVANT PLANNING HISTORY:

N/A

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 Jon Tandy

Cllr Ted Clarke

Cllr Jane Mackenzie

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 hereby approved 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 development involving the use of any facing or roofing materials shall take place until details or samples of the materials to be used in the construction of external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless any variation is agreed with the Local Planning Authority.

Reason: To ensure that the external appearance of the building is acceptable and to comply with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

4. Prior to commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping and surface materials as well as planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species (which shall include provision for fruit trees), plant sizes, the proposed numbers and densities and an implementation programme.

Reason: To ensure appropriate landscaping of the site having regard to Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

5. The approved landscaping plan shall be completed in accordance with the following:-
 - a) All landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the Local Planning Authority.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification -for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site having regard to Section 197 of the Town and Country Planning Act 1990 and Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

6. Prior to commencement of development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed prior to first occupation of the dwelling hereby approved. The boundary treatment shall be carried out in accordance with the approved details and permanently retained unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure adequate and appropriate treatment to all boundaries in the interests of the visual amenity of the locality in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

7. Prior to first occupation of the dwelling, the access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved Site Plan Drawing no.1024-DB-XX-ZZ-DR-A-003. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

8. Prior to first occupation of the dwelling, the access apron shall be constructed and fully implemented in accordance with the Council's specification for a residential domestic access.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety and in accordance with Policy CS6 of the Core Strategy and Policy MD2 of the SAMDev.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0m of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interest of highway safety.

10. Prior to commencement of development, visibility splays shall be provided at the access point, at a point measured 2.4m back from the adjoining carriageway edge, along the centreline of the new access. The visibility splays shall extend to the extremities of the site road frontage in both directions from the access along the highway. Any growths and structures in front of these lines shall be lowered to and maintained at carriageway level for the lifetime of the development.

Reason: To provide a measure of visibility from the access in both directions along the highway in the interests of highway safety in accordance with Policy CS of the Core Strategy and Policy MD2 of the SAMDev.

- 11 Prior to commencement of development, detailed proposals for disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of managing surface water flood risk impacts both on and off site, potentially resulting from the development proposal in accordance with Policies CS18 and CS6 of the Core Strategy and Policy MD2 of the SAMDev.

- 12 Prior to commencement of development, full details for the proposed scheme for foul surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of managing surface water flood risk and sustainable drainage in the area, potentially resulting from the development proposal in accordance with Policies CS6 and CS18 of the Core Strategy and Policy MD2 of the SAMDev.



ADDENDUM TO COMMITTEE REPORT

Responsible Officer: Tim Rogers

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

Summary of Application

| | | |
|---|--|------------|
| Application Number: 15/00999/FUL | Parish: | Pontesbury |
| Proposal: Erection of a dwelling | | |
| Site Address: Proposed Dwelling Rear Of Enterprise House Main Road Pontesbury Shrewsbury | | |
| Applicant: Mr Darren Haycock | | |
| Case Officer: Aileen Parry | Email: planningdmc@shropshire.gov.uk | |

1.0 Background & Principle of Development

- 1.1 Planning permission was resolved to be approved by Committee on the 16th July 2015 for the erection of a single open market residential dwelling. The application is currently subject to the provision of a Section 106 Legal Agreement for the provision of a financial contribution to relation to affordable housing in line with policy CS11 'Type and Affordability of Housing' of the Shropshire Core Strategy.
- 1.2 Shropshire Council's Core Strategy was adopted in March 2011 with the founding principle of seeking to create the context for "A Flourishing Shropshire". The Shropshire Council policy requires anyone developing a new open market dwelling (subject to exceptions) to make an Affordable Housing Contribution (AHC), which depending on the development size and the prevailing target rate, could be a financial contribution and/or on site provision.
- 1.3 The proposed development is quite clearly contained within Pontesbury, a key centre for development, and whilst the provision of an affordable housing contribution would have been a factor which weighed in favour of the overall planning balance at the time of the original resolution to grant permission it is not considered by officers that it was the determining factor, i.e. the recommendation would have been for approval at that time in any case.

