



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

Date: Wednesday, 8 February 2017

Committee: Central Planning Committee

Date: Thursday, 16 February 2017

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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

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

Members of the Committee

Vernon Bushell (Chairman)
Ted Clarke (Vice Chairman)
Andrew Bannerman
Tudor Bebb
Dean Carroll
Miles Kenny
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 22nd December 2016.

Contact Shelley Davies on 01743 257718.

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 Monday 13th February 2017.

4 Disclosable Pecuniary Interests

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

5 Land West Of Lesley Owen Way, Shrewsbury - 16/00476/OUT (Pages 9 - 32)

Outline application (all matters reserved) for mixed residential development to include affordable houses; formation of estate roads and vehicular access from Lesley Owen Way.

6 Sunderton Farm, Uffington, Shrewsbury - 16/04518/EIA (Pages 33 - 64)

Erection of four poultry sheds, feed bins, solar photovoltaic panels and ancillary equipment, creation of access tracks to the site and alterations to existing vehicular access (Amended scheme).

7 Stapleton Grange, Longden, Shrewsbury - 16/04891/FUL (Pages 65 - 74)

Retrospective siting of Solar Array Panels.

8 The Rowans, 46 Upper Road, Shrewsbury - 16/05264/FUL (Pages 75 - 80)

Change of use from Children's Care Home (C2) to 5 Bedroomed Care Home for Adults with learning Difficulties (C3(b)).

9 Proposed Dwelling On The East Side Of Primrose Drive, Shrewsbury - 16/05410/FUL (Pages 81 - 90)

Erection of single detached dwelling and garage; formation of vehicular access.

10 Land at Oteley Road, Shrewsbury - 16/03786/VAR106

Variation of Section 106 Legal Obligation pursuant to SA/02/0278/F.

Report to Follow.

11 Greenhous Meadow, Oteley Road, Shrewsbury - 16/04201/VAR

Variation of condition 2 attached to Ref:14/00587/VAR dated 17/03/2016 relocate community football pitch.

Report to Follow.

12 Schedule of Appeals and Appeal Decisions (Pages 91 - 112)

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, 16th March 2017 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

16th February 2017

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 22 December 2016

2.00 - 5.03 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Vernon Bushell (Chairman)

Councillors Ted Clarke (Vice Chairman), Tudor Bebb, Miles Kenny, Amy Liebich, Pamela Moseley, Kevin Pardy, Tim Barker (substitute for David Roberts) and Keith Roberts (substitute for Peter Nutting).

81 Apologies for absence

Apologies for absence were received from Councillors Andrew Bannerman, Dean Carroll, Peter Nutting (Substitute: Keith Roberts) and David Roberts (Substitute: Tim Barker).

82 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 24th November 2016 be approved as a correct record and signed by the Chairman.

83 Public Question Time

There were no public questions or petitions received.

84 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.

85 Proposed Poultry Units South Of The Vinnals, Lower Common, Longden - 16/02752/EIA

The Area Planning Manager introduced the application for the construction of two poultry sheds and feed bins, ancillary works, access improvements, the erection of biomass building and associated landscaping. It was noted that the application had

been deferred at the meeting held on 27th October 2016 to allow the applicant the opportunity to address the reasons for refusal. The Area Planning Manager confirmed that the Committee had undertaken a site visit on 27th October 2016 to assess the impact of the proposed development on neighbouring properties and the surrounding area and he drew Members' attention to the Schedule of Additional Letters which included an additional condition in relation to the number of birds at the site.

Mr John Major, Local Resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Mrs Zia Robbins, on behalf of the British Horse Society and the Nescliffe Hills & District Bridleway Association spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Paul Carter, on behalf of Longden Parish Council spoke in relation to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Roger Evans addressed the Committee as the local ward Councillor. During his statement, a number of points were raised including the following:

- The location site was not appropriate for this type of development;
- The proposal would have a detrimental impact on local residents; and
- The access was unsuitable and the lanes were too narrow for HGVs.

Mandy Seedhouse, on behalf of the Applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Area Planning Manager in response to Members' concerns in relation to highway safety explained that if Members were minded to approve the application the permission would not be granted until the Section 106 legal agreement had been agreed in regard to the amended HGV traffic route.

Having considered the submitted plans and listened to the comments made by all the speakers, the majority of members expressed their support for the officer's recommendation.

RESOLVED:

That delegated authority be given to the Planning Services Manager to grant planning permission subject to:

- The conditions as set out in Appendix 2 and any amendments considered necessary;
- The additional condition in relation to the number of birds at the site as set out on the Schedule of Additional Letters; and

- The completion of a Section 106 legal agreement to secure a HGV routing agreement.

86 Proposed Dwelling West Of Greenwood Meadow, Hanwood, Shrewsbury - 16/04092/OUT

The Area Planning Manager introduced the outline application for the erection of a detached dwelling and garage (to include access). The Area Planning Manager confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Councillor J Percival, on behalf of Great Hanwood Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Roger Evans addressed the Committee as the local ward Councillor. During his statement, a number of points were raised including the following:

- The access for the proposal was very restricted;
- The location site was congested and not suitable for 2 dwellings; and
- There was a recognised speeding problem in this area and normal traffic generally exceeded 30mph.

Having considered the submitted plans and listened to the comments made by all the speakers, the majority of members expressed their support for the officer's recommendation.

RESOLVED:

That planning permission be granted in accordance with the officer's recommendation subject to:

- The conditions set out in Appendix 1; and
- Reserved Matters Application to be considered by the Central Planning Committee.

87 Proposed Affordable Exception Dwelling At Cruckton, Shrewsbury - 16/03379/FUL

The Area Planning Manager introduced the application for the erection of one affordable dwelling and detached double garage. It was noted that the application had been deferred at the meeting held on 27th October 2016 to allow the applicant the opportunity to address the reasons for refusal. The Area Planning Manager confirmed that the Committee had undertaken a site visit on 27th October 2016 to assess the impact of the proposed development on neighbouring properties and

noted that if Members' were minded to approve the application an additional condition was required in relation to the demolition of the existing agricultural building prior to the occupation of the proposed dwelling.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Roger Evans addressed the Committee as the local ward Councillor to confirm that he supported the application along with the Parish Council.

Having considered the submitted plans the Committee unanimously expressed their support for the Officers recommendation.

RESOLVED:

That planning permission is granted in accordance with the officer's recommendation subject to:

- The conditions set out in Appendix 1;
- An additional condition in relation to the demolition of the existing agricultural building prior to the occupation of the dwelling; and
- The applicants entering into a S106 Agreement to secure the dwelling as affordable prescribing local occupancy criteria, size and also restricting any potential future sale value.

88 Former HMP Prison, The Dana, Shrewsbury - 15/05591/OUT

The Planning Consultant acting for the Council introduced the outline application for the redevelopment of the former Dana Prison into mixed use development to include student accommodation, residential dwellings, retail/restaurant, business non-residential institutions, a gymnasium and extensive landscaping works. It was noted that the application had been deferred at the meeting held on 27th October 2016 to allow the applicant the opportunity to address the reasons for refusal. The Planning Consultant drew the Committee's attention to their responsibilities to pay special regard to the desirability of preserving and enhancing the conservation area and preserving listed buildings and their settings in accordance with the Planning (Listed Buildings and Conservations Areas) Act 1990. The Planning Consultant confirmed that the Committee had undertaken a site visit on 27th October 2016 to assess the impact of the proposed development on neighbouring properties and drew Members attention to the Schedule of Additional Letters and read out an objection received today from Mr David Gomersall (Copy attached to the signed minutes).

Mr Hugh Cutler, Local Resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Alan Mosley addressed the Committee as the local ward Councillor. During his statement, a number of points were raised including the following:

- The heritage asset must be developed to regenerate the site but the development needs to be sensitive to avoid an adverse impact on residents;
- The proposal was overdevelopment of the site and there was a lack of clarity of what would eventually be on site;
- The development did not provide adequate parking provision and would have an unacceptable impact on the local area; and
- The transport assessment does not address the issues adequately.

Mr Andrew Ryan, Agent on behalf of the Applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Planning Consultant explained that the application was in outline at this stage to agree the principle of development and the quantum of development. A future reserved matters application for approval of details would have to accord with the restrictions imposed through the outline planning permission. He reassured the Committee that a reserved matters application that deviated substantively from the outline planning permission would necessitate submission of a full planning application instead.

Debate ensued with the majority of Members expressing the view that the proposal would generate significant traffic movements, had a lack of adequate parking and would have an adverse impact on the amenity of local residents.

Having considered the submitted plans for the proposal and noted the comments of all speakers, Members unanimously expressed their objection to the proposal contrary to the Officer's recommendation.

RESOLVED:

That planning permission is refused contrary to the officer's recommendation for the following reasons:

1. The site is located within a tightly built-up area within the town of Shrewsbury, characterized by dense terraced housing within narrow streets that are presently congested due to intense on-street parking. The proposed development, by virtue of its scale and diversity of uses, constitutes a form of development likely to generate a significant traffic movements. The proposed levels of parking provision available within and around the site would be inadequate to satisfy the traffic generated by the development leading to increased demand for on-street car parking in the locality resulting in further traffic congestion. It has not been adequately demonstrated that the levels of traffic generation can be effectively managed or accommodated within and around the site to avoid creating a severe local highways impact. The proposed development would, thereby be highly likely to create increased highway safety hazards and inconvenience for users of the local highway network; in particular, local residents. The proposals would, therefore, be likely to result in further adverse cumulative transport impact. As a consequence, the proposals would be contrary to Policies CS6 and CS7 of the adopted Core Strategy and

MD2 of the adopted SAMDev Plan and the guidance contained in the National Planning Policy Framework.

2. The proposal, by virtue of the quantum of development, the concentration of multiple uses and the lack of adequate parking and servicing areas within and around the site, would constitute a cramped and over-intensive use of the site, resulting in a development that would be out of character with the surrounding area. As such, the proposal would constitute an over-development of the site and is considered contrary to the provisions of Policies CS6 of the adopted Core Strategy and MD2 of the adopted SAMDev Plan and the design guidance contained in the National Planning Policy Framework.
3. The proposed Building B at the rear of the Lancasterian School which is an important feature within the area, which is proposed to accommodate eight residential apartments over two and a half storeys, by virtue of its siting, height and massing and confined nature of the site, would be likely to give rise to an unacceptable impact upon the visual amenities of the area and the residential amenities of existing residents at the adjacent dwelling houses on Albert Street and future residents of the proposed apartments in the Lancasterian School as a result of overlooking and overshadowing of those properties. The adverse effects are compounded by the proximity and height of the building to those properties which would result in an overbearing form of development. It has not been adequately demonstrated that such a building could be designed and accommodated on this site without giving rise to the above effects. The proposed development would thereby be contrary to Policies CS6 of the adopted Core Strategy and MD2 of the adopted SAMDev Plan and the design guidance contained in the National Planning Policy Framework.

89 Land Opposite The Rowans, Mytton, Shrewsbury - 16/01827/REM

The Area Planning Manager introduced the application for approval of reserved matters (siting, landscaping, scale, appearance) pursuant to 13/03841/OUT for the erection of three detached dwellings. It was noted that the application had been deferred at the meeting held on 24th November 2016 to allow the Committee to visit the site. The Area Planning Manager confirmed that the Committee had undertaken a site visit this morning to assess the impact of the proposed development on neighbouring properties and the surrounding.

Having considered the submitted plans the Committee unanimously expressed their support for the Officers recommendation.

RESOLVED:

That planning permission be granted in accordance with the officer's recommendation subject to the conditions set out in Appendix 1.

90 Proposed Affordable Dwelling Westbury, Shrewsbury - 16/03879/FUL

The Area Planning Manager introduced the application for the erection of one affordable dwelling and detached garage. It was explained that the application was a revised application following the withdrawal of 16/00120/FUL due to highways concerns in relation to the access.

Mr Richard Groome, Local Resident spoke against the proposal in accordance with Shropshire Council’s Scheme for Public Speaking at Planning Committees.

Mr Graham Burns, Agent on behalf of the Applicant spoke in support of the proposal in accordance with Shropshire Council’s Scheme for Public Speaking at Planning Committees.

Having considered the submitted plans and listened to the comments made by all the speakers, the Committee unanimously expressed their support for the Officers recommendation.

RESOLVED:

That planning permission be granted in accordance with the officer’s recommendation subject:

- The conditions set out in Appendix 1; and
- The applicants entering into a S106 agreement to secure the property as affordable.

91 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 22nd December 2016 be noted.

92 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, 19th January 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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<u>Committee and date</u>
Central Planning Committee
16 February 2017

<u>Item</u>
5
Public

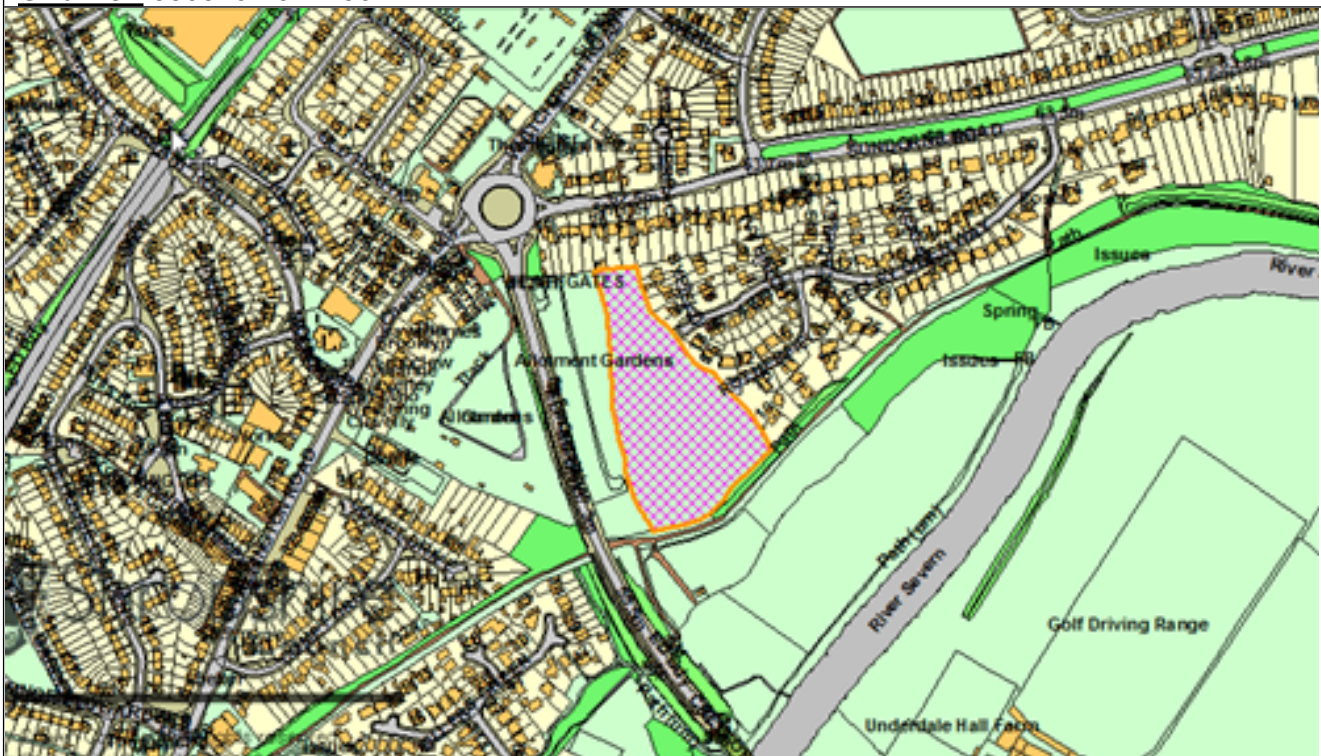
Development Management Report

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

Summary of Application

<u>Application Number:</u> 16/00476/OUT	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Outline application (all matters reserved) for mixed residential development to include affordable houses; formation of estate roads and vehicular access from Lesley Owen Way		
<u>Site Address:</u> Land West Of Lesley Owen Way Shrewsbury Shropshire		
<u>Applicant:</u> Sundorne Estate		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 350540 - 314436



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Recommendation: Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant affordable housing contribution at the Reserved Matters stage.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to Outline permission for mixed residential development to include affordable houses, formation of estate roads and vehicular access from Lesley Owen Way with all matters reserved for later approval.

1.2 The area of the site identified for development has been amended and reduced to that first submitted to allow for the provision of a larger area of land within the red outlined site boundary to be enhanced for GCN. The reduced developable area of the site shown on the revised indicative layout indicates 29 houses which are a mixture of detached and semi-detached. Additional habitat enhanced for newts is also proposed on land outside the development site outlined in blue.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is a vacant roughly rectangular field which is narrower to the North and is situated to the East of allotments accessed off Telford Way located further to the West of the site. The Northern boundary is shared with the rear gardens of three properties that face Sundorne Road to the North, there are residential properties to the East accessed off Lesley Owen Way and to the South is a public footpath / public bridleway / cycleway and further to the South is the River Severn.