2.0 Written Ministerial Statement

- 2.1 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on the 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sqm), or

5 units or less in designated protected rural areas.

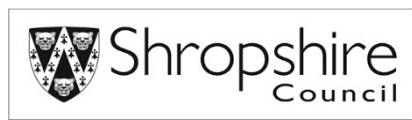
- 2.2 Reading and West Berkshire Councils sought to challenge the WMS at the High Court and on 31st July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point Shropshire Council continued to apply its affordable housing policy.
- 2.3 The Government challenged this decision through the Court of Appeal which overturned Mr Holgate's decision on the 11th May 2016. Consequently the WMS still applies and the National Planning Policy Guidance was amended on the 19th May 2016.
- 2.4 In addition to this the Housing & Planning Act gained Royal Assent on the 12th May 2016 and this gives power to Government to make secondary legislation to achieve the same result i.e. set minimum thresholds for affordable housing contributions. It is understood that West Berkshire and Reading Councils have chosen not to appeal to the Supreme Court following the Court of Appeal decision.
- 2.5 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not require an Affordable Housing Contribution for applications for 10 or less dwellings and less than 1,000sqm floor area in the majority of cases.

3.0 Conclusion

- 3.1 This proposed development consists of the provision of one dwelling and will create less than 1,000sqm floor space. Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre date the Court of Appeal decision and subsequent changes to the National Planning Policy Guidance, meaning that on balance and at this moment in time, National Policy prevails. It is not considered that removal of the requirement to make an affordable housing contribution will make the proposal unacceptable in principle in terms of the Councils adopted settlement policies for development, and the design of the proposed dwelling has already been accepted.

4.0 Recommendation

- 4.1 The application is recommended for approval and will not be subject to a Section 106 agreement in relation to the financial contribution for affordable housing. The decision can therefore now be released.



Committee and date

Central Planning Committee

30 June 2016

Schedule of Appeals and Appeal Decisions As at 30 June 2016

| | |
|---------------------------------------|--|
| LPA reference | 15/03793/FUL |
| Appeal against | Appeal Against Refusal |
| Appellant | Mr Roger Millward |
| Proposal | Erection of detached 4-bay garage |
| Location | Castlehill House Harley Shrewsbury |
| Date of application | 02.09.2015 |
| Officer recommendation | Refusal |
| Committee decision (delegated) | Delegated |
| Date of decision | 03.02.2016 |
| Date of appeal | 16.02.2016 |
| Appeal method | Fast Track Householder |
| Date site visit | 10.05.2016 |
| Date of appeal decision | 27.05.2016 |
| Determination time (weeks) | |
| Appeal decision | DISMISSED |
| Details | |

| | |
|---------------------------------------|---|
| LPA reference | 15/02962/OUT |
| Appeal against | Appeal Against Refusal |
| Appellant | Longden Properties Ltd |
| Proposal | Outline application for the erection of mixed market and social dwellings (to include access) |
| Location | Land To The South Of Annscroft Shrewsbury |
| Date of application | 16.07.2015 |
| Officer recommendation | Refusal |
| Committee decision (delegated) | Delegated |
| Date of decision | 25.11.2015 |
| Date of appeal | 24.02.2016 |
| Appeal method | Written Representations |
| Date site visit | 24.05.2016 |
| Date of appeal decision | 06.06.2016 |
| Determination time (weeks) | |
| Appeal decision | DISMISSED |
| Details | |

| | |
|---------------------------------------|---|
| LPA reference | 15/04264/PMBPA |
| Appeal against | Refused Prior Approval of Permitted Development |
| Appellant | Mr M Bebb |
| Proposal | 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 from agricultural to residential use |
| Location | Bicton Barn Bicton Lane Bicton Shrewsbury |
| Date of application | 01.10.2015 |
| Officer recommendation | Planning Permission Required |
| Committee decision (delegated) | Delegated |
| Date of decision | 09.12.2015 |
| Date of appeal | 19.01.2016 |
| Appeal method | Written Representations |
| Date site visit | 24.05.2016 |
| Date of appeal decision | 16.06.2016 |
| Determination time (weeks) | |
| Appeal decision | DISMISSED |
| Details | |

| | |
|---------------------------------------|---|
| LPA reference | 15/02738/FUL |
| Appeal against | Appeal Against Refusal |
| Appellant | Asterley Equestrian Ltd |
| Proposal | Change of use from personal equestrian use to equestrian business use, extension of the stable block and blocking off access from the residential cul-de-sac, creation of an access track to the stables, erection of an associated dwelling, garage and office |
| Location | Land Off Hinwood Road Asterley Shrewsbury |
| Date of application | 25.06.2015 |
| Officer recommendation | Refusal |
| Committee decision (delegated) | Delegated |
| Date of decision | 27.10.2015 |
| Date of appeal | 26.04.2016 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Determination time (weeks) | |
| Appeal decision | |
| Details | |

Appeal Decision

Site visit made on 10 May 2016

by Sarah Colebourne MA, MRTPI

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

Decision date: 27 May 2016

Appeal Ref: APP/L3245/D/16/3144528

Castle Hill House, Harley, Shrewsbury, Shropshire, SY5 6LX

- 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 Roger Millward against the decision of Shropshire Council.
 - The application Ref 15/03793/FUL, dated 28 August 2015, was refused by notice dated 3 February 2016.
 - The development proposed is a detached oak framed garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - the living conditions of the neighbouring occupiers;
 - the character and appearance of the Conservation Area in terms of the effect on trees.

Reasons

Living conditions

3. The proposed four bay garage block would be sited within the large front garden of Castle Hill House. It would be sited to the rear of the neighbouring property at Castle Hill Barns, some 1m from the rear wall of a detached outbuilding in the rear garden of that property.
4. Although the neighbouring occupiers consider that the existing ground level of the appeal site is some 1.5 to 2.0m higher than their own, the plans were based on a land survey and show the difference to be around 1.0m. The proposal includes the raising of the ground level on which the garage would sit by some 450mm in order to accommodate access to the garage. The plans show that the proposed building would have a ridge height of some 6.5m which, together with the raised ground level, would make it some 1.9m taller than the neighbouring outbuilding. The ridge height would match that of a dormer window in another outbuilding which forms part of Castle Hill Barns and would sit below the ridge height of both that building and the main part of the dwelling.

5. As the BRE daylight and sunlight tests referred to by the objectors are for guidance only and I have not been referred to any standards in the Council's development plan, I have based my findings on my own assessment using some of those principles where relevant. The design includes a hipped roof whose ridge would be set back some 8.5m from that of the neighbouring outbuilding and some 18m from the nearest facing occupied habitable room window in Castle Hill Barns. The proposed building would lie within a vertical line of 25° taken from that window which is acceptable. Another window, a first floor dormer window to a potential bedroom which is in an unused outbuilding would look towards the proposal obliquely at a distance of some 6m but this would be outside a horizontal line of 45° and also acceptable. Whilst I have noted that the windows on this side of Castle Hill Barns provide most of the light to the property, from what I saw at my visit and on the basis of the plans, I am satisfied that the relationship between the proposal and the neighbouring windows would not result in a significant loss of sunlight or daylight to that property.
6. For the same reasons, the proposed garage would not be unduly overbearing either when seen from the house or the garden of Castle Hill Barns. Although the garden area between the dwelling and the outbuilding is modest, it is likely that the existing outbuilding and the tall trees at the appeal site already cause some loss of light to the garden and the proposed height and set back of the new garage would not significantly worsen this to an unacceptable degree. No windows are proposed in the garage other than a small round high level window in the front elevation and acceptable levels of privacy would be maintained.
7. Any noise arising from the use of the garage would be mitigated by the intervening outbuilding and I see no reason to assume that this would be any different to the use of any domestic garage in a residential area. However, given the size of the garage block, the condition suggested by the Council restricting its use for domestic purposes only in connection with the existing dwelling would be necessary and would seek to safeguard the living conditions of the neighbours in terms of noise if the proposal were acceptable in other respects.
8. I conclude then that the proposal would not cause undue harm to the living conditions of the neighbouring occupiers at Castle Hill Barns. Other dwellings at Castleholm Stables are sited further away from the proposed building and it would have no significantly harmful effect on the living conditions of those occupiers. It would accord with the Council's policies CS6 in its Adopted Core Strategy 2011(CS) and MD2 in the SAMDEV Plan which are broadly compatible with the National Planning Policy Framework (the Framework) in seeking to ensure that proposals safeguard residential amenity and respond appropriately to the layout of existing development.