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 on 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 **SC Highways:** The current application seeks outline consent with all matters reserved hence access, scale and layout etc are not being considered at this stage. Whilst therefore access is not included at this stage it is somewhat implicit that access to the site would be derived via an extension of Lesley Owen Way. This is confirmed by the indicative layout drawing which shows a potential housing scale and layout. The highway authority attach no weight to the indicative drawing at this stage.

It is noted that there is strong local representation within the Lesley Owen Way Development and from the Town Council, including highway related concerns. Whilst therefore noting those concerns, the highway authority consider that a level of housing development is acceptable but that access, scale and design would need to be considered further as part of any subsequent reserved matters application. This would include further consideration of traffic calming measures

being introduced to mitigate the impact of the development, in particular the interface between the site and current termination of Lesley Owen Way. Issues regarding the junction of Lesley Owen Way and Sundorne Road have been raised and again mitigation measures will need to be properly considered dependent upon the scale of development promoted.

- 4.1.2 **Environment Agency:** I would have no comments to offer on the application as the site lies wholly within Flood Zone 1, the low risk Zone. Whilst the Flood Map does indicate a small portion of Flood Zone 2 detailed modelling has confirmed that, in fact, the whole site is within the low risk zone. Paragraph 4.1.1 of the submitted Flood Risk Assessment (inc. Table 5) confirms this. You are advised to seek the comments of your Flood and Water management team with regard to surface water management on the site.
- 4.1.3 **SC Drainage:** The drainage details, plan and calculations could be conditioned if planning permission were to be granted.
- 4.1.4 **SC Learning and Skills:** Shropshire Council Learning and Skills reports that the local primary schools are at capacity and forecast to remain that way for the foreseeable future. It is therefore essential that the developers of this and any new housing in this area of town contribute towards the consequential cost of any additional places/facilities considered necessary at those schools.
- 4.1.5 **SC Affordable Dwellings:** If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before an application is submitted.
- 4.1.6 **SC Trees:** I have read the submitted Tree Survey and am in agreement with the findings. I am pleased to see the mature trees will be excluded from back gardens. I can support the application if a tree protection condition is imposed on any approval.
- 4.1.7 **SC Rights of Way:** Public Bridleway 108 Shrewsbury (and cycleway) abuts the southern boundary of the proposed development site, but it will not be affected by the application.
- 4.1.8 **SC Ecologist:** SC Ecology welcomes the new site plan titled 'Proposed Site Plan, project number 1405, drawing number P-01 K dated 2nd December 2016' showing an area of 4670m² of land retained and fenced off from the public open space as

great crested newt habitat. This will be conditioned on a planning decision notice, with more detail to be submitted at reserved matters stage regarding habitat management.

In addition to the great crested newt mitigation which has been included within the red line boundary there is a proposal to enhance habitat in the area of land to the south of the development site. This is in the same land ownership. There is also referral to a financial commitment to the landowner to restore Heathgates pond;

- On page 5 of the ecological report, and page 25 of the D&S, it says that the developer will provide some financial support to the council for the clearance and maintenance of Heathgates pond.

- Throughout the ecological report and on page 26 of the D&S it states that the plot of land (areas 4, 5 and 6 as marked in the ecological report and named site 2 in the D&S) to the south of the development site will be used for compensation for the loss of terrestrial habitat close to a breeding pond.

Although SC Ecology welcomes the commitment of the developer to restore Heathgates pond and areas 6 and 5 in site 2 as shown in the ecological report, this cannot be enforced through planning as it is not necessary to make the development acceptable in planning terms.

Area 4 to the south of the development site is required to compensate for the loss of terrestrial habitat from the development area in the red line boundary. The Greenscape Environmental report shows on Figure 22 the Enhancement plan January 2017. Area 4, which is shown as 3607m² should be conditioned to provide wildlife enhancements – this is to include grassland management, new pond, hibernacula, and new area of scrub and fruit trees for the lifetime of the development.

Based on the information above, SC Ecology considers that the proposal will be able to secure an EPS mitigation licence from Natural England and that the favourable conservation status of great crested newts can be maintained.

I have provided a European Protected Species 3 tests matrix. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

Badgers

A sett observed on the western boundary of the development site was considered to be an outlier sett in 2013. During the update survey in 2015 Greenscape Environmental Ltd has reported that this outlier sett has now been removed. There is a second outlier sett within the centre of the proposed development site.

The Badger Group has submitted formal comments and is of the opinion that the sett which is in the middle of the proposed site is a valuable resource for badgers in the area, particular as the sett in the allotments has been lost. Mitigation required for the loss of the badger sett and foraging habitat should be provided at Reserved

Matters Stage – appropriate design will reduce any impact that badgers could have on the new development. The ecological consultant should provide a scheme which helps connect a new artificial sett if required (and enhanced foraging area) to the main sett.

Bats & Nesting Birds

The oak tree close to the boundary with the allotment gardens has potential to support bats and would require further survey work should it be removed. If the site layout changes and this tree is to be lost then bat phase 2 survey work will be required to support a reserved matters application (this should be included within the update ecology survey work condition 1 above).

The proposed development site could be enhanced for nesting birds with the incorporation of bird nest bricks within the building design. Hedgerow planting will help mitigate for any adverse impact on nesting birds.

4.1.9 **Shropshire Wildlife Trust:** No comments have been received in relation to the revised scheme but objected to the application as first submitted as follows:

The site for the proposed development is immediately adjacent to the Sundorne Canal Local Wildlife Site and includes an area of open green space highlighted as being of value to local communities in our recent green spaces consultation.

Not only was the site itself identified as being of value (community appreciation of green space, ability to watch badgers, birds, etc.) the canal footpath is clearly a very important green corridor for residents of the whole of Shrewsbury and for visitors to the town. This is for a wide range of reasons (recreation, exercise, traffic free commuting/travel, etc.) but with a common theme of the green natural setting of the route. Development in close proximity would exacerbate the impact of the current housing backing on to the route from Lesley Owen Way and Sundorne Road.

While we welcome the mitigation and compensation measures suggested they do not go far enough to address all the impacts relating to the development.

Buffers and corridors within the development site are limited and are unlikely to be successful in the long term. There is an insufficient buffer area along the southern boundary of the site with buildings coming to within 10 – 15m of the footpath and property boundaries closer still.

The proposed area for compensation (Site 2) needs to be clearly defined, a commitment made to long term management and preferably a handover to the local authority, etc. to secure the long term future of the site.

While Site 2 can be improved for GCN and biodiversity value increased it is also within the Environmental Network and so provides no compensation for the loss of green space within the Environmental Network resulting from the development.

The Environmental Network seeks to address a range of issues connected with green space not just the ecological requirements of a few priority/legally protected

species.

We would recommend that the proposal to include a path/cycle route within Site 2 is abandoned

New hedgerows and the management of areas adjacent to the national cycle route should be in line with the recommendations of Sustrans guidance.

4.1.10 **Natural England:** No comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

Protected Species

If the proposed works could, at any stage, have an impact on protected species, then you should refer to our Standing Advice which contains details of survey and mitigation requirements.

4.2 - **Public Comments**

4.2.1 **Shrewsbury Town Council:** Objects (to the application as first submitted): The Town Council has concerns on a number of aspects of the proposed development as follows:

- the loss of valuable green space in the area with a corresponding detrimental impact on wildlife;
- increased traffic levels in an already congested area of Shrewsbury;
- these plans represent an over-development of the site with the current proposals;
- sustainable drainage issues of the site and the close proximity to the flood plain.

Whilst members have previously considered these proposals as part of the pre-planning consultation, they are disappointed that their concerns raised with the developer do not appear to have been addressed. The Town Council respectfully requests that this application should be considered at Committee level and not by delegated decision.

4.2.2 **Shropshire Badger Group:** We have read the (original) Ecology report produced by Greenscape Environmental Ltd and wish to express concern regarding the following points:

Reference is made to a 'potential sett' identified in the field. We feel that this is an

outlying sett and it was seen to be in use in May 2015 and March 2016, evidenced by freshly excavated soil containing badger hair (we have recorded photographic evidence) A resident whose property adjoins the field regularly feeds badgers in his garden and has a video record of a sow and cub in the garden in 2015. He has seen 3 badgers in the garden on occasion. We are therefore of the opinion that this sett provides a valuable resource for the badgers in this area, particularly as the sett in the allotments was closed down.

A potential sett entrance was identified by Greenscape in 2013 under a shed in the allotments. This sett has now been removed. As far as we can ascertain, it was not closed down under licence and we are therefore unaware as to the circumstances of its closure. However the closure has resulted in the loss of a resource in an area where suitable sett sites are difficult to find.

We question the statement “Compensation for the loss of any outlying sett will be provided with the public open space being secured from public and planted with some fruit trees”. We seek further clarification on the relevance of this opinion.

The loss of the field will undoubtedly result in the loss of a significant resource for foraging but there is no mention of this fact in the Ecology report produced by Greenscape and no proposal for mitigation. Undoubtedly the badgers will attempt to access their traditional foraging area and we anticipate complaints from new residents regarding damage to newly laid turf and fencing.

There is no clear mention of any overall mitigation and enhancement for the badgers. In the event that the planning application is successful, we feel that a suitable site should be identified and a compensatory artificial sett constructed. Further comment is sought from Greenscape Ecology regarding compensation for the loss of foraging.

4.2.3 **Shrewsbury Civic Society: Objects**

The primary objection of the Civic Society is to the means of access via Lesley Owen Way. It can be assumed that this number of dwellings could generate in the region of fifty extra vehicles being added to a road system that was built as a cul de sac for a limited number of houses and their cars. Unfortunately this site does not provide any alternative means of entry and exit. Whilst the Society is very much aware of the need to provide additional housing in the town this site has not, we believe, been designated within the SAMdev as a suitable site for housing and as a 'green field' site the case for building here should be substantial.

Unless an alternative means of entry and exit to the site other than via Lesley Owen Way can be found we feel that permission should not be granted.

4.2.4 **Heathgates Allotments Association:**

- The report shows that the hedge on the south side, which follows the allotment boundary is to be retained. There is no detail of who will be responsible for the maintenance of this and also the ditch which also follows the hedge line. The ditch and hedge have not been maintained by Sundorne Estates and as such this affects the drainage from the allotments, this needs to be addressed and a long term plan for maintenance agreed.
- The proposal to construct new pools at the bottom of the site near the allotments is also a concern, regarding maintenance and drainage from the allotment. We would like to be assured that the drainage is improved as part

of the plan.

- The housing at the top of the site is planned to be situated close to the allotment boundary which may cause privacy concerns both for the houses and allotment holders.

4.2.5 34 letters of objection and a petition with 82 signatures have been received with comments summarised as follows:

- Planning permission has previously been refused at this site over 20 years ago and nothing has changed.
- Increased traffic volume and noise population
- The roads on the estate are already congested with on street parking, which makes them narrow in places and there are blind spots along the road and at a number of the junctions.
- Lesley Owen Way is not suitable or safe for the amount of traffic currently using it and unable to accommodate a substantial increase in traffic.
- There will not be adequate visibility at the new access point close to Byfield.
- Byfield will lose its quiet, safe, pleasant, cul-de-sac position.
- Traffic already queues at the junction of Lesley Owen Way with Sundorne Road which is a very busy road with traffic queuing every morning and evening leading up to Heathgates island. This proposal will exacerbate the situation.
- Increased traffic and queuing at Heathgate roundabout which will increase air pollution
- There will need to be a traffic management system in place.
- Access onto Telford Way would be a much better means of access
- The field was previously an undisturbed area only grazed by horses and a donkey
- Alarmed that the field was being mowed by a tractor in January and hedges trimmed.
- Disturbance of the current wildlife in and around the field which includes birds, newts, bats and badgers
- Overshadowing and loss of light.
- Overlooking and loss of privacy and security
- Decreased property value
- The addition of a footpath is unnecessary as Lesley Owen Way is already served by 2 footpaths. It would not be of any benefit to residents and will attract people from the canal path up through the estate.
- It is unclear who will use the proposed public open space at the end of Rotherfield and who will be responsible for its upkeep and it may attract anti-social behaviour.
- There are existing drainage problems on the site and development might exacerbate existing drainage problems on surrounding land and existing gardens.
- In addition to other developments in the area it will put an even greater strain on local amenities and resources which has a knock on effect to the tax payer.
- Behind the site are allotments where regular fires are lit which create a

considerable amount of smoke and this will be very close to the proposed houses.

- Loss of an open outlook and view of the Shropshire Hills.
- Impact on the character of the estate and the countryside setting and semi-rural character of the area by development on one of the few remaining green spaces within Shrewsbury.
- Shropshire has already met its housing target for many years to come.
- SABC Policy LNC4 was intended to ensure that the land remained open and undeveloped.
- Does not understand how it can be described as a windfall site and there is no justification for developing land other than that allocated.

5.0 THE MAIN ISSUES

Principle of development

Access/Highway impacts

Layout, scale, design and appearance

Impact on residential amenity

Trees and landscaping

Ecology

Flood risk/Drainage

Developer contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The development will be situated in an established residential area within the urban development boundary of Shrewsbury. It is close to essential services and facilities that could be reasonably accessed by foot or by cycle and the Town Centre is readily accessible by public transport. The location of the development accords with Shropshire Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for new residential development.

6.1.2 Some residents have expressed concern that development of this land was refused approximately 20 years ago and so should be refused again as nothing has changed since then. The development has been described as ‘windfall’ as although within the urban boundary it is not an allocated site. Some residents have commented that Shropshire has already met its 5 Five Year Housing Land Supply (YHLS) target and that this land is therefore not required to be developed and that SABC Policy LNC4 was intended to ensure that the land remained open and undeveloped.

6.1.3 The Shropshire Core Strategy identifies a housing requirement of 27,500 dwellings between 2006 and 2026. The Site Allocations and Management of Development (SAMDev) Plan, which seeks to deliver this housing requirement, identifies areas where new housing would be supported in addition to the allocated sites. SAMDev settlement policy for Shrewsbury (S16.1) identifies that appropriate development will be encouraged on suitable sites within the town’s development boundary and that new housing will be delivered through a combination of brownfield and

greenfield sites and on sites both allocated for development and on windfall sites.

- 6.1.4 Shropshire can currently demonstrate a five year land supply for the period 2016/17 to 2020/21 based on the housing requirement within the Core Strategy. The 5YHLS statement provides a summary of the housing land supply in Shropshire considered deliverable within the next 5 years and the summary identifies a total of 12,829 dwellings which includes 700 homes to be delivered on windfall sites. There is a risk that without windfall sites such as this Shropshire would not be able to provide sufficient housing to demonstrate a 5YHLS and it's policies would once again not be considered up to date. This would leave the Council open to speculative development for proposals that meet the NPPF presumption in favour of sustainable development but which are not in accordance with the adopted plan.
- 6.1.5 The site is a green field site but it has no ecological, heritage or landscape designation and the previous SABC policy that sought to protect it as greenspace is no longer relevant. The site is within the urban development boundary of Shrewsbury, in a sustainable location and would help contribute to the housing land supply providing both open market and affordable housing on site. Officers therefore consider the development of this site is acceptable in principle and in accordance with CS2 and S16.1. Subject to compliance with other relevant policies the proposal should be supported provided there are no other material considerations that would indicate otherwise. This will be considered in the paragraphs below.
- 6.2 **Access/Highway impacts**
- 6.2.1 Access is one of the matters reserved for later approval but the indicative layout shows that it will be achieved by an extension to Lesley Owen Way. Highways advice, whilst noting the concerns of residents and the Town Council, has confirmed that a level of housing development is acceptable but that the exact amount of development would be considered at the Reserved Matters stage.
- 6.2.2 Highways have not objected to the proposal which would have ruled out any new development at this site but have advised that at the Reserved matters stage further consideration would be given to any requirement for traffic calming measures along Lesley Owen Way and dependent on the scale of development consideration of mitigation measures to address the issues regarding the junction of Lesley Owen Way and Sundorne Road.
- 6.2.3 The developable area has been reduced and this will limit the amount of development but the exact number of dwellings will not be determined until a Reserved Matters application is submitted. However it is considered that a safe means of access can be provided and any future consideration of layout will ensure sufficient parking space is provided for new residents and visitors so that they will not need to park in the street. Some residents have raised concern that they will no longer be able to allow their children to play out in the street as the existing dead end to Lesley Owen Way will become a through route to the new houses. However this is not a material consideration as Lesley Owen Way is a highway and not a playground. The NPPF advises that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of*

development are severe'. It is considered that the additional traffic using Lesley Owen Way and the junction with Sundorne Road would not result in severe traffic and congestion.