Conservation Area and trees

9. The appeal site lies within the Harley Conservation Area. I have noted that the Council's Conservation Officer raised no objection to the proposal albeit prior to the submission of the amended ground levels. The Council has not raised any objection in terms of the effect on the trees and the Conservation Area. The matter has, however, been raised by a third party and I must take into account the duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention shall be

paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 132 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through development within its setting and that any harm should require clear and convincing justification. CS policies CS6 and CS17 and policies MD13 and MD2 in the SAMDEV Plan are broadly compatible with the Framework in seeking to ensure that proposals protect the historic environment.

10. The significance of the Harley Conservation Area derives from its loose knit pattern of development, which is typical of a historic rural village with buildings scattered along winding, narrow lanes leading from the central Church of St Mary. There is a variety of ages and styles of buildings including C19th farmhouses and workers cottages, timber framed cottages, modern C20th dwellings and barn conversions. Castle Hill House, an undesignated heritage asset, is an attractive and imposing, large double fronted, two storey detached house, probably a former estate or land owner's dwelling, set back from a narrow leafy lane on the edge of the village.
11. The plans show that the proposed siting of the building falls within the root protection areas (RPA) of two very tall, mature trees. These appear to be a Scots Pine and a sycamore which, together with other large trees within the grounds, make an important contribution to both the setting of Castle Hill House and to the character and appearance of the Conservation Area, being clearly seen from the lane.
12. Whilst no objection has been raised by the Council in these terms it has asked that an arboricultural method statement is considered as part of the appeal. I have had regard to the advice in BS 5837:2012 *'Trees in relation to design, demolition and construction: Recommendations'* which advises in paragraph 7.1.3 that *'where alternative design solutions are not available such that construction is proposed within the RPA, the potential impact of the proposals on the tree should be assessed and a tree protection plan and arboricultural method statement produced.'* It goes on to say that *'in order to demonstrate that the proposals are technically feasible such details should be included within planning applications'*. A condition requiring an arboricultural method statement would not, therefore, be appropriate. Whilst it is unfortunate that this matter was not considered at an earlier stage and it may be that special engineering solutions such as piling could minimise root damage in the area, I cannot, at this stage and without further information, be certain that this would be the case. If severance of the roots were to lead to the loss of the trees, this would have a significantly harmful impact on the character and appearance of the Conservation Area and the setting of Castle Hill House.
13. Although the harm I have identified would be less than substantial in terms of the significance of the Conservation Area, it gives rise to a statutory presumption against permission and I must give it considerable importance and weight. I must now weigh this harm against the public benefits of the proposal as required by paragraphs 132 and 134 of the Framework.
14. I have noted that the appellant has attempted to locate the building as discreetly as possible and followed the Council's pre-application advice in terms of the proposed siting. I have also had regard to the fact that the Conservation Officer's comments were favourable and I agree that the appearance of the

building has been sensitively designed. However, this does not provide the clear and convincing justification necessary to outweigh the harm that would be caused to the trees and in turn the Conservation Area in terms of its siting.

15. For these reasons I must conclude that in regard to this matter the proposal does not accord with the Council's policies referred to above or the Framework and would cause significant harm to the character and appearance of the Harley Conservation Area in terms of the effect on trees.

Conclusion

16. Notwithstanding my findings that the proposal would be acceptable in terms of the effect on the living conditions of neighbouring occupiers, my findings regarding the impact on trees and the Conservation Area are significant and overriding. As such it would not accord with the environmental dimension of sustainability required in the Framework and would not constitute sustainable development. It would, therefore, be contrary to the Council's development plan and to national policy in the Framework as a whole. I have taken into account all other matters raised but none is sufficient to alter the outcome of my findings. The appeal should be dismissed.

Sarah Colebourne

Inspector



Appeal Decision

Site visit made on 24 May 2016

by **A J Mageean BA (Hons) BPI PhD MRTPI**

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

Decision date: 6 June 2016

Appeal Ref: APP/L3245/W/16/3145214

Longden Properties, Unit 1, The Farriers, Annscroft, Shrewsbury SY5 8AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Longden Properties Ltd against the decision of Shropshire Council.
 - The application Ref 15/02962/OUT, dated 25 June 2015, was refused by notice dated 25 November 2015.
 - The development proposed is housing development on brownfield land consisting of mixed market and social two bedroomed dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. As the address details on the application form submitted in this case are incomplete I have used the address provided on the appeal form.
3. This application was submitted in outline with all matters except access reserved for consideration at a later stage. An Indicative Site Plan was submitted with this application to which I have had regard in determining this appeal.
4. Since the determination of the application which is the subject of this appeal the Council has adopted the Site Allocations and Management Development Plan 2015 (the SAMDev). It is clear from the appellant's Planning Statement that they were aware of the status of this document. I have therefore determined the appeal on the basis of the national and local policies adopted at the present time.

Main Issues

5. The main issues in this case are:
 - 1) Whether the proposal would represent a sustainable form of development in terms of its location; and,
 - 2) The effect of the proposed development on the rural character and appearance of the area.

Reasons

Sustainable Development

6. The appeal site is part of the 'Farriers Business Centre' which is accessed via a private drive running south from the main road. Whilst I noted on my site visit that the site is presently somewhat overgrown I understand from the appellant that it has previously been used for the storage of topsoil and overburden. The northern boundary of the site is formed by the main road, to the west of the site are three large detached properties which also front onto the road and to the south west lie the car park and buildings associated with the business centre. To the north of the road and to the east and south are open fields, though I noted on my site visit that a number of caravans are located directly to the east of the appeal site. This proposal would place a development of up to twelve two bedroomed houses on this site.
7. The site is outside the villages of Annscroft and Longden. As it is not located within any settlement boundaries the Council has indicated that this site is regarded as open countryside. In this respect Policy CS5 of the Shropshire Adopted Core Strategy 2011 (the Core Strategy) is relevant. This Policy seeks to strictly control development in the countryside and will only be allowed where this improves the sustainability of rural settlements by bringing economic and community benefits. In this respect new housing is limited to that which is needed to house rural workers, other affordable accommodation to meet local need and the replacement of existing dwellings.
8. However the Council also states that the Core Strategy CS4 which seeks to ensure that rural communities will become more sustainable by focusing development and investment in Community Hubs and Community Clusters is relevant. In this respect SAMDev Policy S16.2 (xi) Longden, Hook-a-Gate, Annscroft, Longden Common and Lower Common/Exfords Green are identified as a Community Cluster in Longden Parish which will provide for limited future housing growth of around 10-50 houses up to 2026. This will be delivered through infilling, groups of houses and conversions which may be acceptable on suitable sites within the villages.
9. Of these planned dwellings 25-30 are to be in Longden village, with the remainder spread evenly amongst the cluster settlements. This Policy statement also notes that Longden parish Council has adopted a Parish Development Statement (2013) as an addendum to the Parish Plan (2010) indicating that no individual site should be of more than 10-15 houses and a preference for lower cost 2-3 bedroomed properties. Suitable zones with associated guidance for development are identified in Longden.
10. The Council states in its officer report that as a whole this cluster is considered to be close to the housing guideline target, as there are 24 dwellings with either approval or with current officer recommendations for approval. The Parish Council itself states that it has far exceeded its SAMDev quota for development in the parish. I acknowledge that further development could take place in Annscroft but consider that this should follow the policy guideline and be achieved through infilling, groups of houses and conversions on suitable sites within the village. Whilst Annscroft itself is a linear village whose boundaries are not clear, most built form is sited on the north west side of Shrewsbury Road. The appeal site is separated from the village by several fields and as such I do not consider that this site is within the village for the purpose of SAMDev Policy S16.2 (xi).