6.3 Layout, scale, design and appearance

- 6.3.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built and natural environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity.
- 6.3.1 Layout, scale, design and appearance are all matters reserved for later approval and will be decided at the Reserved Matters stage. However the developable area has been reduced to that first submitted and cannot be increased as the remaining land is required to be enhanced for GCN and this can be secured by a condition attached to any approval.
- 6.3.2 Concern has been raised about the loss of greenspace and the impact on the semi-rural character of the area. However although the outlook from the houses on the edge of this housing estate is towards the existing field and the flood plain of the river beyond there is no right to a view. The development will read as a small extension to the existing residential road and would not impact on the character and appearance within this urban housing estate.
- 6.3.3 Public views of the site are predominantly from the footpath to the South and the allotments to the West. The existing houses and the site cannot be seen from Telford Way further to the South West due to the significant amount of trees. The development area has been reduced so that there will be a partial green buffer between the allotments to the West and a significant green buffer between the development and the footpath to the South. The proposed green buffer to the South adjacent to the canal footpath has addressed the concerns of Shropshire Wildlife Trust regarding the negative impact the proposal would have had on this green corridor and natural setting of the route that would have been impacted on if new housing had backed directly onto the route in addition to the existing. The proposed landscaping and future management of the land either side of the footpath to be secured by condition will enhance the green natural setting of the route and tree planting will help screen both the existing and proposed housing.
- 6.3.4 Although the development may appear more prominent in public views than the existing edge of the Lesley Owen Way estate it is considered that a satisfactory layout and buildings of a satisfactory scale, design and appearance can be achieved without adverse impact on the character and appearance of the locality. Whilst the proposal will result in development of approximately two thirds of the field outlined in red officers consider that it will represent only a small incursion into the larger expanse of green space along the green corridor adjacent to the river. Landscaping of both the remaining green space within the site outlined in red and the land outlined in blue will provide significant visual enhancement of any views of the site.

6.4 Impact on residential amenity

6.4.1 Development has the potential to impact on residential amenity due to the proximity and scale of new buildings that might appear overbearing or obtrusive or result in overlooking and a loss of privacy. The application is outline only to establish the principle and consideration will be given to the impact on residents when a detailed reserved matters application is submitted. The indicative layout does however indicate that buildings can be located sufficiently far way so as not to adversely impact on existing residents.

6.4.2 The indicative layout does show that the proposed houses and their gardens to the North part of the site will be located close to the boundary with the allotments with no buffer in between. The Heathgates Allotments association has raised concern that this may cause privacy issues both for future residents and allotment holders. Allotments are not afforded the same level of privacy as private residential gardens and in any case are often close to residential gardens in many situations. The relationship between the allotments and the new houses will be more fully considered when a layout plan and landscaping including boundary treatment is submitted at the Reserved Matters stage. Their concern about future maintenance of the boundary hedge and drainage will also be more fully considered at this stage.

6.5 Trees and landscaping

6.5.1 The detailed landscaping of the site is reserved for later approval and this will be fully considered at the Reserved Matters stage. However there are existing trees and hedgerow on the site and development should not be permitted unless it can be satisfactorily demonstrated that important trees to be retained can be protected, and that new development would not result on future pressure to remove any trees to be retained.

6.5.2 An arboricultural report has been submitted and concludes that the proposed scheme is not significantly constrained by the trees and will be possible with the loss of just two grade C trees together with a large number of generally hawthorn scrub. There will be no loss of amenity provided by significant trees at the site and the key Specimens (O1, O4 and O5) will be retained and can be protected using standard tree protection measures. The location of development will ensure that the existing major trees to be retained will not overshadow the proposed properties and therefore post developmental pressure on the retained trees would be low. There is considerable scope to plant a number of trees within the buffer zone between the development and the pond to the south west and a number of specimens, that will grow to be large, could be planted here to add to the amenity of the area.

6.5.3 The submitted tree report and tree protection measures have been reviewed by the Councils tree officer who agrees with its findings subject to the imposition of a tree protection condition. The existing trees are not within a Conservation area or protected by a TPO so could be removed without the Councils consent. Approval of this development will therefore secure the retention of the important higher value trees and the provision of enhanced landscaping of the site.

6.6 Ecology

- 6.6.1 The application is accompanied by a phase 1 and phase 2 Environmental Survey updated in December 2016 which has been viewed by the Councils Ecologist who has no objection to the proposal subject to the imposition of conditions that will provide ecological enhancement of part of the site and also land to the South of the site. Although the site might be suitable as terrestrial habitat for Newts and the development will reduce the amount of undeveloped land the proposed enhancement of this land within the red line of the application in addition to the enhancement of the land to the South will more than compensate for the loss of terrestrial habitat.
- 6.6.2 Shropshire Wildlife Trust, who originally had concerns about the development of this site not only in terms of impact on protected species but also on the loss of valued green space and the wildlife corridor within the Environmental Network, have been re-consulted on the revised proposal, but no comments have been received. However it is considered that the amended plan that provides an enhanced green buffer and enhancement of the green space to the South of the site more than compensates for the loss of part of this field to development. Furthermore the field is a private paddock that can be mown at any time and therefore could provide less ecological value than landscaped gardens and the proposed enhancement of the remaining green space.
- 6.6.3 Whilst the provision of a larger area of land within the red line to be enhanced is sufficient to ensure 'that the favourable conservation status of great crested newts can be maintained' a condition to secure enhancement of the area to the south will ensure that the management of this area is secured for the future and will provide enhancement for both GCN and badgers. The badger condition suggested by the Ecologist will also ensure that the site is re-inspected for badger sets prior to commencement of any development and appropriate mitigation proposed to include an artificial badger sett.
- 6.6.4 Compliance with all the conditions suggested by the ecologist and the provision of a detailed landscaping scheme at the Reserved Matters stage will ensure ecological enhancement of the site itself in addition to enhancement of the area of land to the South of the footpath. The proposed development will not be detrimental to the maintenance of the populations of great crested newts at a favourable conservation status within their natural range provided the recommended conditions are imposed regarding the method statement for mitigation works and landscape and habitat enhancements. Work will need to be conducted under licence from Natural England and an EPS three tests matrix has been completed and is attached as appendix 2 to this report and should be noted by members.
- 6.7 Flood risk/Drainage**
- 6.7.1 The Council Drainage Consultant has confirmed that the drainage details, plans and calculations can be conditioned if planning permission is granted. Any site is capable of providing a satisfactory surface water drainage scheme and attenuation measures to ensure that the site can be adequately drained and would not result in increased surface water run off to adjoining land. It is recommended that the suggested conditions and informatives provided by the drainage team are imposed.

6.8 **Developer contributions**

- 6.8.1 The development will be liable for payment of CIL which will provide financial contributions to infrastructure including education. A S106 will ensure the provision of the relevant amount of on site affordable housing in accordance with CS11 and the SPD at the RM stage.

7.0 **CONCLUSION**

- 7.1 The site is within the urban development boundary of Shrewsbury and will contribute to the housing supply in a sustainable location and is therefore considered acceptable in principle and in accordance with the adopted plan. Access, layout, scale, appearance and landscaping of the scheme are all reserved for later approval but it is considered that an acceptable and appropriately designed scheme could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality or highway safety. The proposal would provide ecological enhancement of the undeveloped part of the site in addition to the area to the South of the site, and important trees will be retained and protected subject to compliance with the suggested conditions. The appropriate amount of affordable housing provision (to be determined at the Reserved Matters stage) will be secured by a S106 agreement and the payment of CIL will contribute towards infrastructure. It is therefore considered that the proposal accords with Shropshire LDF policies MD1, MD2, MD12, S16.1, CS2, CS6, CS11, and CS17 and the aims and provisions of the NPPF.

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 SAMDev Policies:, CS2, CS6, CS11, CS17, MD1, MD2, MD12, S16.1

RELEVANT PLANNING HISTORY:

92/0860/OUT/263/84: Erection of dwelling houses and construction of estate road and sewers.
REFUSE: 7 October 1992

11. Additional Information

List of Background Papers: File 16/00476/OUT
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Kevin Pardy

Appendices
APPENDIX 1 – Conditions
APPENDIX 2 – EPS 3 Tests matrix

APPENDIX 1: Conditions

STANDARD CONDITION(S)

1. Approval of the details of the design and external appearance of the development, access arrangements, layout, scale, and the landscaping of the site (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 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the 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 be begun 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. As part of the first application for reserved matters details of the proposed surface water drainage scheme shall be submitted for approval. If non permeable surfacing is used on the driveway and parking areas and the driveways slope towards the highway, the submitted scheme shall include a drainage system to intercept water prior to flowing on to the public highway.

Reason: To minimise the risk of surface water flooding and to ensure that no surface water runoff from the new driveways runs onto the highway.

5. As part of the first application for reserved matters an updated tree protection plan shall be submitted for approval. All trees which are to be retained in accordance with the approved layout plan shall be protected in accordance with the approved Tree Protection Plan. The protective fence shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees

6. The first submission of reserved matters shall include an update phase 1 and where appropriate phase 2 ecological surveys, an assessment of impacts from the development, and

a detailed ecological mitigation strategy submitted to the local planning authority. The proposed Great Crested Newt mitigation shall be no less than the area shown on the 'Proposed Site Plan, project number 1405 drawing number P-01 K dated 2nd December 2016' showing an area of 4670m² of land retained and fenced off from the public open space as great crested newt habitat, and 3607m² of wildlife enhancement to the south of the development, in site 2, as shown as Area 4 in Figure 22: Enhancement Plan Jan 2017, in the Greenscape Environmental Ltd report December 2016. The updated ecological mitigation strategy, recommendations and method statements will be implemented as approved in writing by the local planning authority unless changes are required by Natural England in order to obtain a European Protected Species Mitigation Licence. Notification of any changes required by Natural England, including a copy of the licence, must be submitted to the planning authority prior to development commencing.

Reason: To ensure the protection and enhancement of biodiversity and protected species, including Great Crested Newts, a European Protected Species, and Badgers, Protected by the Badgers Act.

7. The first submission of reserved matters shall include a Construction Environmental Management Plan (CEMP) for approval in writing by the local planning authority. The plan will be implemented as approved and shall include:

- a) An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices, including lighting) to avoid impacts during construction (may be provided as a set of method statements);
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- d) The times during construction when specialist ecologists need to be present on site to over-see works;
- e) The role and responsibilities on site of an ecological clerk of works (EcCoW) or similarly competent person;
- f) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be adhered to and implemented strictly in accordance with the approved CEMP.

Reason: To protect features of recognised nature conservation importance.

8. As part of the first submission of reserved matters a scheme of landscaping should be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved, prior to the occupation of any part of the development or in accordance with

the programme agreed in writing with the local planning authority, unless the local planning authority gives written consent to any variation. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. integrated bird and bat boxes)
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
- d) Native species used are to be of local provenance (Shropshire or surrounding counties)
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- f) Implementation timetables

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

9. The first submission of reserved matters shall include a habitat management plan. The plan shall include:

- a) Description and evaluation of the features to be managed (no less than 4670m² of land should be retained and fenced off from the public open space and managed as great crested newt habitat as indicated in 'Proposed Site Plan, project number 1405, drawing number P-01 K dated 2nd December 2016', and 3607m² of wildlife enhancement to the south of the development, in site 2, as shown as Area 4 in Figure 22: Enhancement Plan Jan 2017, in the Greenscape Environmental Ltd report December 2016);
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.
- i) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

10. As part of the Reserved Matters details for the provision of nesting opportunities for swifts shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling(s)/building.

Reason: To ensure the provision of nesting opportunities for swifts

11. As part of the reserved matters details of the location and design of a minimum of 10 bat boxes or bat bricks 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. 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 REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

12. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of great crested newts, a European Protected Species

13. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development site to which this consent applies immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority. If the survey indicates the presence of any Badger Setts within 30 metres of the site then prior to the commencement of the development an updated mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with this approved plan which should include an artificial badger sett.

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

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

14. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:

- a) Creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) Open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

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

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

15. 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.

APPENDIX 2: EPS 3 Tests matrix**EUROPEAN PROTECTED SPECIES – Consideration of the three tests**

Application name and reference number:

16/00476/OUT
Land West Of Lesley Owen Way
Shrewsbury
Shropshire
Outline application (all matters reserved) for mixed residential development to include affordable houses; formation of estate roads and vehicular access from Lesley Owen Way.

Date of consideration of three tests:

6th February 2017

Consideration of three tests carried out by:

Nicola Stone
Planning Ecologist

1 Is the development 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

The proposal will provide up to 29 new homes including some affordable, which will boost the housing supply in a sustainable location and as a result provide social and economic benefits for both present and future generations and will also provide bio-diversity enhancements of the site with no adverse environmental impacts.

2 Is there 'no satisfactory alternative'?

The alternative is not to develop the site but this would not provide the boost to housing supply numbers in Shropshire and would not provide the social and economic benefits of the proposal and the ecological enhancements of the site to be secured by conditions attached to this planning permission.

3 Is the proposed activity 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'?

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

- Phase 1 and Phase 2 Environmental Survey conducted by Greenscape Environmental Ltd (2016)
- Update Greenscape Environmental Survey (April 2016)
- Proposed site plan drawing number P-01 Revision J
- Design and Access Statement January 2016
- Phase 1 and 2 Environmental Survey conducted by Greenscape Environmental Ltd (December 2016)
- Amended proposed site plan drawing number p-01 K (2nd December 2016)

There is a medium population of great crested newts within close proximity to the site boundary.

There is risk of damage to individual newts so work will need to follow a strict method statement and be conducted under licence from Natural England. A likely method statement has been provided by Greenscape Environmental Ltd which includes, but is not limited to the following;

- The licensed consultant will be employed as the Ecological Clerk of Works to oversee the work in areas sensitive to GCN on site.
- The site will be fenced with Temporary amphibian fencing and a minimum of 60 days trapping will take place.
- A toolbox talk will be conducted for and contractors will be advised not to handle GCN at any time.
- A minimum of 4670m² great crested newt habitat being created and managed, not included within public open space on the proposed development site.
- A minimum of 3707m² to the south of the proposed development (in site 2, marked as area 4) should be conditioned to provide wildlife enhancements – this is to include grassland management, new pond, hibernacula, and new area of scrub and fruit trees for the lifetime of the development.
- Creation of hibernacula and hedgerow planting

The proposed development will not be detrimental to the maintenance of the population of great crested newts recorded at a favourable conservation status within their natural range provided that the following conditions detailed in the response from Nicola Stone to Jane Raymond dated 6th February 2017 are on the decision notice and are appropriately enforced:

REM Condition 1:

The first submission of reserved matters shall include an update phase 1 and where appropriate phase 2 ecological surveys, an assessment of impacts from the development, and a detailed ecological mitigation strategy submitted to the local planning authority. The proposed Great Crested Newt mitigation shall be no less than the area shown on the 'Proposed Site Plan, project number 1405 drawing number P-01 K dated 2nd December 2016' showing an area of 4670m² of land retained and fenced off from the public open space as great crested newt habitat, and 3607m² of wildlife enhancement to the south of the development, in site 2, as shown as Area 4 in Figure 22: Enhancement Plan Jan 2017 in the Greenscape Environmental Ltd report December 2016. The updated ecological mitigation strategy, recommendations and

method statements will be implemented as approved in writing by the local planning authority unless changes are required by Natural England in order to obtain a European Protected Species Mitigation Licence. Notification of any changes required by Natural England, including a copy of the licence, must be submitted to the planning authority prior to development commencing.

Reason: To ensure the protection and enhancement of biodiversity and protected species, including Great Crested Newts, a European Protected Species and Badgers, Protected by the Badgers Act.

REM Condition 2:

The first submission of reserved matters shall include a Construction Environmental Management Plan (CEMP) for approval in writing by the local planning authority. The plan will be implemented as approved and shall include:

- a) An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices, including lighting) to avoid impacts during construction (may be provided as a set of method statements);
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- d) The times during construction when specialist ecologists need to be present on site to over-see works;
- e) The role and responsibilities on site of an ecological clerk of works (EcCoW) or similarly competent person;
- f) Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be adhered to and implemented strictly in accordance with the approved CEMP unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

REM Condition 3 Landscape Plan

At first submission of reserved matters a scheme of landscaping should be submitted and approved in writing by the local planning authority. The works shall be carried out as approved, prior to the occupation of any part of the development

or in accordance with the programme agreed in writing with the local planning authority, unless the local planning authority gives written consent to any variation. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. integrated bird and bat boxes)
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
- d) Native species used are to be of local provenance (Shropshire or surrounding counties)
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- f) Implementation timetables

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

REM Condition 4: Habitat Management Plan

The first submission of reserved matters shall include a habitat management plan.

The plan shall include:

- a) Description and evaluation of the features to be managed (no less than 4670m² of land should be retained and fenced off from the public open space and managed as great crested newt habitat as indicated in 'Proposed Site Plan, project number 1405, drawing number P-01 K dated 2nd December 2016', and 3607m² of wildlife enhancement to the south of the development, in site 2, as shown as Area 4 in Figure 22: Enhancement Plan Jan 2017, in the Greenscape Environmental Ltd report December 2016);
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.
- i) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

Planning Condition

1. No development, demolition or site clearance procedures shall commence until a

European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained and submitted to the local planning authority for the proposed work prior to the commencement of works on the site. Work shall be carried out strictly in accordance with the granted EPS Mitigation Licence.

Reason: To ensure the protection of great crested newts, a European Protected Species



Committee and date
 Central Planning Committee
 16 February 2017

Item
6
 Public

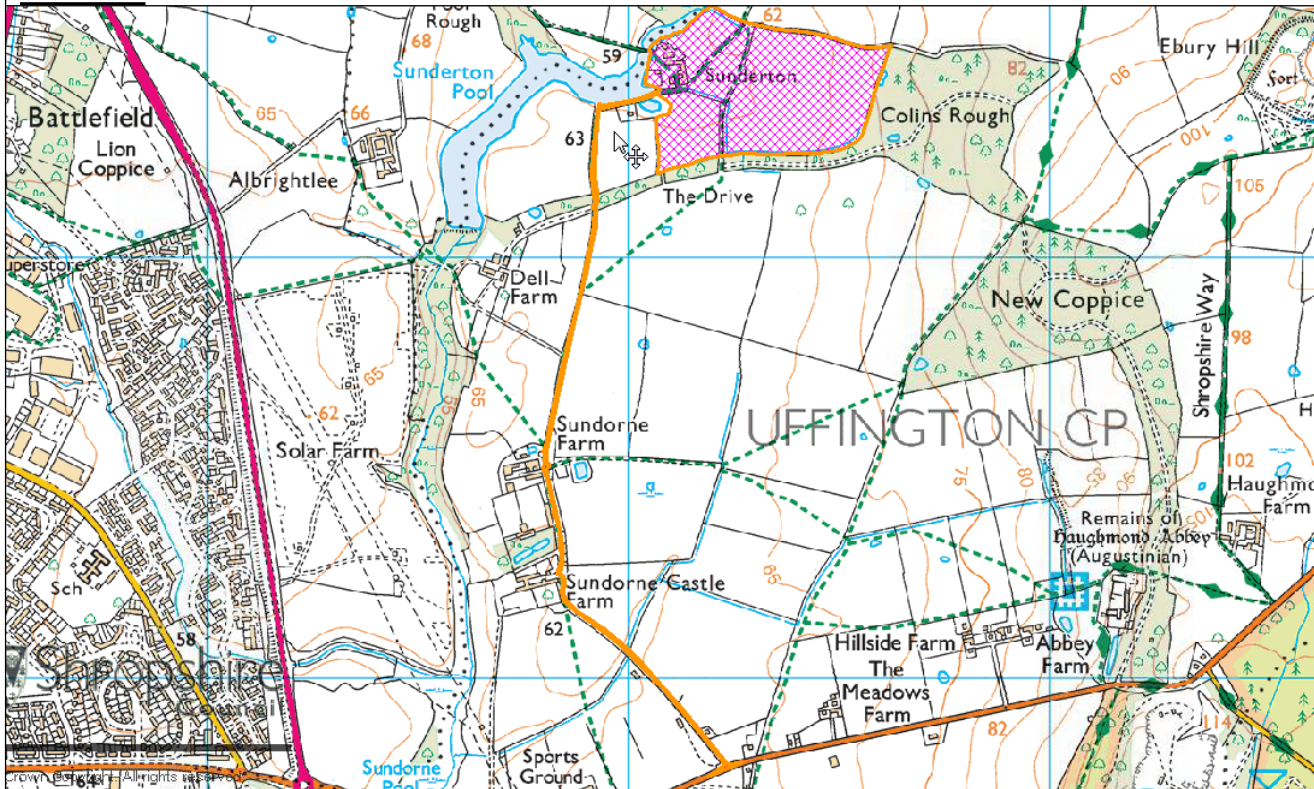
Development Management Report

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

Summary of Application

Application Number: 16/04518/EIA	Parish:	Uffington
Proposal: Erection of four poultry sheds, feed bins, solar photovoltaic panels and ancillary equipment, creation of access tracks to the site and alterations to existing vehicular access (Amended scheme).		
Site Address: Sunderton Farm Uffington Shrewsbury Shropshire SY4 4RR		
Applicant: J E And R Hockenull And Sons		
Case Officer: Frank Whitley		email: planningdmc@shropshire.gov.uk

Grid Ref: 353102 - 316462



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

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 issued an environmental permit in March 2016.
- 1.5 This proposal follows a previous application (15/04709/EIA) which was withdrawn due to concerns that night time bird collection HGV movements would unreasonably impact on the amenity of residential dwellings located adjacent to the access route. In all other respects, the application was deemed by Officers to be policy compliant.
- 1.6 This application as submitted initially, proposed to remedy the amenity issue by diverting HGVs away from some of the affected dwellings on a purpose built track. This potential solution has now been dispensed with, in favour of an operational change to the business- the collection of birds only after 0700hrs and before 2300hrs. The total number of birds produced and collection movements remains unchanged.
- ### 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 first 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.
- 2.5 The application proposes ‘ broiler’ production whereby day old chicks are brought into the site and retained for an average of 42 days with about a 7 day turn around period. Birds are collected over 4 days and evenings during the 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/DELEGATED 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**
 Thank you for your consultation on the above dated 13 October 2016 which was received by Natural England on the same date.

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.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Midland Meres & Mosses Ramsar has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.¹

In addition, 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 Hencott Pool SSSI, Old River Bed, Shrewsbury SSSI, Berrington Pool SSSI, and Bomere, Shomere & Betton Pool SSSI have been notified. We therefore advise your authority that these SSSI do 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.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

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

Local sites

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

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "*Development in or likely to affect a Site of Special Scientific Interest*" remains in place (Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments *likely to affect a SSSI*. The dataset and user guidance can be accessed from the gov.uk website.

4.2 Environment Agency

Thank you for referring the above application which was received on the 17 October 2016. We would offer the following comments for your consideration at this time.

Environmental Permitting Regulations: The proposed development will accommodate up to 200,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

As stated in the submitted Environmental Statement (ES) a Permit application was submitted in November 2015 and subsequently granted (March 2016).

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

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites

comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

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>

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.

4.3 **Historic England**

Case Officer note: Historic England was not consulted on this application, but the following response was received in respect of 15/04709/EIA. There is not considered to be any reason why previous comments should have changed.

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 **Public Protection**

Case officer note: For reference, comments received initially (as follows) related to operations comprising night time movements affecting a single residential dwelling

Having considered the application, it is noted that a noise assessment carried out by John Waring Acoustic Consultant Issue 1 has been submitted. Having reviewed the report, I have concerns over the methodology used to generate noise figures for fan noise due to them being based on readings carried out more than 20 years ago on units where the fan models have not been reported. As a result, I cannot accept the findings as a robust. However, having considered the location, the proposed units, distance to nearest receptors and topography it is my opinion that noise from onsite sources is not likely to impact on nearby residential properties. There is one caveat to this which is potential reversing alarms from vehicles on site. I would therefore recommend a condition

The report has found that a severe impact is likely as a result of night time bird depopulation movements. The report does not provide maximum noise levels expected at the façade of nearest properties however in the Environmental Statement submitted with this application it states that a maximum noise level of 67dB would be noted at the residential property known as Fairfields. With a window open noise levels internally would be predicted to be in the region of 57dB. The World Health Organisations document Guidelines on Community Noise states that maximum noise levels above 45dB have the potential to impact on health and wellbeing. It is therefore expected that there will be a significant observed adverse effect associated with night time movements where HGVs associated with depopulation pass the residential property known as Fairfields. The impact above could be limited but not mitigated in full by conditioning the number of vehicle

movements that take place in night time hours as follows:

No more than two one-way HGV vehicle movements shall take place along the access road to and from the proposed poultry units between the hours of 23:00 - 07:00 hours. Reason: to protect the health and wellbeing of residents.

Public Protection Update:

In light of the proposed changes to the timings of bird collections, the following comments have been received:

In respect of the newly proposed times of bird movements I can confirm that I would have no objection to a condition stating that no HGV movements for poultry depopulation or delivery will take place between 2300 and 0700 hours.

4.5 Ecology

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)
- Permit number EPR/XP3533AQ with introductory note prepared by the Environment Agency (March 2016)
- Extended Phase 1 Habitat Survey for proposed Access Track prepared by John Campion Associates Ltd (August 2016)

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. The proposal differs from planning reference 15/04709/EIA due to an altered access track.

The proposed new access track route is dominated by agricultural land. The field boundaries are mostly native species rich hedgerows. The pond within close proximity to the access route has been assessed as having poor suitability to support breeding great crested newts. Only two small sections of intact field boundary hedgerows are to be removed to create the new access.

Based on the 'Extended Phase 1 Habitat Survey for proposed Access Track' report, prepared by John Campion Associates Ltd (August 2016), the following comments still remain appropriate;

Great Crested Newts

7 ponds were subject to presence/absence surveys for great crested newts (Churton Ecology June 2015). 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.

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. Recommends a condition

Bats & Nesting Birds

The proposal will involve the removal of 2 small sections of hedgerow to create access. There is little potential for adverse impacts on nesting birds and roosting bats. 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 conditions and informatives are on the decision notice no further survey work is deemed necessary.

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 informative should be on the decision notice.

Designated Sites

The proposed application has obtained an Environmental Permit from Environment Agency (EA) dated 8th March 2016. 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 was 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 permit, submitted in support of this application therefore indicates that ammonia levels (and nitrogen deposition rates) are 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 **Trees**

There does not appear to be any direct impact on important amenity trees. I note the following from the report:

"There are three mature standard oak trees growing along the southern side of the farm access track in the north-western corner of the proposed broiler shed site. These trees are considered to be of site conservation value. There would be no loss of any of these trees and no site works taking place in their vicinity. As a result there would be no impact likely to arise from the proposed development on these trees". I support the proposed mitigation planting described as: Planting an area of around 1950m² of native tree and shrubs to form a continuous woodland edge planting belt along the northern edge of the adjacent woodland belt at The Carriage Drive, which forms the southern boundary of the field containing the proposed broiler shed site. Planting new mixed native-species field boundary hedgerow with occasional trees to re-plant gaps and replace lost hedgerow along the south-western boundary of the field, to the south of the farmyard access. In conclusion I have no objection on the grounds of trees.

4.7 **Conservation**

We provided comments as part of application 15/04709/EIA, which I would repeat here as part of this current scheme:

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 is required and has been considered in preparing these comments: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policy MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF), and the Planning Practice Guidance. 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 Castlring 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 on the previous application by Historic England, 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 that 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 **Archaeology**

The proposed development consists of a poultry unit comprising four broiler sheds, a biomass building, feed bins, photovoltaic panels, ancillary equipment, and alterations 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 Policy MD13 of the Local Plan with regard to the archaeological interest of the proposed development site. In their consultation response of 19 October 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. 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 and Policy MD13 of the Local Plan, 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: CC1 (Details of External Materials); DD2 (Landscape Implementation)

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 Highways

Case Officer note; Council Highways team has not been formally consulted on this application though they have advised that comments from 15/04709/EIA are unchanged. Essentially there are no additional highways impacts as a result of bird collection movements taking place entirely within the hours 0700 to 2300.

15/04709/EIA: 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 conditions.

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.

4.10 Rights of Way

Comments received for 15/04709/EIA are as follows:

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.

Updated comments for this application:

Comments made to the previous 2015 application for this site regarding public rights of way are also relevant to this application. It is also noted that part of the proposed night time new access track will run along part of Footpath 11 Uffington in addition to Bridleway 15. The applicants will need to liaise with the Rights of Way officer for the area regarding any change of surface of this route and the legally recorded line of Footpath 16 adjacent to the proposed poultry sheds which does not run as depicted on the layout plan (as detailed in the previous comments made). A plan showing all the legally recorded public rights of way within the site is attached.

4.11 **Flood and Water Management**

Drainage Comment:

The surface water drainage proposals in the FRA and the Drainage Layout are acceptable.

4.12 **Shropshire Fire and Rescue**

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications> Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m² Access for Emergency Fire Service Vehicles It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT

B5. provides details of typical fire service appliance specifications. Water Supplies for Fire fighting Building Size It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

4.13 **Uffington Parish Council**

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

4.14 **Public Comments**

One representation has been received objecting to the proposal as first submitted. The objection is based on the issue of night time disturbance to a residential property adjacent to the access route.

5.0 **THE MAIN ISSUES**

1. Principle of development
2. Siting, scale and design including water environment
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 roofs 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 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 are 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 later in the report.

6.3 **Flooding**

- 6.3.1 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.

6 **Surface Water run off**

- 6.3.2 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

- 6.3.3 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.
- 6.3.4 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.
- 6.3.5 In terms of siting, design and drainage proposals, the development is considered to accord with the requirements of CS6.

6.4 Visual impact and landscaping

- 6.4.1 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.
- 6.4.2 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.
- 6.4.3 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.
- 6.4.4 Although the above is proposed, it would be considered essential to impose a condition requiring a landscaping plan which would secure the proposed planting and its management. 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 screening can be further enhanced by implementation of an appropriate landscaping plan.

6.5 Heritage

- 6.5.1 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.
- 6.5.2 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;
- 6.5.3 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 top 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
- 6.5.4 The heritage assessment is summarised at chapter 8 of the environmental statement.
- 6.5.5 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.
- 6.5.6 In respect of impacts to listed buildings, Historic England noted in their consultation response to 15/04709/EIA 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.

- 6.5.7 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.
- 6.5.8 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.
- 6.5.9 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.
- 6.5.10 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.

6.6 Residential amenity and public protection Visual

- 6.6.1 Residential dwellings in the area and distances from the application site are: Sunderton Farm (150m), Meadowfields (220m), The Yells (580m) which are all owned by the applicants and either occupied by them or their families.
- 6.6.2 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.
- 6.6.3 Several residential properties are identified alongside the access road near Sundorne Castle. At about 1km distant, there will be no visual impact.
- 6.6.4 Objections to the previous application 15/04709/EIA were 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. 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.
- 6.6.5 The total number of HGV bird collection movements remains unchanged from 15/04709/EIA. Without night time movements, there will be a corresponding increase in HGV movements during the day and evening. However in terms of the total number of HGV movements which includes chick deliveries, fuel, litter, feed, manure, mortality collections, the increase is not considered significant.

Odour

- 6.6.6 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 the environmental permit regulated by the Environment Agency. This will control odour (and noise) from operations within the site.

6.7 **Rights of Way**

- 6.7.1 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.
- 6.7.2 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,
- 6.7.3 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.
- ## 6.8 **Highways**
- 6.8.1 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.
- 6.8.2 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.
- 6.8.3 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.

6.8.4 Overall Highways impacts in relation to the B5062 are not considered significant, subject to appropriate controls and conditions being implemented correctly.

6.8.5 The Highways Officer has confirmed that a change in collection times to day and evening only raises no additional impacts since the private access road joins directly to the B5062.

6.9 **Ecology**

6.9.1 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.

6.9.2 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.

6.9.3 There are no predicted direct or indirect impacts on any of the designated sites.

6.9.4 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

6.9.5 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.

6.10 **Other matters including additional buildings and solar photovoltaic panels**

6.10.1 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.

6.10.2 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.

6.10.3 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.

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

7.2 The proposal would have limited adverse impact on the overall character of the area, particularly given the limited visibility in the wider landscape, the topography of the area, and its positioning adjacent to existing farm buildings.

7.3 The proposal would have some impact on users of the adjacent rights of way, particularly in relation to visual effects and the increased traffic, though these can be successfully mitigated by additional landscaping.

7.4 15/04709/EIA (the previous withdrawn application) attracted some objections based on impact to longer range views. These concerns have been assessed by Officers and are not considered significant.

7.5 Whilst there would be some residual impacts it is not considered that these would be unacceptable. The proposal raises no specific issues in relation to ecology, drainage, historic environment or odour that cannot be addressed by planning conditions or the permit which has already been issued by the Environment Agency. The proposal would have little impact on the highway network since the private access road joins directly to the B5062.

7.6 Following concerns from Officers and local residents about sleep disturbance to adjacent residents, the collection regime has now been modified. It is now proposed that bird collections would not take place between 2300 and 0700 hours. Officers consider that this change has addressed previous concerns and is conditioned accordingly.

7.7 Whilst the development would have some impact in the local area it would also provide significant economic benefits in terms of sustaining the farm business and supporting the local agricultural economy. Having regard to all material planning

considerations, the Development Plan and national planning policies, it is recommended that planning permission is granted.

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.

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

16/04518/EIA
 Sunderton Farm
 Uffington
 Shrewsbury
 Shropshire
 SY4 4RR
 Erection of four poultry sheds, feed bins, solar photovoltaic panels and ancillary equipment, creation of access tracks to the site and alterations to existing vehicular access (Amended scheme).