11. I note that the appellant states that this site must be regarded as brownfield land as it has recently been used. However, whilst this might be the case, as it is located outside the main village areas it is also relevant to consider the SAMDev Policy MD3 which states that in addition to supporting the development of the allocated housing sites set out in settlement policies, planning permission will also be granted for sustainable housing development on windfall sites both within these settlements and in the countryside, particularly where the settlement housing guideline is unlikely to be met. Considerations relevant to this Policy also include the presumption in favour of sustainable development and the benefits arising from the development.
12. In considering the suitability of this site for a residential development of approximately twelve houses I have looked at the availability of services locally and also access to services and employment elsewhere via public transport, cycling and walking. This site is outside but a short distance away from the villages of Annscroft and Longden. Whilst I noted on my site visit that Annscroft has very few facilities, Longden does have some basic provision in term of a primary school, church, public house, post office and shop. The appellant states that Longden can be reached on foot, though footpaths are limited and unlit in this area. A local bus stop provides access to larger centres though I have not been presented with any information about the regularity of this service. I note that some employment opportunities could be available in the Business Centre. However, I consider that development in this location would lead to regular travel to access most basic services and employment primarily by private car.
13. I have also looked at the key elements of sustainability as set out in the National Planning Policy Framework (the Framework) at paragraph 7. I accept that this development would contribute to the expansion of the local population and thereby the vibrancy of the community. I acknowledge that the Business Centre could provide employment opportunities for people living in these properties and I also accept that there would be short term economic gain through the provision of construction jobs. The appellant suggests that there would be of two units of affordable housing on this site, though I note that no mechanism to secure such provision has been presented. I also note that the small size of these houses would reflect a need identified by the local Parish Council. There would also be some additional revenue generated for the Parish Council. However, looking at the environmental impacts of this scheme, whilst I recognise the appellant's view that this is a brownfield site, the need to travel outside the immediate area to access key services and most employment cannot be overlooked and outweighs the social and economic benefits.
14. The appellant has stated that prospective local purchasers have indicated their interest in these properties. However, the appellant has not presented any further evidence of this being housing to meet local need. Therefore this matter does not overcome the concerns identified about the sustainability of this location for development of this nature.
15. I conclude on this issue that this proposal would not represent a sustainable form of development in terms of its location. It would therefore not comply with Core Strategy Policies CS4 and CS5, or the SAMDev Policies S16.2 (xi) and MD3 which seek to strictly control development in the countryside, focusing development in community hubs and clusters.