Date of completion for the HRA screening matrix:

18th October 2016

HRA screening matrix completed by:

Nicola Stone
 Planning Ecologist
 01743-252556

Table 1: Details of project or plan

Name of plan or project	16/04518/EIA Sunderton Farm Uffington Shrewsbury Shropshire SY4 4RR Erection of four poultry sheds, feed bins, solar photovoltaic panels and ancillary equipment, creation of access tracks to the site and alterations to existing vehicular access (Amended scheme).
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	No

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

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

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.
- Environment Agency Permit number EPR/XP3533AQ with introductory note prepared by the Environment Agency (March 2016)

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 16/04518/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 16/04518/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 is 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.

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and SAMDev
CS5, CS6, CS13, CS17, CS18, MD2, 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

11. Additional Information

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

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 above ground works commencing samples and/or details of the roofing materials, solar panels, materials to be used in the construction of the external walls (including ancillary buildings and structures) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

4. Prior to the commencement of works, (including demolition, ground works and vegetation clearance) until a landscape plan has been submitted to and approved in writing by the Local Planning Authority. The plan 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.

5. 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 the approved site plan HPJ9242-05 A.

Reason: To protect features of recognised nature conservation importance.

6. 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

7. 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.

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

8. 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 RevA 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.

9. 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.

10. 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.

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

11. The access road from the B5062 public highway shall not be used by HGVs in connection with the development between the hours of 2300hrs and 0700hrs the following morning.

Reason: To protect the amenity of residential dwellings during night time hours.

12. Surface water disposal will take place in full accordance with the submitted Flood Risk Assessment (FRA) report reference: 2003/FRA Version 1 dated July 2015 and drainage plan reference HPJ9242-07 Revision A dated August 2015.

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

13. The development hereby approved shall not be used to house any more than 200,000 birds in total.

Reason: To ensure the scale of development does not exceed the capacity of the access route and highway network, and to protect the amenity of residential dwellings.

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<u>Committee and date</u>
Central Planning Committee
16 February 2017

<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

<u>Application Number:</u> 16/04891/FUL	<u>Parish:</u>	Longden
<u>Proposal:</u> Retrospective siting of Solar Array Panels		
<u>Site Address:</u> Stapleton Grange Longden Shrewsbury Shropshire SY5 8HF		
<u>Applicant:</u> Mr A Abbott		
<u>Case Officer:</u> Kelvin Hall	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 345821 - 305206



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

REPORT

1.0 THE PROPOSAL

1.1 The application seeks retrospective planning permission for the installation of a ground-mounted solar photovoltaic array on land to the south-west of Stapleton Grange, Longden. The panels were installed in January 2016. The development comprises a single row of 64 solar panels with a capacity of 16kw, mounted on a fixed metal frame. They are arranged two panels high in portrait orientation facing south. The width of the array extends to 32 metres with a depth of 3.65 metres and the panels angled at 30 degrees with the upper side 2.3 metres high and the lower side 0.6 metres high.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site comprises the northern part of a pasture field. To the north-east is Stapleton Grange, a dwelling which is currently being constructed following the demolition of a previous dwelling on the site, and other retained agricultural buildings. Immediately to the north is a recently planted orchard. Land to the south is pasture. The nearest residential properties are Stapleton Grange, approximately 15 metres to the east, and Little Vinnals Bungalow, approximately 55 metres to the north. Access to Stapleton Grange is intended to be gained via a new access track to the north-east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation, and the Local Member has requested that the application is determined by Planning Committee if the Officer recommendation is to approve. The Area Planning Manager in consultation with the Chairman and Vice-Chairman of the Central Planning Committee has agreed that the objections are based upon material planning considerations and that a Committee decision is appropriate.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Longden Parish Council** After discussion it was agreed that the Parish Council do not support this application. The panels are not in the correct place and they are higher than they should be. The Parish Council is against any permanent solar panels in this position. They were originally to be temporary as they were intended to be put on the Barn that will be refurbished.

4.1.2 **SC Drainage** No objections. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable.

4.2 Public Comments

4.2.1 The application has been advertised by site notice. In addition the adjacent residential property has been directly notified. One objection has been received, summarised as follows:

- Panels are in my complete vision and are totally obtrusive; not a natural part of

- the countryside
- Applicant advised panels would not be visible as the ground drops away by 4 feet and they were to be 4 feet high
 - Permission was granted for the panels to be sited 40 metres south, where the ground does drop away
 - Query why they have been put in the wrong place
 - Permission should be enforced to put the panels where they should be
 - Panels should be put on the roof when the modern building is built, as previously agreed
 - Was told they would be put on the roof within 3 years
 - Application states the nearest property is 200 metres to the south; this is wrong as my property is the nearest at just 60 metres north; holiday let is even closer
 - Panels have done demonstrable harm to me through visual impact
 - Likely impact on tourism in relation to log cabin holiday let; tourism should be promoted
 - Hedge planting is not the answer; would have to be a very tall hedge
 - Is against my human rights

5.0 THE MAIN ISSUES

- Background to the application
- Principle of development
- Siting, scale and design
- Residential and local amenity considerations
- Ecological, agricultural and drainage considerations

6.0 OFFICER APPRAISAL

6.1 Background to the application

- 6.1.1 Planning permission was granted in December 2015 for the installation of a ground-mounted solar photovoltaic array on agricultural land to the south-west of Stapleton Grange, Longden (ref. 15/04399/FUL). The application sought permission for the retention of the panels for a temporary period of three years, following which it was intended to relocate the panels onto the roof of an adjacent building. As such, permission was granted subject to a condition that the panels were removed within three years.
- 6.1.2 The panels were installed in January 2016. In July 2016 a planning application was submitted to seek the permanent retention of the solar panels (ref. 16/03325/VAR). The planning application stated that “on reflection and having regard to the cost implications, both of initial installation and those involved in potentially moving the panels to the roof of a building, it is not considered that the development as undertaken has resulted in any demonstrable harm to the appearance of the area and the permanent siting of the array is acceptable, and therefore the need to relocate cannot be substantiated on planning grounds Indeed, it may be considered that roof mounted panels would be more conspicuous than the ground mounted that exist.”
- 6.1.3 A site visit by the Case Officer identified that the panels had not been constructed in the approved position. They are approximately 40 metres to the north of their approved location. Following advice from officers the applicant withdrew that application and submitted the current application.

6.2 **Principle of development**

6.2.1 Applications need to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a key material consideration, and one of its core planning principles is to support the transition to a low carbon future. This includes encouraging the use of renewable resources. Planning Practice Guidance on Renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals (see Section 10.2 below) and states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.

6.2.2 The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 9), and that renewable energy generation is improved where possible (Policy CS6). Core Strategy Policy CS8 positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

6.2.3 The proposed development is small in scale, nevertheless the NPPF states that local planning authorities should recognise that such small projects provide a valuable contribution to cutting greenhouse gases. It is intended that the electricity produced would be used to meet the needs of the adjacent property that is currently being constructed, with any excess being exported to the National Grid. The proposal would provide environmental benefits through the generation of renewable energy thereby reducing demand for electricity produced by non-renewable means. As such the principle of the proposal is in line with planning policies and national guidance.

6.3 **Siting, scale and design**

6.3.1 The application site occupies a countryside location adjacent to Stapleton Grange, and as such Core Strategy policy CS5 is relevant. This seeks to control new development in the countryside. It states that development on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to types including: small-scale new economic development diversifying the rural economy, including farm diversification schemes; required community uses and infrastructure which cannot be accommodated within settlements.

6.3.2 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value.

The proposed development would extend the footprint of the development at Stapleton

6.3.3 Grange and comprises an incursion into open countryside. Stapleton Grange is a relatively large development, and includes a sizeable residential property with detached four-bay garage block, an agricultural building and another building with permission for conversion to a dwelling. The proposed solar array is small in scale in relation to the adjacent development. The visibility of the panels in the local area would be limited by the screening provided by the Stapleton Grange development, and by the small orchard to the north as it develops. In addition, it is proposed to plant a hedgerow along the northern side of the panels. In time this would assist with assimilating the row of panels within the landscape.

6.3.4 The relocation of the panels to a roof of one of the buildings at the adjacent Stapleton Grange development is likely to be a more acceptable option than the retention of the panels as proposed, given that a rooftop location would be likely to be less visible in the local area. Nevertheless the proposed siting has advantages over the permitted location as it is closer to the group of buildings comprising Stapleton Grange, and is not as isolated. It is considered that the single row of panels would have limited impacts on the landscape character of the area, and it is considered that the siting is acceptable in relation to the function of the installation and the need for a south-facing array. As such it is considered that the siting, scale and design of the proposal is acceptable.

6.4 **Residential and local amenity considerations**

6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. Policy CS16 seeks to protect and enhance tourism in the county.

6.4.2 The panels would be sited approximately 40 metres from the boundary of Little Vinnals to the north, and approximately 55 metres from the dwelling itself. It would be sited approximately 35 metres from the approved site of a holiday cabin at Little Vinnals for which planning permission was granted in September 2016. The panels would be visible from Little Vinnals, particularly from the first floor windows of the dwelling. The objection raised by the local resident, including the reference to the harm that is being caused due to visual impact, is noted. However given the limited scale of the development, the intervening existing and proposed trees and hedgerow, and the distance it is not considered that the panels would have an overbearing impact on the property.

6.4.3 Any views from the permitted holiday cabin would be at an angle due to the orientation of the building. They would be partially screened by the existing hedgerow adjacent to the cabin, and by the existing orchard trees and proposed hedgerow as these develop. It is not considered that the presence of the solar panels would have a significant impact upon tourism benefits of the cabin.

6.4.4 It is not considered that the noise output from the photovoltaic system would be significant, and the site is located a satisfactory distance from receptors to ensure that adverse noise impacts do not arise. The nearest property to the south of the site is approximately 250 metres away and given this distance and the presence of some intervening vegetation it is not anticipated that adverse impacts from glint or glare would arise. It is not considered necessary to revoke the existing temporary permission as this would expire within three years in any event.

6.5 **Ecological, agricultural and drainage considerations**

6.5.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development enhances, incorporates or restores natural assets. Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. The siting of the solar panels does not raise any particular ecological issues. The design of the array would allow for sheep grazing to take place around the installation. The Drainage Officer has confirmed that the proposal would not alter the surface water drainage characteristics of the site.

7.0 CONCLUSION

7.1 The proposed installation of ground-mounted solar panels on land at Stapleton Grange would provide renewable energy for the use of the applicant's domestic property and farm buildings. It would contribute towards a reduction in carbon emissions and as such it is supported in principle by both national and local planning policy. The proposal would affect a relatively small area of agricultural land which could be retained in grazing use if desired. It would be sited a sufficient distance from residential properties to avoid adverse impacts on residential amenity due to scale or overbearing.

7.2 The proposal would result in an increase in the footprint of the built development at Stapleton Grange into open countryside. However in the context of the large development at Stapleton Grange, the limited scale of the array, and the existing and proposed trees and hedgerows in the area, it is not considered that the proposal would adversely impact upon the landscape character of the area. As such the proposal can be accepted in relation to local and national planning policies and that planning permission can be granted subject to the conditions set out in Appendix 1.

8. Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9. Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS13 - Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

11/04061/AGR Formation of vehicular access for agricultural purposes PNAGR 5th October 2011

12/03770/FUL Proposed replacement dwelling GRANT 21st November 2012
 13/00178/FUL Erection of replacement dwelling, formation of new access and demolition of existing barn (re-submission) (amended description). GRANT 21st February 2013
 13/03950/FUL Application under Section 73a of the Town and Country Planning Act 1990 for the conversion of existing Groom's accommodation into a domestic annex GRANT 26th November 2013
 14/03129/FUL Amendment to planning permission reference 12/03770/FUL to provide an amended replacement dwelling design including a detached 4 bay garage (amended description) GRANT 4th November 2014
 15/01837/AMP Amendments to Planning Application 14/03129/FUL for the amendment to planning permission reference 12/03770/FUL to provide an amended replacement dwelling design including a detached 4 bay garage (amended description) GRANT 14th May 2015
 15/04399/FUL Installation of ground mounted solar PV array GRANT 16th December 2015
 16/00123/FUL Demolition of existing agricultural building and erection of a replacement modern building WDN 4th March 2016
 16/00231/FUL Erection of curved entrance wall together with supporting pillars and vehicular and pedestrian access gates REFUSE 24th February 2016
 16/01560/FUL Erection of curved entrance wall together with supporting pillars and vehicular access gates (Re submission of 16/00231/FUL) GRANT 7th June 2016
 16/01563/FUL Demolition of existing agricultural building and erection of a replacement modern building. (Re-submission of 16/00123/FUL) GRANT 17th May 2016
 16/03278/FUL Conversion of existing agricultural building into 1No dwelling GRANT 21st December 2016
 16/03325/VAR Variation of Condition No.3 attached to permission 15/04399/FUL to allow for the ground mounted solar PV array to remain on a permanent basis WDN 14th September 2016
 SA/02/0258/F Erection of 2 storey side extension, single storey porch extension and a detached garage and games room (amended description) PERCON 3rd May 2002

11. Additional Information

[View details online:](#)

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

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.

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

2. Within two months of the date of this planning permission a landscaping scheme shall be submitted for the approval in writing of the local planning authority. The submitted scheme shall provide details of tree and/or hedgerow planting at the site (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') and include details of species, spacing, planting method, protection and management. The planting shall be carried out in full compliance with the approved scheme, and within the first available planting season following approval of the scheme. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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Committee and date
 Central Planning Committee
 16 February 2017

Item
8
 Public

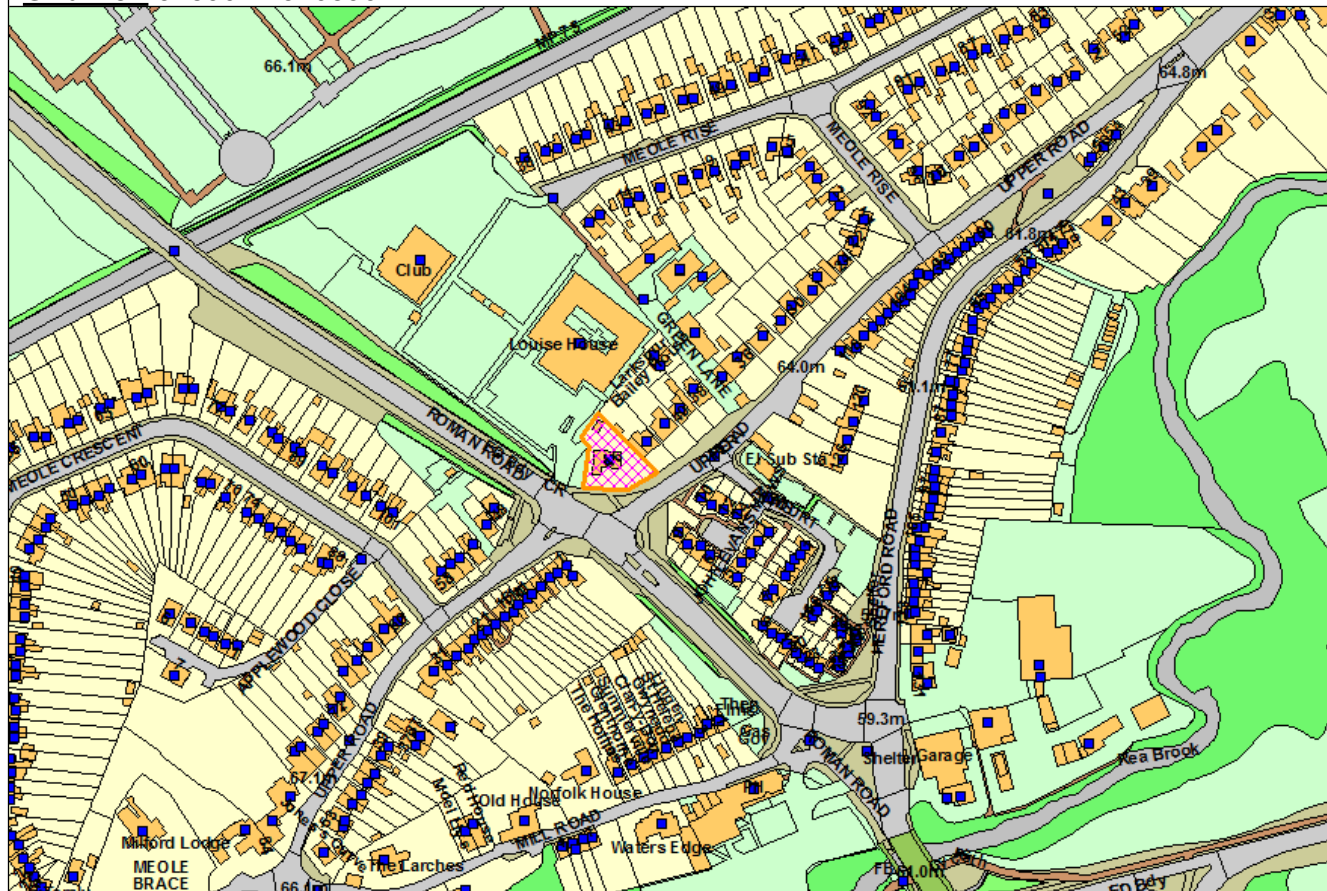
Development Management Report

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

Summary of Application

Application Number: 16/05264/FUL	Parish:	Shrewsbury Town Council
Proposal: Change of use from Children's Care Home (C2) to 5 Bedroomed Care Home for Adults with learning Difficulties (C3(b)).		
Site Address: The Rowans 46 Upper Road Shrewsbury SY3 9JQ		
Applicant: Shropshire Council		
Case Officer: Cathryn Robinson	email: planningdmc@shropshire.gov.uk	

Grid Ref: 348907 - 310896



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

REPORT

1.0 THE PROPOSAL

1.1 This application seeks permission for the change of use of the property The Rowans from a Children's Care Home (C2) to 5 Bedroomed Care Home for Adults with learning Difficulties (C3(b)).

2.0 SITE LOCATION/DESCRIPTION

2.1 46 Upper Court is a sizeable detached property occupying a corner plot positioned to the intersection of Roman Road and Upper Road; currently occupied as a residential care facility, the property is located within a generally residential context with the rear garden backing onto Council owned facility Louise House. The development site sits approximately North-East of the Meole Brace Conservation area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is made by the Council; as per the adopted 'Scheme of Delegation' this type of application will be determined by the relevant planning committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Shrewsbury Town Council

The Town Council raised no objections to this application.

4.1.2 SUDs

We have no comment from the drainage and flood risk perspective, regarding the change of use from Children's Care Home (C2) to 5 Bedroomed Care Home for Adults with learning Difficulties (C3(b)).

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site. Additionally twelve neighbouring properties were individually contacted by way of publicity.

4.2.2 At the time of writing this report, one representation had been received objecting to the scheme. The notable concerns raised are regarding the increase in occupancy and potential associated amenity compromises.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Impact on neighbouring amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all

planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 Policy CS8 'Facilities, Services and Infrastructure Provision' aims to develop sustainable places in Shropshire and maintain and enhance existing services and facilities. CS13 'Economic Development, Enterprise and Employment' concerns Shropshire Council, working with its partners, will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities. In doing so, particular emphasis will be placed on promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced.

6.1.3 This site has successfully operated as a Children's home for numerous years. It is now intended to utilize this property as assisted care accommodation for adults with learning disabilities. The required (minor) physical alterations to the building have been previously approved by application 16/04061/FUL, thus this application considers the use change only. Remaining as a residential care type use, the change of use as proposed is not overly significant its nature; thus the loss of the C2 residential institution is not of detriment.

6.2 **Impact on neighbouring amenity**

6.2.1 In terms of specific resident numbers and staffing issues, these are not material considerations required to be considered within this application; in regards to amenity, the Local Authority are required only to consider whether the use of this property as a C3(b) dwellinghouse would pose sufficient harm to neighbouring residents as to warrant the refusal of this application.

6.2.2 The nature of the proposed use is not entirely dissimilar from the existing thus, in terms of levels of daily activity at the property, it is unlikely that there shall be an increase significant enough to pose unacceptable harm in terms of amenity. The change to C3(b) use, in the long term, is likely to be of benefit to neighbouring residents due to the six-resident restriction imposed by this use class; the existing C2 use holds no cap on maximum occupancy.

7.0 **CONCLUSION**

7.1 The proposed use change is considered appropriate within this setting, and of no demonstrable harm in terms of residential amenity. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is 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**

CS8 - Facilities, Services and Infrastructure Provision
 CS13 - Economic Development, Enterprise and Employment
 Economic Development, Enterprise and Employment
 National Planning Policy Framework

Relevant planning history:

16/04061/FUL Internal and External alterations GRANT 29th November 2016

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 Amy Liebich
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.

-



Committee and date
 Central Planning Committee
 16 February 2017

Item
9
 Public

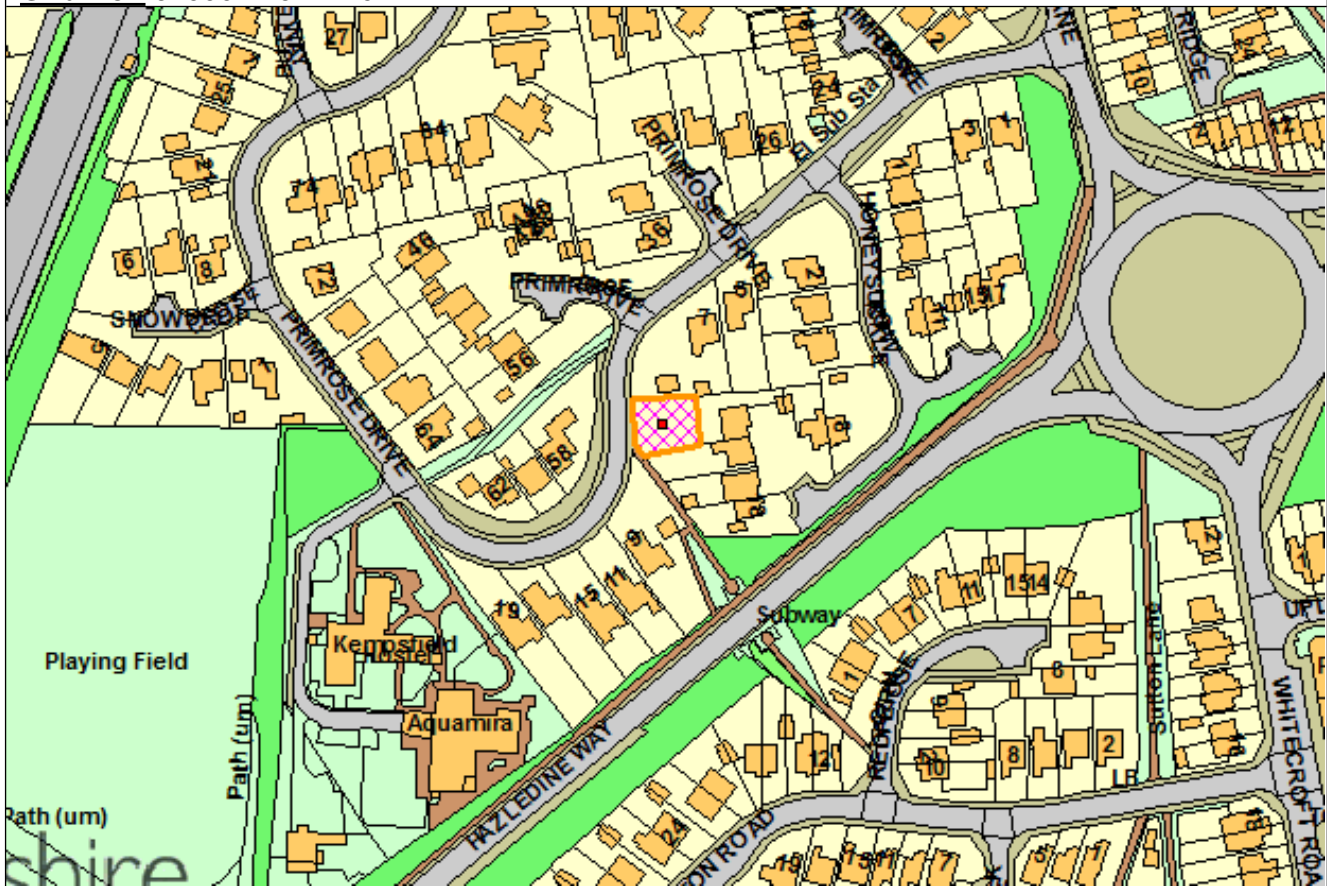
Development Management Report

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

Summary of Application

<u>Application Number:</u> 16/05410/FUL	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Erection of single detached dwelling and garage; formation of vehicular access		
<u>Site Address:</u> Proposed Dwelling On The East Side Of Primrose Drive Shrewsbury Shropshire		
<u>Applicant:</u> Mr Mario Nicholas		
<u>Case Officer:</u> Luke Ashley	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 349907 - 311226



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal seeks to erect a two storey dwellinghouse sited on Primrose Drive. The dwelling is set behind No.12 Honeysuckle Row and adjacent to No.9 Primrose Drive.
- 1.2 A single storey garage will be erected between the dwelling and No.9 Primrose Drive with an interface distance between the host structure and No.9 being 15m. The new dwelling will exhibit 3no. front dormer windows, be brick built and will be set off the front boundary by 3m.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The plot under consideration is currently open with mature vegetation providing a screen into the site. The only access into the site is gained on a moderate bend on Primrose Drive, which itself is speed restricted to 30mph.
- 2.2 The location is suburban in nature with relatively recently constructed properties constructed at varying angles and interface distances. The site is surrounded to the front and side by existing dwellings although views into the site are restricted.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Objection received from local ward member. In light of this objection the proposal is therefore required to be heard before committee as set out in Part 8 of the Shropshire Council Constitution.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

- 4.1.1 **SUDS** – no objection
- 4.1.2 **SC Highways** – no objections
- 4.1.3 **Affordable Houses** – no payment required
- 4.1.4 **Cllr Tandy** - object to this second application as it is no different to the first application, which our officers refused. The only difference is a matter of 3 metres, bringing the proposed development even closer to the road than previously proposed. The surrounding residents still strongly feel that the application is overlooking their properties and the application still does not address the issues raised upon its first application. Therefore I shall simply repost my previous comments: 'I wish to object to this application. This is back garden development which is too near to a public footpath. I also object to the proposed driveway as it is right on the bend of the road. Cars and vans park on the road very near this area and this would obstruct the vision of cars coming out of the proposed drive way. The Detached Dwelling is overbearing for residents within the area and overlooks their back gardens. I wish this application to go to committee for consideration.' To sum up, this application should be objected and sent to committee for determination.

4.2

- Public Comments

4.2.1 13no. public objections received. For brevity the objections are précised below;

- The garden space provided would also be considered much too small for a house this size and would be out of keeping with the form of development in this locality
- The planned property it is being Shoe-Horned into a space that is inadequate to accommodate a detached 3 bed house with a garage.
- The construction of the building is 2 metres or less from the public footpath on the gable end of the building which I find totally unacceptable, there is no other property on the estate which is so close to the public footpath
- The driveway does not provide enough space to turn a vehicle to allow access and egress from the site in forward gear and an expectation of reversing onto a road at the crown of a bend puts the safety of the driver and other road users at risk
- The proposed new build has an overbearing and overshadowing impact that will be extremely close to the rear of our property on a downwards slope from the proposed 3 bed detached which would look directly into our bedroom encroaching on our privacy.
- The proposed planning application is a problem as my neighbour and I have had to unblock the sewerage drains a number of times, so it would not be able to take another property on the same drainage system otherwise it would be a serious problem for ourselves in the future.
- The proposed property will bring increased traffic through this already busy area of the estate. The estate and road layout/safety wasn't designed for all these additional properties
- The proposed location is also on a sharp S bend corner with public footpath entrances on both sides of the road which I believe could be a health and safety issue, not only during construction but once completed as vehicles are exiting (especially reversing) and parking outside the proposed property.
- This proposed building will yet again involve loss of garden land and will affect the open aspect of the neighbourhood
- Currently within Shrewsbury there already are large new developments taking place, so I do not believe there is a demand for one additional property
- Despite the planned development being amended from the original application we feel this has now made it more unacceptable by moving the proposed development even closer to the roadway fence and entrance to the footpath
- Vehicles visiting the nearby hostel, where parking is very limited, regularly park over this roadway and therefore any further driveways will become a major problem for both residents and drivers.
- Whilst it cannot be argued that the current Leylandii Conifers bordering the proposed building plot are the most aesthetically pleasing to the eye, it also cannot be disputed that they are currently absorbing a high volume of water from the surrounding surface area. Even now, as recently as 3 weeks ago, the surface water from the immediate vicinity drained away into the nearby underpass where it accumulated to a depth of approx. 8 inches rendering the underpass unusable.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure

- Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted SAMDev Plan.
- 6.1.2 The Council is satisfied it can demonstrate a deliverable 5 year supply of housing land to meet housing need through the sites identified in the SAMDev document and through provision of housing across the county through the community hub and cluster approach. The Council therefore considers the housing policies contained within the Core Strategy up to date and should be attached full weight.
- 6.1.3 Policy CS1 of the Shropshire Core Strategy states that Shropshire will flourish, accommodating investment and new development to contribute to meeting its needs and to make its settlements more sustainable, delivering over the plan period 2006-2026, around 27,500 new homes, of which 9,000 will be "affordable housing", around 290 hectares of employment land, and accompanying infrastructure across Shropshire in the following places. Shrewsbury, as a sub-regional centre and Shropshire's growth point, will be the focus for significant retail, office and employment development, and accommodate approximately 25% of Shropshire's residential development over the plan period;
- 6.1.4 Policy CS2 states that a comprehensive and co-ordinated approach will be pursued to the planning and development of Shrewsbury. The approach, encapsulated by the Shrewsbury Vision, integrates elements of housing, economic, transport, community and environmental policy, and will enable the town to achieve a significant level of housing and economic growth linked with infrastructure improvements, whilst protecting and enhancing the town's role, character and the unique qualities of its historic built and natural environment. Shrewsbury will provide the primary focus for development for Shropshire, providing approximately 25% of its additional housing for the period 2006-2026 (approximately 6,500 dwellings - 325 dwellings per annum) and 90 hectares of employment land.
- 6.1.5 SAMDev Policy Md1 states that further to the policies of the Core Strategy:
1. Overall, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2.
 2. Specifically, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4.

6.1.6 The development plot is located within Shrewsbury which has been identified as the main location for housing growth within the region. Shrewsbury is well served by services which are required by householders and there are transport links available to the future residents of the dwelling. In this regard it is considered that the location is sustainable and the principle of development has been demonstrated.

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

6.2.1 Core Strategy Policy CS6 states that;

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness.

6.2.2 It further states that that all 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.

6.2.3 SAMDev Policy MD2 states that to respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set. As such, new development should respect the existing pattern of development, both visually and in relation to the function of spaces, retain and enhance important views and landmarks and respond appropriately to local environmental and historic assets, in accordance with MD12 and MD13

6.2.4 Officers consider that the details submitted within the application illustrate a moderately sized dwelling, constructed using appropriate materials and demonstrating a vernacular which would not appear to be out of kilter with surrounding buildings. Moreover, the design of this dwelling would appear to lift the built quality within the immediate location and the proposal is considered appropriate in terms of design quality.

6.2.5 It is recognised that the building has moved forward within the plot provided and will be set 3m away from the front boundary. Objections raised have made reference to this issue, however it is considered that on balance, a 3m set back away from the front curtilage of the site at this particular location would not represent an obtrusive built form. There are other built elements within the street scene that come closer to the public highway than the proposed dwelling, and due to the boundary treatment included within the application this proposal is not considered unacceptable.

6.3 **Residential Amenity**

6.3.1 A previous application on this site (16/04175/FUL) was refused on the grounds that the dwelling would represent an oppressive and overbearing structure when viewed from neighbouring properties. This assessment was based on the insufficient interface distances provided by the applicant and it was considered within the original officer report that “new to new principal rear elevations for 2 storey properties should achieve a minimum of 20 meter offset with minimum garden depths of 10 metres”.

6.3.2 The current application which has since been submitted to the LPA has addressed this issue and the required interface distances mentioned above have now been provided on site. In this regard officers advise that the LPA can no longer consider that the building would represent an oppressive built form as the dwelling will be set away from neighbouring properties to a sufficient degree whilst also providing a 10m rear garden area.

6.4 **Access**

6.4.1 SC Highways have commented that subject to conditions, the proposal would not represent any untoward highway safety issues. It was considered that Primrose Drive is a winding estate road governed by a 30mph speed limit. Other houses on the estate have accesses close to bends but because of the open aspect of the estate, this arrangement works effectively.

6.4.2 SC Highways have also stated that due to the inclusion of a new-build on Primrose Drive which will neighbour the proposed house, the view around the bend is more constrained and for this reason, it is considered that the fencing around the hardstanding of the driveway be reduced to a height of no more than 600mm and that vegetation to the frontage be planted to grow no higher than 600mm to allow for a visibility splay to view approaching pedestrians on the footway which leads immediately to a footpath to the shops on the neighbouring estate.

6.4.3 Furthermore, due to the constraints of the site with daytime parking in the vicinity by visitors to nearby facilities, a construction management plan will be required to assist in the maintenance of the free-flow of traffic in the area.

6.4.4 In regards to the above it is considered that subject to the conditions recommended by the highways authority the proposal would be acceptable.

7.0 **CONCLUSION**

7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle. It is not considered that there would be any significant adverse impacts of the proposal that would outweigh the benefits. The proposal would not result in the loss of any significant trees, and have no adverse highway implications subject to conditions being imposed. The building is considered appropriate in its design and would also lead to an enhancement of the site in terms of its visual appearance. It is therefore considered that the proposal accords with Shropshire Core Strategy policies CS6, SAMDev policies MD1, MD2 and the aims and provisions of the NPPF.