Character and appearance

16. The Council has stated in its officer report that this development would “appear as a disjointed and bulky addition” intruding into the open countryside with little relationship to Annscroft. The Councils decision notice also states that this scheme would conflict with the Core Strategy Policy CS6 which seeks to ensure that development is of a scale, density and pattern appropriate to its surroundings.
17. The proposed development would be sited in front of the Business Centre buildings which are substantial two storey red brick buildings set some distance from the road. The detached properties to the west are well screened by mature vegetation and area set back a little further from the road than the indicative site plan suggests the proposed dwellings would be. As the existing access to the Business Centre has a wide entrance the proposed dwellings would be clearly visible from the road when travelling in an eastern direction.
18. Whilst I recognise that the rural character of this area is diminished by the presence of the Business Centre, including the large sign at its entrance, the appeal site does presently allow for open views of the countryside to the south east of the appeal site. Development on such a scale in this location would introduce built form, hard landscaping and other domestic paraphernalia into this largely rural setting. Whilst I recognise that the proposed dwellings would be small in themselves, twelve dwellings clustered in a relatively small area would be uncharacteristic in this area.
19. I have acknowledged the appellants point that the appeal site has previously been used to store topsoil and overburden. However this site has remained free from built development and such usage does not justify the development being considered in this case.
20. On this issue I conclude that the proposed development would have a detrimental effect on the rural character and appearance of this area. It would therefore not comply with the Core Strategy Policy CS6 which requires new development to protect, restore and conserve the environment and to be appropriate in terms of scale, density, pattern and design, taking into account the local character and context.

Conclusion

21. Drawing all of these strands together, in the scheme’s favour it would contribute to the supply of housing adjacent to a source of local employment, it would make a contribution to the provision of affordable housing and the houses themselves would be of the small size required in this area. However, these benefits would be in common with development located within village areas. These considerations would be outweighed by the fact that this site is located outside the villages of Annscroft and Longden, that it has not been demonstrated that these settlements have capacity for further sustainable development and that a case for specific local need has not been made. Furthermore I have found that this development would have a detrimental effect on the character and appearance of this rural area.
22. For the reasons set out above, and taking into consideration all other matters raised, I conclude that the appeal should fail.

A J Mageean

INSPECTOR

Appeal Decision

Site visit made on 24 May 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 16th June 2016

Appeal Ref: APP/L3245/W/16/3142701

Bicton Lane Barn, Bicton Lane, Bicton, Shrewsbury

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2 Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr M Bebb against the decision of Shropshire Council.
 - The application Ref 15/04264/PMBPA, dated 25 September 2015, was refused by notice dated 9 December 2015.
 - The development proposed described as an "application for prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 for the change of use from agricultural to residential use".
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application includes information relating to both the change of use and the building operations necessary to convert the building. I have considered the appeal on this basis.

Main Issues

3. The main issues in this case are whether the proposal is permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015) in terms of:
 - 1) Whether the building operations required for the change of use of this building under the GPDO 2015 Schedule 2 Part 3 Class Q.(a) can be regarded as reasonably necessary as defined by Q.(b) and Q.1.(i); and,
 - 2) Whether sufficient information has been provided under the GPDO 2015 Schedule 2 Part W.(3)(b) to judge whether the building operations reasonably necessary to convert this building comply with the restrictions in place.

Reasons

Building operations

4. This appeal relates to a steel framed Dutch barn located adjacent to brick built converted barns and accessed directly off Bicton Lane. At the time of my site visit it was being used to store agricultural machinery and hay bales. The barn

is a large structure with part brick walling on its south and east elevations and grey metal sheet cladding covering the remainder of these walls, the west elevation and the roof. The northern elevation which faces onto the road is presently open. Whilst the main structure of the building is of significant height, a lower timber framed section spans the width of the eastern side and adjoins the main structure with a sloping metal sheet roof. There is a similarly sloping roof section extending out from the rear southern elevation.