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:
CS4, CS6, CS9, CS11

SAMDev:
MD2, MD12, S18

Relevant planning history:

16/04175/FUL Erection of single detached dwelling and garage REFUSE 2nd November 2016

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Jon Tandy Cllr Ted Clarke Cllr Jane Mackenzie
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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 details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/ use hereby approved is occupied/brought into use.

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

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

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

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

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

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

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

- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

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

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

7. No gates are to be provided to close the proposed access from the carriageway.

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

8. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

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

8. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

- Residential Dwellings per hectare Change allowance % of impermeable area
- Less than 25 10
- 30 8
- 35 6
- 45 4
- More than 50 2
- Flats & apartments 0

- Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.

Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.

-

Development Management Report

Responsible Officer: Tim Rogers

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

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	15.08.2016
Date of appeal decision	23.12.2016
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	14/01425/OUT
Appeal against	Appeal Against Refusal
Appellant	Mrs P A Roberts
Proposal	Outline application for the erection of a detached dwelling to include means of access
Location	Proposed Dwelling Adjacent Karriholme Nobold Lane Shrewsbury
Date of application	31.03.2014
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	01.03.2016
Date of appeal	24.08.2016
Appeal method	Written Representations
Date site visit	06.12.2016
Date of appeal decision	06.01.2017
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	16/03405/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr Russell Hamer
Proposal	Erection of 1.no open market detached dwelling with balcony and revised access.
Location	Proposed Dwelling North Of Nevada Pontesbury Hill Shrewsbury
Date of application	01.08.2016
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	22.11.2016
Date of appeal	24.11.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	16/03558/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr John Jones
Proposal	Erection of detached dwelling.
Location	Proposed Dwelling North Of 174 Underdale Road Shrewsbury Shropshire
Date of application	10.08.2016
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	23.09.2016
Date of appeal	28.11.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	15/05527/OUT
Appeal against	Appeal Against Refusal
Appellant	Mr Selwyn Lakelin
Proposal	Outline application for the erection of 1 No dwelling (to include access, appearance, layout and scale) (re-submission)
Location	Land At Pontesford Hill Pontesbury Shropshire
Date of application	18.12.2015
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	20.07.2016
Date of appeal	23.11.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	16/01530/FUL
Appeal against	Appeal Against Refusal
Appellant	Mr & Mrs J Pike
Proposal	Erection of a subterranean residential dwelling
Location	Land North Of Solitaire Exfords Green Shrewsbury
Date of application	11.04.2016
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	08.06.2016
Date of appeal	04.11.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	16/02691/CPL
Appeal against	Appeal Against Refusal
Appellant	Mr C Nedic
Proposal	Application for Certificate of Lawfulness for the proposed use of land for up to 12 No caravans for the purposes of human habitation throughout the year
Location	Pool View Caravan Park Much Wenlock Road Buildwas Telford
Date of application	17.06.2016
Officer recommendation	Certificate Not Lawful
Committee decision (delegated)	Delegated
Date of decision	09.09.2016
Date of appeal	23.11.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	16/02745/CPL
Appeal against	Appeal Against Refusal
Appellant	Mr C Nedic
Proposal	Application for Certificate of Lawfulness for the proposed use of land for up to 20 No caravans for the purposes of human habitation throughout the year
Location	Pool View Caravan Park Much Wenlock Road Buildwas Telford
Date of application	21.06.2016
Officer recommendation	Certificate Not Lawful
Committee decision (delegated)	Delegated
Date of decision	09.09.2016
Date of appeal	23.11.2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	16/01327/OUT
Appeal against	Appeal against Refusal
Appellant	Severnside Housing
Proposal	Outline application (all matters reserved) for residential development
Location	Monkmoor Trading Estate Monkmoor Road Shrewsbury
Date of application	29.03.2016
Officer recommendation	Refuse
Committee decision (delegated)	Delegated
Date of decision	05.08.2016
Date of appeal	21.09.2016
Appeal method	Written Reps
Date site visit	
Date of appeal decision	03.02.2017
Determination time (weeks)	
Appeal decision	DISMISSED
Details	

LPA reference	15/05522/OUT
Appeal against	Refusal
Appellant	Mr Malcolm Tipton
Proposal	Outline application for residential housing development to include means of access (re-submission)
Location	Moorlands Kennels Station Road Condover Shrewsbury SY5 7BS
Date of application	20.01.2016
Officer recommendation	Refuse
Committee decision (delegated)	Delegated
Date of decision	03.08.2016
Date of appeal	
Appeal method	Written reps
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

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Appeal Decision

Site visit made on 15 August 2016

by **JP Roberts BSc(Hons), LLB(Hons), MRTPI**

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

Decision date: 23rd December 2016

Appeal Ref: APP/L3245/W/16/3149201

Land off Hinwood Road, Asterley, Shropshire SY5 0AR

- 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 Asterley Equestrian Ltd against the decision of Shropshire Council.
 - The application Ref 15/02738/FUL, dated 24 June 2015, was refused by notice dated 27 October 2015.
 - The development proposed is the 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.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. Although the application is made in the name of Asterley Equestrian Ltd, two directors of the company, Mr and Mrs Avery are referred to in the appellants' submissions as being those involved with the proposal, and I shall therefore refer to them as the appellants.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the Council's housing strategy for the area;
 - ii) the effect of the proposal on the character and appearance of the surrounding area,
 - iii) whether the rural business arguments justify an exception being made to policies which aim to restrict residential development in the countryside.

Reasons

Housing strategy

4. The appeal site comprises several fields to the north of, and abutting the built-up area of the village of Asterley. Shropshire Core Strategy (CS) Policy CS4 provides that in the rural area, communities will become more sustainable by focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these

settlements unless it meets Policy CS5. Asterley is not one of the designated settlements and thus is treated as being part of the countryside.

5. In turn CS Policy CS5 repeats the strict controls applicable in the countryside, indicating that a number of exceptions may be made which include dwellings to house agricultural, forestry or other essential countryside workers. It also says that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to dwellings to house essential countryside workers, amongst others. It goes on to say that for such developments applicants will be required to demonstrate the need and benefit of the proposal and that developments will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.
6. The proposal is not within a recognisable named settlement or linked to an existing business, and thus the proposal falls outside of the remit of this policy. I shall refer to the rural business arguments in more detail below.
7. The CS was adopted prior to the publication of the National Planning Policy Framework (the Framework) which does not preclude development in the countryside as strictly as set out in CS Policies CS4 and CS5. However, Shropshire Council Site Allocations and Management of Development (SAMDev) Plan was adopted more recently, in September 2015, and Policy MD7a embraces the control of development outside of the places identified in the CS policies to which I have referred. As the SAMDev Plan was found to be sound, having regard to the provisions of the Framework, I consider that the policies on which it is based should be considered to be broadly consistent with the Framework.
8. In the absence of a rural business related justification, the proposal would conflict with the above mentioned policies. Following the Teal Drive decision¹ and recent appeal decisions, the appellants accept that the Council can demonstrate a 5 year supply of housing land and therefore the relevant policies for the supply of housing land should not be considered to be out of date. In the absence of a rural business justification, which I shall examine below, the proposal would conflict with the Council's housing strategy for the area, and would conflict with the policies which I have referred to above.

Character and appearance

9. The proposed dwelling would be a large four-bedroom house with a detached triple garage. It and the proposed detached garage would be separated from the nearest part of the built-up area of Asterley by a small copse within the appeal site.
10. The house would be seen from Hinwood Road and from the public footpath which crosses the site to the south of the proposed dwelling. Although well-designed, the house would extend built development into an otherwise undeveloped field, and would encroach into the countryside. I find that this would cause some small harm to the intrinsic character of the countryside and would conflict with the aim of CS Policy CS5.

¹ Ref: Shropshire Council v Secretary of State for Communities and Local Government & Others [2016] EWHC 2733 (Admin)

Rural business and other benefits

11. The appeal site is currently used for equestrian purposes for recreational use, in connection with the appellants' home, The Stables, located immediately to the south-east of the appeal site, and from where access to the stables is obtained. The site, part of which was a former tip, has been developed over the last 14 years or so to provide stable buildings on the southern edge of the site, a ménage, and paddocks. The site has been improved with extensive planting and the provision of access ways.
12. The business is intended to be run by Mrs Avery, who has extensive equestrian experience and has a British Horse Society qualification, and both appellants have demonstrated having considerable business success in other ventures. The business would specialise in post-operative recuperation, in which a gap in the market has been identified, along with specialist riding instruction, the running of training events and the provision of opportunities for local horse owners to use their facilities. In addition to Mrs Avery, it is intended that there would be 2 part time employees.
13. The appellants are specifically not seeking a rural workers' dwelling, acknowledging that the proposal would not comply with the Council's size restrictions on such dwellings, although they are willing to accept an occupancy or live/work condition if deemed necessary. However, the rural business arguments are nevertheless relevant material considerations, and it is in any event appropriate to assess the proposal against the Council's policy for dwellings for rural workers.
14. Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD7a says that dwellings to house essential rural workers will be permitted if there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, and, in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business.
15. Notwithstanding the appellants' business and equestrian knowledge and experience, the business would be a new venture, and is thus unproved, and there is no existing need. A number of letters from those with expertise and knowledge of the local equestrian market have supported the proposal, and this adds to the credibility of the proposed enterprise. However, the business has not yet commenced, and despite all the factors which the appellants' have referred to in support of the proposal, until the business is up and running, and it being shown that it is capable of being sustained in the long-term, the essential need for a dwelling has not been proved.
16. The appellants argue that the business cannot be established until there is a suitable dwelling, and that they are unable to show an existing need until the business has commenced. Whilst I understand this conundrum, I consider that the close physical relationship between the existing houses and the paddocks and stables provides a solid, if not perfect, opportunity at least to start the business. In my view, an essential need cannot be shown on the basis of a speculative enterprise, even one which is backed by the appellants' resources, experience, expertise and succession planning.

17. Furthermore, whilst I recognise that there is a need for someone to be on hand at all times to care for recuperating horses, I share the Council's view that the existing dwelling, just 25m or so away from the stables, would be suitably located to provide that close supervision. The proposed dwelling would be more than 170m away from the nearest stable building, with trees disrupting the line of sight. The appellants have referred to their experience of hearing the sound of disturbed horses in the stables from their home, but this would be more difficult at such a distance.
18. Whilst a house sited in the proposed location would offer better security for the site overall, other measures could be taken, which, whilst not as good as direct passive surveillance, may nevertheless help to deter thieves or trespassers, such as alarms, CCTV, infra-red cameras and motion sensors. In any event, security on its own is unlikely to justify a dwelling. As a public footpath runs across the southern part of the site, some distance away from the site of the proposed house, security is always likely to be an issue, and in my view, even without a direct line of sight, the existing dwelling is well-placed to provide close at hand supervision of the stables and closest paddocks.
19. I also consider that the large size of the dwelling would not be justified on the basis of a proven essential need. Whilst there may be a need for clients to stay at the premises, this demand is untested, and this adds to my concerns about the proposal.
20. I recognise that the proposal would benefit from both local and national policies which support rural enterprise, and I have had regard to the direct and indirect economic benefits which would flow from the business. Even so, the economic benefits would be relatively modest and do not outweigh the harm that I have identified above. I therefore find that the rural business arguments are insufficient to outweigh the harm that I have found, and that the proposal would conflict with SAMDev Policy MD7a.

Other matters

21. I have had regard to the support from local people. I have also taken into account that the proposal would enable the existing access to the stables, which is close to neighbours' houses, to be closed, eliminating a source of occasional noise. However, neither of these is sufficient to alter my conclusion.
22. I have also been told that the Council has acted inconsistently by approving new dwellings in circumstances said to be less deserving than this. However, I have insufficient information about all the arguments in those cases, and thus can afford them little weight. I recognise that the appellants have carried out significant investment in the site, improving its appearance from what I am told was a former tip. Whilst such improvements are to be applauded, they do not alter the balance of planning arguments in this case.

Conclusion

23. For the reasons given above, I conclude that the proposal would not amount to sustainable development, and would conflict with the development plan as a whole, and that the appeal should be dismissed.

JP Roberts
INSPECTOR

Appeal Decision

Site visit made on 6 December 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 06 January 2017

Appeal Ref: APP/L3245/W/16/3157265

Karriholme, Nobold Lane, Nobold, Shrewsbury SY5 8NW

- 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 Mrs PA Roberts against the decision of Shropshire Council.
 - The application Ref 14/01425/OUT, dated 28 March 2014, was refused by notice dated 1 March 2016.
 - The development proposed is erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal was submitted in outline with only access to be decided at this stage and details of appearance, landscaping, layout and scale reserved for later consideration. Therefore, I have treated the submitted block plan as illustrative only. I have considered the appeal on that basis.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location, given that the appeal site lies outside any development boundary.

Reasons

4. The appeal site is located within the small settlement of Nobold about 2.5 miles south west of the centre of Shrewsbury. It consists of a roughly square plot to the north of two existing bungalows and south west of six barn conversion units known as 'The Barns'. Despite its proximity to the outskirts of Shrewsbury, the site backs onto an agricultural field with a former farmstead opposite and the settlement is surrounded by open countryside giving it a rural character.
5. A strategic approach to development is elaborated in Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (CS).¹ It focuses approximately 25% of housing development over the plan period 2006-2026 on Shrewsbury, with 40% allocated to market towns and other key centres and 35% elsewhere, as part of a 'rural rebalance' approach to make rural areas more sustainable. The Shropshire Council Site Allocations and

¹ March 2011

Management of Development (SAMDev) Plan² seeks to deliver the strategic objectives including sustainable development set out in the CS.

6. Amongst other things, the SAMDev aims to achieve the 'rural rebalance' referred to in CS Policies CS4 and CS5. It identifies rural settlements and community hubs and clusters where development would be predominantly focused. Policy CS4 indicates that development will not be allowed outside those community hubs and clusters unless it meets criteria specified in CS5. That policy strictly controls development in the countryside, reflecting national policy, limiting it to appropriate sites which maintain and enhance countryside vitality and character and improve the sustainability of rural communities by bringing local economic and community benefits.
7. CS5 encourages farm diversification schemes and dwellings for rural workers and other affordable housing to meet a local need. Whilst, the Council accept that the list is not exhaustive and includes conversions of rural buildings, CS5 does not generally countenance market housing being permitted in those locations.
8. Policy MD7a, in accord with policy CS5 of the CS, also says that new market housing will be strictly controlled outside of Shrewsbury, market towns key centres and community hubs and clusters. Exception site dwellings will be considered where they meet evidenced local housing needs and other policy requirements.
9. Nobold is not identified as a community hub or cluster within the SAMDev and is outside Shrewsbury's designated boundary defined in S16 of the SAMDev. The appellant accepts that, for planning purposes, it is classified as open countryside. Consequently, the proposal for a new market dwelling would conflict with the requirements of policies CS4 and CS5 of the CS and policy MD7a of the SAMDev.
10. The appellant suggests that Policy MD3 of the SAMDev allows for windfall sites providing they are sustainable development. However, the introduction to MD3 makes clear that whilst planning permission will also be granted for other sustainable housing such decisions will have regard to the policies of the Local Plan, including CS5 and MD7a. As already established they strictly control open market housing in the countryside and indicate that types of appropriate windfall development would relate to affordable housing to meet a local need, dwellings for rural workers and conversion of existing rural buildings. The proposal does not fall into those categories.
11. Parts 2 and 3 of Policy MD3 do refer to the presumption in favour of sustainable development but in the context of settlement housing guidelines which only apply to settlements identified in MD1 and S1-S18 i.e. market towns, key centres, community hubs and clusters. Nobold is not within those designations, and part 3 of MD3, which contemplates market housing outside settlement boundaries, only applies where a settlement housing guideline appears unlikely to be met. The Council hold that current indications are that housing targets will be met. Though that is disputed by the appellant, no clear evidence has been provided in support of that contention. Furthermore, the Council states that it can demonstrate a five year housing land supply which is acknowledged by the appellant in reference to appeal decision

² Adopted 17th December 2015

- APP/L3245/W/15/3001117. The appellant also accepts that housing supply policies in the CS and the SAMDev are considered up-to-date.
12. Paragraph 11 of the Framework, referring to section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, specifically states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
 13. The appellant submits that the proposed scheme should be determined in the context of the National Planning Policy Framework's (the Framework) 'presumption in favour of sustainable development' and paragraph 47's encouragement to 'boost significantly the supply of housing'. Paragraph 47, however, makes clear in its subsequent bullet points that the 'boost' should be delivered through the Local Plan. The appellant implies that these are material considerations which should override the development plan.
 14. The appellant concedes that there may be some conflict with the Core Strategy but submits that there is a general compliance with the overall objectives and aspirations of the CS and the SAMDev to deliver sustainable housing development. I do not agree with that view and consider that there is clear conflict with development plan policies for the reasons already explained. As a demonstrable five year supply of housing has been accepted, neither do I agree with that view that the conflict is outweighed by the presumption in favour of sustainable development and the need to increase the supply of housing.
 15. Furthermore, the presumption in favour of sustainable development exists within the circumstances set out in Paragraph 14 of the Framework. Local Plans are intended to be the means by which sustainable development is secured and delivered, as confirmed in Paragraph 15 of the Framework. Though the CS predates the Framework by a year, the Council carried out a conformity checklist exercise on the publication of the Framework in 2012 and I am satisfied that the CS policies relevant to this appeal are largely consistent with the Framework. Furthermore, the method of delivery is the SAMDev, adopted in December 2015, which was examined to ensure its consistency with the Framework.
 16. The test for determining when the presumption in favour of sustainable development applies is contained within Paragraph 14 of the Framework. That test is whether the proposal is consistent or otherwise with an up-to-date Local Plan. Development that is in accord with an up-to-date Local Plan should be approved. Implicitly, therefore, the 3rd bullet point of Paragraph 14 directs refusal of a proposal that is inconsistent with a relevant and up-to-date plan. Such proposals cannot benefit from a presumption in favour of approval, as indicated by Paragraph 12. The scope for approval of proposals that conflict with an up-to-date plan is, therefore, limited. There is some opportunity depending on the weight given to the harm caused by conflict with the plan compared with benefits weighed against that conflict.
 17. A planning permission for a dwelling immediately adjacent to the appeal site, Ref 14/02394/FUL, and another planning permission, Ref 14/0350/OUT, for two detached dwellings nearby are referred to by the appellant. However, as the Council points out, those permissions were approved prior to the completion of the examination and adoption of the SAMDev which could not be given full

weight. In relation to 14/02394/FUL, it is also clear from the Officer's Report that at that time the Council could not demonstrate a sufficient five year supply of housing land.

18. Consequently, the development plan could not be considered up-to-date and the application benefited, in accord with Paragraph 49 of the Framework, from the weighted balance detailed in the fourth bullet point of Paragraph 14. It states that where the relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As the Council's ability to demonstrate a five year housing supply is not now in dispute, the appeal cannot be considered on that basis.
19. The appellant has also drawn my attention to three appeal decisions including Land adjacent to Park View, Broseley, Ref APP/L3245/W/15/3006489. It is pertinent that Broseley was identified by policy CS3 of the CS as a key centre, designated to accommodate additional development and though the site was outside the development boundary it was immediately adjacent to it. Furthermore, at that time the Council could only show a marginal five year supply of housing land whereas now it considers it has a healthy supply of 5.89 years.
20. The appeal site at The Bell Hotel Ref APP/L3245/W/15/3134152, though outside a development boundary, was part of a space used as an overspill car park for a public house and as a caravan site and considered to be previously developed land. It was on the edge of a village with a number of services and facilities. The decision also refers to a shortfall in the delivery of housing at that time. An appeal at Yew Tree Inn, Ref APP/L3245/W/3149461, though outside a development boundary, again relates to part of car park, which would also be considered previously developed land. Therefore, whilst there are similarities, I do not consider that there are direct parallels between the context and facts of those appeals and the appeal before me.
21. Five appeal decisions have also been cited by the Council³ which adopt a similar interpretation of Policies CS5 and MD7a and their relationship with MD3 as I have above. The consistent line of reasoning in those decisions is that CS5 and MD7a strictly control new market housing in the countryside and limit it to certain exceptions. Though MD3 indicates that in addition to allocated sites, permission will also be granted for other sustainable development, that is subject to various policies including Policies CS5 and MD7a.
22. I have considered the various planning permissions and appeal decisions put to me but I find a more direct comparison with the appeal decisions referred to by the Council. In any event, I have considered the appeal on its own merits.
23. As the proposal would be contrary to development plan policies and should therefore, normally be refused, it is also necessary to consider if there are other material considerations that would justify approval. There would be some economic and social benefits during the construction period in terms of employment and materials and a contribution to the supply of housing. Future residents would make a contribution to the local economy and the community.

³ APP/L3245/W/15/3138824, APP/L3245/W/16/3145470, APP/L3245/W/15/316043, APP/L3245/W/16/3150475 & APP/L3245/W/15/3138752

Inevitably, however, such benefits would be limited as the proposal consists of one dwelling. Furthermore, there is nothing to suggest that similar benefits could not be achieved by other proposals within development boundaries as the Council has a five year supply of deliverable housing land.

24. In environmental terms, the appellant submits that the appeal site is located 1km south of a local shopping centre at Radbrook and 500 metres south west of a convenience store in Meole village on the outskirts of Shrewsbury. There is a bus service on the nearby Longden Road and some local services and employment sites within the area. As I observed on my site visit, however, Nobold Lane is essentially a long country lane with very limited pavement or indeed verge. Similarly, Longden Road which is a busy main road connecting to the lane is not pedestrian-friendly. Therefore, I consider that it is likely that the majority of journeys associated with the development would be made by private motor car.
25. Furthermore, I agree with Council that the immediate vicinity of the site has a rural character backing onto an expanse of open countryside with converted barns and former farmsteads. The strategic approach, designations and allocations contained in the CS and the SAMDev and, in particular, Policies CS5 of MD7a are intended to strictly control and manage development in the countryside in accord with the Framework and paragraph 55.
26. The above factors, lead me to conclude that the proposed development would not be in a suitable location, given that it is outside any development boundary. It would, therefore, conflict with policies CS1, CS4 and CS5 of the CS, which amongst other things seek to focus development on market towns and other key centres, community hubs and clusters and only allow development outside development boundaries in limited circumstances.
27. The proposal would also be contrary to policies MD1, MD3, MD7a and S16 of the SAMDev insofar as they also seek to ensure development boundaries are respected and restrict new dwellings in the countryside to specific exceptions and other limiting criteria. Overall, I do not consider that there are sufficient significant material considerations that would justify departing from the policies of the development plan in this case.

Conclusion

28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR

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Appeal Decision

Site visit made on 10 January 2017

by **I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

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

Decision date: 03 February 2017

Appeal Ref: APP/L3245/W/16/3159221

Former Hathaway Site, Monkmoor Road, Shrewsbury, Shropshire SY2 5TZ

- 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 Severnside Housing against the decision of Shropshire Council.
 - The application Ref 16/01327/OUT, dated 24 March 2016, was refused by notice dated 5 August 2016.
 - The development proposed is residential development with all matters reserved. Total number of dwellings to be a reserved matter.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted wholly in outline. I have dealt with the appeal on this basis and I have taken the indicative site plan that has been submitted into account insofar as it is relevant to my consideration of the principle of residential development on the appeal site.
3. A section 106 agreement has been submitted which secures the provision of on affordable housing. Its terms are addressed in more detail within the decision.

Main Issue

4. The main issue in this appeal is whether the appeal scheme comprises sustainable development as defined in the National Planning Policy Framework('the Framework'), having regard to;
 - the effect of the proposed development on the historic environment; and,
 - the effect of the proposal on existing employment areas.

Reasons

5. The appeal site is previously developed land located in Shrewsbury in an accessible location within easy reach of its centre and the range of services and facilities that it has to offer. As a result, it is not a matter in dispute that, in principle, it constitutes a windfall site that accords with the development plan's spatial strategy for housing.

Historic environment

6. On the appeal site are two former military buildings: a large hanger that was constructed towards the end of World War One (WWI) and a workshop added to the site by the RAF during the Second World War (WWII). Nearby, to the north east of the appeal site, is a second hangar from WWI. Owing to their

- association with the RAF and the major conflicts of the last century both are non-designated heritage assets.
7. In assessing the significance of these buildings, and the effects of the proposal upon them, I have relied upon the submitted Heritage Statement and its update, the comments of the Council, appellant and other interested parties, together with my own observations.
 8. The hanger on the appeal site, and the hanger nearby to the north east, date from towards the end of World War One (WWI) and were used to accept, test and equip aircraft. In the inter-war period the hangars were put to other uses and during World War Two (WWII) were used to carry out repairs, or break up damaged aircraft. Since then these buildings have been subdivided internally and returned to commercial purposes. In my judgement, due to the age and relative rarity of hangers that date from WWI, indeed these are the only remaining WWI hangers in Shropshire, they of importance to the region. The significance of the hangers relates to their historical interest associated with the mass mobilisation of armaments production in WWI and their distinctive early twentieth century form of construction involving, for example, the use of all timber Belfast roof trusses.
 9. During WWII, the long semi-circular prefabricated workshop clad in corrugated metal sheeting was erected on the site to assist with aircraft work. As a common type of structure from this period used for repair work, in my view, it is a non-designated heritage asset of local importance.
 10. The WWI hanger building on the appeal site has been altered. However, whilst, for example, the large doorways in the ends of the building have been closed up, some windows replaced and some new window openings, door openings and internal walls inserted it is still legible as a former hanger. In terms of setting, with development that has occurred since both hangers were built almost 100 years ago, the surrounding open and green airfield context that existed at the time they were built has disappeared. The setting of the WWII building, which externally has been little altered, has also changed due to post war development. As a result, the buildings are now located within an urban setting of large employment related buildings and housing. The alterations that have been carried out to the buildings and their changed settings have to some extent reduced the significance and interest of these buildings. Nevertheless, notable significance and interest remains and for the reasons given above they constitute non designated heritage assets of importance to the region and locally.
 11. The proposed development would demolish both buildings on the appeal site. Whilst a photographic survey of the buildings would be occur, and some features of architectural and historic interest could be removed and stored, the significance of the buildings associated with their presence as physical structures would be lost. Consequently, the demolition of these buildings as part of the proposed development would cause considerable harm to the significance of these non-designated heritage assets.
 12. The appeal site lies within the setting of the hanger nearby to the north east. However, owing to the changed appearance of this hanger and the changed context of the hangers since they were built, with housing separating them, I am not persuaded that existing development on the appeal site makes a meaningful contribution to its setting. As a result, the proposed demolition of

- the hanger on the appeal site would not materially harm the setting of this building.
13. When considering the effect of a proposed development on the significance of a non-designated heritage asset, paragraph 135 of the Framework advises that a balanced judgement will be required having regard to the scale of any harm, or loss, and the significance of the heritage asset. Policy MD13 of the SAMDev Plan, which applies the Framework in Shropshire, states that proposals that adversely affect the significance of a non designated heritage asset will only be permitted if it can be clearly demonstrated that the public benefits of the proposed development outweigh the adverse effects.
 14. The Framework identifies that heritage assets are irreplaceable resources. Once demolished they cannot be replaced. Both buildings are not vacant and are in beneficial use. I have found that the WWI hanger and WWII workshop are of historic significance and respectively of regional and local importance. Some features could be removed and stored if the proposed development went ahead. However, the proposed development in demolishing both buildings would result in considerable harm to the significance of these heritage assets.
 15. On the other side of the balance, although there is no current shortfall in the required supply, the housing scheme would make a contribution to boosting housing supply. In doing so, and by providing housing of the type most in demand, including for older people, it would help address housing need.
 16. In relation to affordable housing, based upon the appellant's figures, there are over a thousand fewer affordable homes than should have been delivered at this stage of the Local Plan in Shropshire. The appellant states that the appeal proposal would deliver at least 20% of the proposed units as affordable homes in compliance with the target rate for the area. Based on the indicative site plan, this would amount to eight or more of the 39 dwellings shown being affordable units. In so doing, the proposal would make a small policy compliant contribution to addressing this issue.
 17. Economically, the development would generate employment, albeit limited to the construction period, and the spending of the new households would generate economic activity. However, this has to set against the economic harm described in the following section that would result from the loss of a low cost employment site that is fully occupied.
 18. Taking all these matters into account, I therefore conclude that the public benefits described would not outweigh the harm that would be caused to the non-designated heritage assets on the appeal site. The proposal would therefore be contrary to the Framework and policy MD13 of the SAMDev Plan.

Employment areas

19. The Framework supports sustainable economic growth. In protecting existing employment areas for which there is a need from redevelopment for other uses, policy MD9 of the SAMDev Plan is consistent with the Framework.
20. The appeal site is not shown as an employment area on the Policies Map. Nevertheless, as policy MD9 explains, such employment sites may benefit from its protection. The largest unit on the site is in retail use. As a consequence, the Council position is that the site was not included as an employment area on the Policies Map in order to retain flexibility in relation to retail use on the site. Given that the majority of the site is occupied by small local businesses, rather than retail, I agree with the Council that it is a mixed commercial site that

- should be protected as an employment area by policy MD9 for Class B and other sui generis uses present on the site.
21. A mixed commercial site in policy MD9 is a category at the bottom of the hierarchy of existing employment areas. Nevertheless, the site provides affordable units in Shrewsbury for businesses to trade and prosper that offer lower value added products and services. At present, there are four businesses employing 32 people on the site and one of the businesses has expanded to occupy more than one unit. I saw during the site visit, that all the units are in use.
 22. A schedule of available accommodation on other sites for the businesses on the appeal site has been prepared. Essentially, it shows that other accommodation is available, but in the case of two of the three existing local businesses this would be at a higher rental cost. In the case of the JES Engineering, the increase would be at least £6,500 per year, if not significantly more. Given the relatively large size of the Monkmoor Industrial Estate, which the appeal site lies next to, the loss of employment land on the appeal site would not adversely affect it. In principle, subject to suitable design, residential development could also be delivered on the appeal site without conflicting with neighbouring uses. However, given the limited alternative employment sites identified in the schedule that offer comparable units in terms of cost, I find that the loss of the appeal site to housing would have an adverse impact on the range and choice of employment sites in the area. Taking all these matters into account, in relation to policy MD9, the appeal site is an employment area of moderate significance and it should be protected accordingly.
 23. Where alternative uses are proposed that would lead to the loss of the protected employment area, as in the case in this appeal, Policy MD9(5) requires evidence of sustained marketing to demonstrate that use of the premises for employment purposes is no longer viable. Clearly, given that all the units are occupied the site is in demand.
 24. Reference has been made to new energy rating requirements which mean that the units would shortly need to be upgraded and the need for repairs. However, in the absence of details of the costs and financing arrangements, I am not persuaded that the works required would increase rents on the site to the extent that the units would cease to offer affordable business units for which there is evident demand.
 25. For the reasons given above, I therefore conclude that as the proposal would result in the loss of a protected employment site of moderate significance it would adversely affect the supply of existing employment areas contrary to policy MD9 of the SAMDev Plan.

Overall Conclusions: The Planning Balance

26. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
27. In terms of the development plan, residential development of windfall sites within the settlement boundary of Shrewsbury is supported. However, the buildings on the appeal site are non designated heritage assets which policy MD13 of the SAMDev Plan seeks to protect. I have also found that the site is

- also an existing employment area worthy of protection by policy MD9 of the same plan.
28. In terms of the environment, the proposed development would make efficient use of previously developed land in an accessible location. However, the proposed development would result in the demolition of non-designated heritage assets from WWI and WWII on the site which are in beneficial use. Despite the proposed survey work and removal of certain features for preservation this would cause considerable harm to the significance of these assets, contrary to policy MD13. On the other hand, should the development go ahead with the control that exists in relation to reserved matters, a well designed, attractive residential scheme could come forward that would make efficient use of the site.
29. Economically, the proposal would result in construction employment, although by its nature this would be short lived. The scheme by increasing the local population would also boost local spending power slightly. However, this has to be balanced against the loss that would occur of an occupied employment site which offers low cost workspace and is worthy of protection. Such loss would be contrary to policy MD9 of the SAMDev Plan.
30. Socially, based on the indicative plan around 39 new dwellings would be provided of a mix geared to meet local need, including older people. Although there is no current shortfall in the required supply, the housing scheme would therefore make a contribution to boosting housing supply and helping address need. As I have earlier noted, based upon the appellant's figures in relation to affordable housing, there are over a thousand fewer affordable homes than should have been delivered at this stage of the Local Plan in Shropshire. The appeal proposal by delivering at least 20% of the proposed units as affordable homes would make a small policy compliant contribution to addressing this issue.
31. The site is in an accessible location and the windfall development of previously developed land within Shrewsbury for housing is supported by the development plan. The proposed development would result in some social, economic and environmental benefits which I have described above. However, the positive aspects of the proposal are, in my judgement, insufficient to outweigh the demonstrable harm that would be caused, contrary to the development plan, to the historic environment and an existing in use employment area. I therefore conclude, based upon the overall balance of considerations, that the proposal would not be a sustainable development and would be contrary to the development plan as a whole and the Framework.

Conclusion

32. For these reasons that I have given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
33. As I noted as a procedural matter, at the request of the Council the appellant has submitted a section 106 agreement. The tests in paragraph 204 of the Framework and regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) apply to planning obligations. In this case however, as the appeal is to be dismissed on its substantive merits, it is not necessary to assess the agreement against these requirements.

Ian Radcliffe Inspector

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