5. Schedule 2, Part 3, Class Q of the GPDO 2015 states that development is classed as permitted development if it consists of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule. This is subject to a number of restrictions as listed under paragraph Q.1. and to the conditions in paragraph Q.2.
6. The proposal would retain the existing brick walling and extend this at the same height around the north and west elevations. The existing metal sheet cladding would be retained, where of a suitable standard, including the roof cladding. Damaged cladding would be replaced where required. The conversion would involve the insertion of walls, windows and doors to enable the building to function as a dwelling. The plans illustrate that a substantial two storey four bedroomed dwelling would be created, with a single storey flat roofed element across the eastern wing.
7. In this case it is clear that the building would require some new structural elements for it to function as a dwelling. Whilst the steel frame of the main structure and concrete base are in place, new brick walling including appropriate support would be required on the north and western elevations. The plans illustrate that a new roof would be required across the eastern wing. Whilst detailed information about the extent of repair and replacement required to the metal cladding has not been provided, it was clear from my site visit that the condition of this is on the whole poor and much would need to be replaced. As the building presently has no door or window openings these would be inserted on each elevation.
8. The building operations allowed for such a conversion under the GPDO 2015 includes the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse. However, the National Planning Practice Guidance (the NPPG) indicates that the permitted development right under Class Q assumes that the building is capable of functioning as a dwelling. At paragraph 105 (Reference ID: 13-105-20150305) the NPPG makes it clear that it is not the intention of the permitted development right to include the construction of new structural elements. Of concern in the present case is the extent of the new structural elements which would be required to undertake this conversion.
9. The appellant states that the existing structure of the building is in good condition and that there is no reason to believe that it is not structurally strong enough to take the additional loading associated with the proposed external works. Reference is made to other appeal decisions relating to similar cases in which the construction of new roofs and walls have been allowed as part of agricultural to residential conversions. In particular a decision involving the

retention of the steel frame of a building and the replacement of the existing roof and the addition of a wall is referenced¹. However, whilst the specific circumstances of this case are not before me, I note reference to a structural survey which enabled a fuller appreciation of the extent of building operations required. Such a survey has not been supplied in the present case.

10. The appellant challenges the Council's concern about the ability of the building to take the loading which comes from the internal works which would be required. In this respect the appellant makes reference to the fact that building operations which effect only the interior of the building do not constitute development as defined by Section 55 (2)(a) of the Town and Country Planning Act 1990. Reference is also made to the NPPG at paragraph 105 which states that the existing building is required to be structurally strong enough to take the loading which comes with the *external works* to provide for residential use. I accept this point but reiterate that the concern in this case is the extent of the new external structural elements which would be required.
11. In this case I consider that the extent of the building operations proposed in terms of the northern and western elevations, the new roof to the eastern wing and the repair/replacement of the metal cladding amounts to the provision of new structural elements and reconstruction which goes beyond those building operations allowed by the GPDO 2015 and referred to in the NPPG. Therefore the building operations proposed for the change of use of this building under the GPDO 2015 Schedule 2 Part 3 Class Q.(a) cannot in this case be regarded as reasonably necessary as defined by Q.(b) and Q.1.(i) and would not constitute permitted development.

Information provided

12. The Council has expressed concern that insufficient information has been supplied in this case in relation to the extent of the structural works required for the conversion of this building. As noted above, it is clear that some structural works would be required in this case but information has not been submitted to demonstrate that these works would be reasonably within the scope of Class Q.(b) and Q.(i).
13. The procedure for applications for prior approval under the GPDO 2015 Schedule 2 Part W.(3)(b) states that the local planning authority may refuse an application where the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions applicable to the development in question. In this case the concern is to identify the works reasonably necessary to convert the building.
14. I noted on my site visit that the condition of some elements of this building, particularly the metal cladding, is poor. In the absence of a structural survey or appraisal it is not possible to make an informed assessment of the suitability of such a building for residential conversion.
15. I therefore consider that in this case insufficient information has been provided under the GPDO 2015 Schedule 2 Part W.(3)(b) to judge whether the building operations proposed to convert this building comply with the restrictions in place.

¹ APP/A0665/W/15/3053054

Conclusion

16. In the light of my findings above, the question of whether prior approval should be granted having regard to paragraph Q.2. of the GPDO 2015 requires no further consideration.
17. For the reasons given above, having considered all other matters raised, I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR