



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

Date: Monday, 20 March 2017

Committee:
North Planning Committee

Date: Tuesday, 28 March 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

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

Substitute Members of the Committee

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

Your Committee Officer is:

Emily Marshall Committee Officer

Tel: 01743 257717

Email: emily.marshall@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes

To confirm the Minutes of the meeting of the North Planning Committee held on 28th February 2017, attached, marked 2. (Minutes to Follow)

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Thursday, 23rd March 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 The Sawmills, Rhoswiel, Weston Rhyn, Oswestry, Shropshire (14/05708/OUT) (Pages 1 - 40)

Outline application (access for approval) for mixed use residential development; creation of vehicular access; demolition of all existing buildings

6 Site of Former Railway Station, Tern Hill, Shropshire (15/04373/FUL) (Pages 41 - 70)

Erection of a workshop and amenity building and associated use of land as a haulage yard with external storage

7 Proposed Residential Development, Land East Of 8A Moors Lane, St Martins Moor, Shropshire (16/03136/REM) (Pages 71 - 80)

Approval of reserved matters pursuant to permission 14/01224/OUT for the erection of 2 dwellings and associated detached garages

8 Proposed Residential Development, Land East Of 8A Moors Lane, St Martins Moor, Shropshire (16/03137/REM) (Pages 81 - 90)

Approval of all reserved matters pursuant to permission 13/05016/OUT for the erection of two detached dwellings and associated garages

9 Broughall Fields Farm, Ash Road, Whitchurch, TF8 7BX (16/04784/VAR) (Pages 91 - 126)

Variation of conditions 2, 3 and 8 attached to 14/01398/MAW dated 19/12/2014 (for installation of an anaerobic digestion plant) to alter the site layout and increase the quantity of feedstock accepted at the site.

**10 Proposed Residential Development Opposite School ,Kinnerley, Shropshire
(16/04719/FUL) (Pages 127 - 142)**

Erection of residential development of 18 no. dwellings; formation of vehicular access

11 Appeals and Appeal Decisions (Pages 143 - 178)

12 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 25 April 2017 in the Shrewsbury Room, Shirehall, Shrewsbury.

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Committee and Date

North Planning Committee

28th March 2017

Item

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Public

Development Management Report

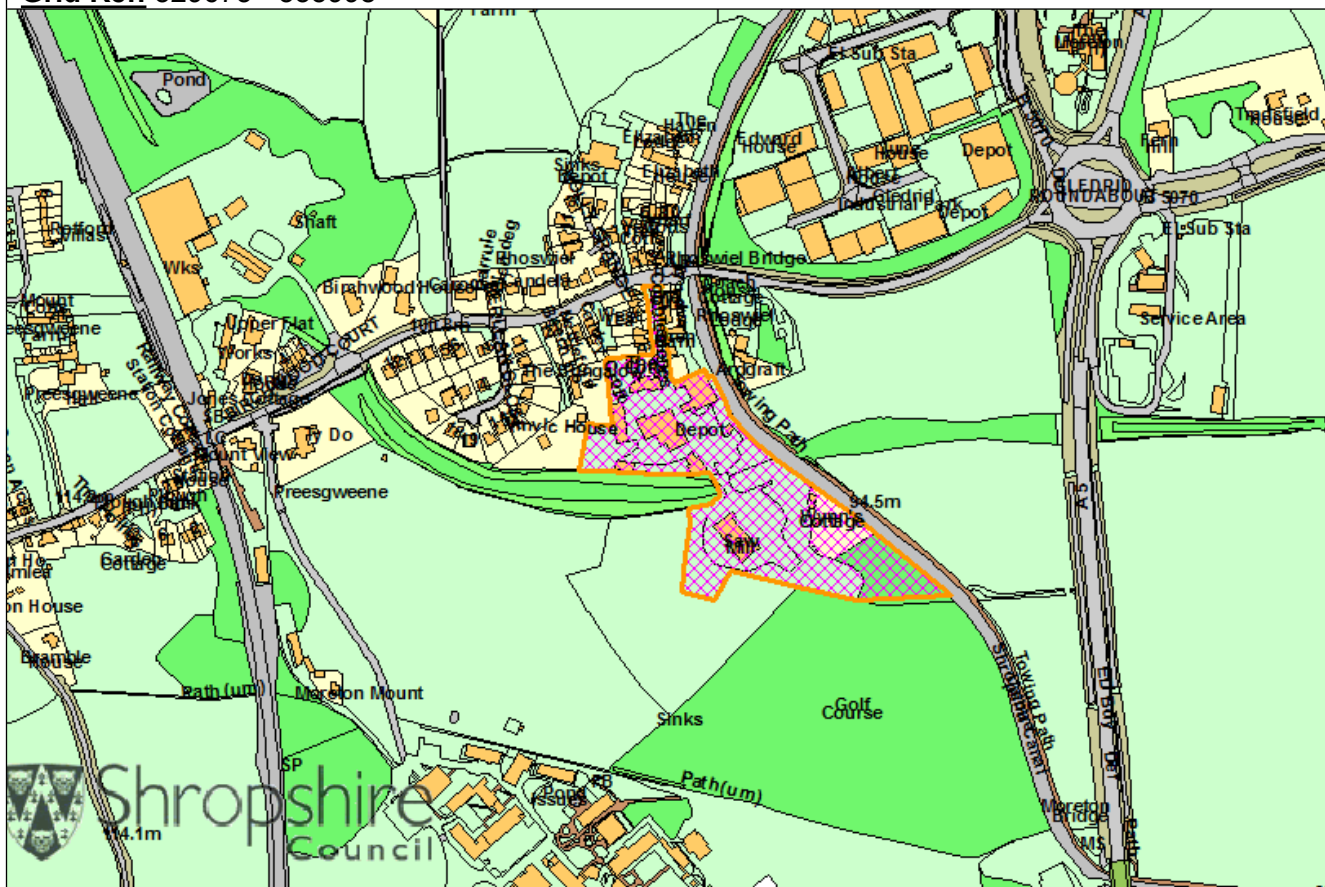
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/05708/OUT	Parish: Weston Rhyn
Proposal: Outline application (access for approval) for mixed use residential development; creation of vehicular access; demolition of all existing buildings	
Site Address: The Sawmills Rhoswel Weston Rhyn Oswestry Shropshire	
Applicant: RG Stones (Timber) Ltd	
Case Officer: Karen Townend	email: planningdme@shropshire.gov.uk

Grid Ref: 329673 - 335998



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REPORT

Recommendation:- Grant planning permission subject to the applicants entering into a S106 legal agreement to secure affordable housing and subject to the conditions set out in Appendix 1.

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for residential development on land currently used by RG Stones (Timber) Ltd, known as The Sawmills, Rhoswiell. The application has been submitted with access submitted for approval at this time and the matters of layout, scale, appearance and landscaping reserved for later approval. The application form and submitted supporting information notes that the proposal is redevelopment of a brownfield site and proposes demolition of all existing buildings and structures and the erection of up to 64 dwellings.
- 1.2 To assist in the consideration of the application the submission is accompanied by a design and access statement, planning statement, indicative layout, contamination surveys, flood risk assessment, travel plan, transport statement, tree survey and ecology survey. Revised masterplan, planning statement, design and access statement and documents have been submitted during the consideration of the application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site area is 2.63 hectares and is currently in business use with areas of hard standing and buildings. It is generally flat across the whole of the site, with the exception of the disused railway which sits on an embankment. The site has been previously used as a sawmill and most recently by RG Stones, who provide modular buildings, and who also operate from a site on the northern side of Station Road. The agent comments that the site has been used as a sawmill for over 50 years.
- 2.2 The land lies on the southeast edge of Rhoswiell and is accessed between existing housing on Station Road, some of which are tight on the edge of the access road. The eastern edge of the site is defined by the Shropshire Union canal and the site is subdivided by the line of the now disused railway. Moreton Hall school lies to the south west of the site with agricultural land between and a golf course forms the southern boundary. The site is enclosed on the canal edge by existing landscaping but has gaps in this edge and also in the boundary to the south. The disused railway line embankment is tree lined and provides a break in the site.
- 2.3 Rhoswiell village is predominately to the west of the canal with an industrial estate to the northeast. To the west of the site lies an existing housing estate, enclosed by the railway line route. The village also expands onto the opposite side of the road but is limited in size and services and relies on the adjacent settlement of Weston Rhyn for the majority of the services.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council has submitted a view which is contrary to the officers recommendation and is based on material planning reasons which can not be

overcome by condition or negotiation. Furthermore, both local members, Councillor Macey and Councillor Lloyd have requested that the application be determined by the North Planning Committee.

This request has been discussed with the Chair of the Planning Committee who has confirmed that the application should be considered by members.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Weston Rhyn Parish Council – Object on the grounds of unsuitability of the access/ egress on to Station Road both for construction traffic and post construction when up to 128 extra vehicles could use this exit.

A copy of the Development Risk Assessment and Shropshire Council Highway Department traffic impact survey is required.

Following receipt of additional information Weston Rhyn Parish Council wish to re-iterate their previous objection namely the unsuitability of the junction for access/ egress from the site. The junction is situated on a blind bend on a very busy road which in excess of 1,300 vehicles use daily (which demonstrates and supports this Parish Councils campaign to have Station Road re-designated as a "B" Class road).

The size of the development means a vast increase of traffic trying to leave the estate directly onto Station Road which the Parish Council believes would create a severe traffic hazard. Also the Council question the capacity and suitability of the sewerage system to cope with such a large new housing development.

4.1.2 Affordable Housing – If this site is deemed suitable for residential development, the scheme would be required to contribute towards 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 Reserved Matters application.

The current prevailing target rate for affordable housing in this area is 10% this would mean a provision of 6 Affordable houses on site along with a financial sum for the remaining percentage. The assumed tenure split of the affordable homes would be 4 for affordable rent and 2 for low cost home ownership and these would be transferred to a housing association for allocation from the housing waiting list in accordance with the Councils prevailing Allocation Policy and Scheme.

However as this is an outline application the percentage contribution and number of affordable homes will not be set at this time, but will be reviewed at the time of the reserved matters application. The size, type and tenure of the affordable housing needs to be agreed in writing with the Housing Enabling team before any application is submitted.

4.1.3 Conservation – In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental

Networks, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012.

Whilst we do not agree with the findings of the heritage assessment, that Wynn Cottage is not a heritage asset, the report is sufficient and proportionate with regard to paragraph 128 of the NPPF in its assessment of the heritage assets and their contribution/of not their setting makes to significance identified on the site ie Wynn Cottage and the WHS (Buffer Zone) adjacent to the proposed site.

We do consider Wynn Cottage to be a non-designated heritage asset even though it is substantially changed and modified during the C20th. The reason for this is that although it is suggested that there is no association with the canal it is very likely that it was built either in connection with canal alone or that as the sawmill was sited there to make good use of the canal for its transportation purposes it was built to serve the sawmill use, which in turn thrived due to the canal. Also, there is no real evidence with regard to the roof structure and whether it is historic or not etc.

It is agreed that there will be no detrimental impact on the significance of the WHS through this development being within the wider setting of the boundary to the Buffer Zone edge.

Having acknowledged all of the above we do consider that the Wynn's Cottage should be considered as part of the planning process in relation to paragraph 135 of the NPPF, however, no objection is made to its demolition due to it degraded state as a non-designated heritage asset, as long as, in accordance with paragraph 136 of the NPPF, the building is not demolished prior to the proposed development having been proceeded with.

4.1.4 Highways – No Objection – subject to the development being carried out in accordance with the approved details and conditions/informatives.

It should be noted that the scale of development proposed is greater than that envisaged in the SAMDev. Highway Authority concessions for this limited residential development was previously accepted, as the existing inadequate site access conditions (poor visibility) would be improved by the cessation of the current HGV activity at this location.

Although the additional traffic impact of this larger residential scheme may not be severe enough to warrant a highway reason for refusal. It is considered that the additional turning movements associated with this size of residential development will increase the potential risk of incident, which will require mitigation. Particularly, given the lack of forward visibility (passing traffic) and that of vehicles emerging from this sub-standard access.

It is considered that should this proposed larger residential development be approved then it is incumbent on the applicant to provide some form of traffic control on Station Road to reduce traffic speeds passing the site. Thereby, potentially reducing the severity and risk of incident at this location. It is suggested that a form of carriageway narrowing/footway widening could be introduced on the adjacent canal bridge with an appropriate priority give-way

system for vehicles crossing the bridge. This could be effective to both reduce vehicle speeds as well as improve pedestrian connectivity to local amenities.

Whilst all matters are reserved as part of this application, including access, the red line area appears to fall short of the public highway. However having carried out further research the highway authority is satisfied that the red line abuts the highway boundary.

Whilst scale and layout are not included, an indicative layout drawing is submitted which gives an indication of the potential number of houses that could be accommodated within the land footprint, setting aside any planning or other constraints. The land area however extends well beyond the current brownfield site and the area which is included within the SAMDev land allocation.

The application is supported by a Transport Assessment which considers the proposed scale of the development against the current permitted use of the site.

Speed readings have also been undertaken to consider the visibility available and these show 85th percentile speeds at the 30 mph speed limit imposed. Manual for Streets advises a visibility splay of 2.4 x 43 metres based upon 30mph traffic speeds and it is clear that these splays cannot be achieved to the nearside edge of carriageway. In the easterly direction visibility of marginally in excess of 43 metres is available to the centreline of the road. In the westerly direction, the splay is required to be taken into the carriageway to 1.0 metres to gain visibility at marginally above 43 metres. This is however an excepted practise.

Notwithstanding the above, the highway authority require clarification that the visibility splays shown are actual measured distances contained within the land that the applicant owns/controls or within the highway limits.

The Transport Assessment has carried out a review of the trip rates of the proposed housing density of 64 units and compared this industrial use of the site. No information is given as to where these trip rates have been derived from, however the highway authority would not dispute that the overall difference in trip rates within the peak AM and PM hour periods is likely to be fairly comparable. The difference being the directional flow of vehicles into and out of the site where the peak flows of commercial/employment and housing oppose one another.

In the circumstances the highway authority accept that as a brownfield site, the principle of residential development is acceptable. There is the potential loss of commercial traffic to consider as an overall gain. The highway authority remain concerned at the access situation where any improvement is constrained by the alignment of the road and adjoining property boundaries. The highway authority would question also the principle of extending the SAMDev site beyond its current allocation. The amendment of the application site to reflect the SAMDev allocation would clearly have an impact upon reducing housing numbers.

- 4.1.5 **Rights of Way** – Previous comments regarding the application directly affecting Public Footpaths Weston Rhyn 3R and 3 still stand. Whilst the public right of way Weston Rhyn Footpath 3 has been acknowledged, the route indicated on page 09 of the Design & Access Statement does not follow the legal, definitive line of

Footpath 3. It may be that there is a different walked route on the ground, but that route has no legal status. The Council plan overlays the Site Masterplan onto the digital working copy of the Definitive Map. As you can see the legal line of Footpath 3 runs through proposed dwellings and gardens and we will require an application to legally divert Footpath 3 under the provisions of the TCPA (fees apply).

Diverting the footpath is the most practical solution. As the development is only at the Outline stage we do not necessarily require the application now. However, if outline permission is granted we will require the developers to apply for the diversion when the Reserved Matters application is submitted, if not before.

- 4.1.6 **Waste Management** – It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

Would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice.

In regards to this particular application the cul-de-sacs off the main spine road do not allow turning spaces for refuse vehicles. This would then mean residents would have to put their bins at the end of the cul-de-sac. This could have an anti-social effect on the estate causing litter and possible flytip build up.

- 4.1.7 **Ecology** – Following further revised drainage details as the foul drainage is to be connected to the sewage treatment works therefore additional ecological information is no longer required.

Bats

Dusk emergence surveys were carried out on the 23rd May and 28th August 2013 and dawn re-entry surveys on the 7th June and 29th August 2013. No evidence of roosting bats was recorded during a daytime inspection or the activity surveys. Both common and soprano pipistrelle bats were recorded commuting along the canal corridor, and the former railway, with foraging in these locations and along the southern site boundary.

A dying poplar tree was categorised as having multiple, highly suitable features capable of supporting larger bat roosts, however no bats were recorded roosting in this tree. A further four trees in G4 were classed as C2 for bat potential but are shown for removal. JW Ecological recommended these tree removals are carried out using Reasonable Avoidance Measures for bats, including inspections and soft felling where necessary.

Further to my previous comments on bats, Kingdom Ecology has now provided details of the model and locations of bat and bird boxes and bat bricks proposed for the development. While these are welcomed, there may be changes in layout

between this outline stage and the reserved matters so I would recommend the positions of these are approved at the Reserved Matters stage.

The location of the proposed community park and native planting as a link between the former railway line and the canal is welcomed as this will provide an almost continuous flight path for bats. It will be important to control lighting of the access road through this landscape corridor, as well as along the access road running along the southern boundary.

Great crested newts

JW Ecological carried out surveys of one pond on the western site boundary in spring 2013. This recorded a small population of great crested newts (GCN) and eggs were found. Six GCN surveys were carried out between April and June 2015 confirming a 'small' population size class. Additional GCN surveys were carried out in 2015 of Pond 2 (sited around 20m south of the site), which were negative. Pond 3 (sited 200m from the site) was assessed as having 'poor' suitability for GCN and was scoped out for further survey.

A European Protected Species licence will be required before any development works can take place on site.

Further details of the GCN mitigation have been provided, which are now quite comprehensive. Kingdom Ecology recommends production of a four year management plan for the site, including management of Pond 1 and it's surroundings.

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. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

Water voles and otters

Kingdom Ecology carried out otter and water vole survey of the canal adjacent to the site in April 2015 but no evidence of either species was found. As otters may pass along the canal it is recommended that lighting is controlled onto the canal corridor. The lighting condition recommended above will allow control of lighting.

Reptiles

Kingdom Ecology carried out reptile surveys of the site between April and June 2015. No reptiles were recorded although frogs and toads were. The mitigation measures for GCN will ensure that any reptiles present as well as frogs and toads can be removed to a safe location before development starts.

Badgers

No signs of badgers were found in the vicinity of the site but as some areas could not be accessed fully the following informative is recommended. If evidence of badgers is found further badger survey work would be required.

Nesting birds

The site contains good breeding bird habitat. Where possible this should be retained and where unavoidable removal should take place outside of the bird nesting season. Recommends a condition following the updated Bat and Bird Mitigation Statement.

Trees adjacent to the Llangollen Canal

Expressed concern previously about removal of the mixed broadleaved/cypress woodland (G2 in the tree survey) to create a vista. This group of trees is likely to be important for bats, therefore retaining a continuous tree line along the canal bank is recommended. As this strip is proposed for garden areas it should be possible to retain the smaller trees and replant along the canal edge. The agent has confirmed by email to me that the tree removal is not included in the outline application, they are agreeable to suitable replanting and that this will be submitted as part of the Reserved Matters. This can be addressed by a landscape scheme condition.

- 4.1.8 **Trees** – There are a number of trees and hedges on this site, predominantly around the boundaries. A preliminary Arboricultural Impact Assessment has been submitted with the application.

The AIA has identified 15 individual trees, 13 groups of trees and 1 hedgerows which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The application is for outline planning permission and the AIA is based on the masterplan of the site. This indicates that the site can be developed with minimum impact on the trees.

No objection is raised to the application at this stage. The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees within the site design. The final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA, assessing and considering any impacts that arise.

- 4.1.9 **Drainage** – The appropriate foul drainage options should be developed as outlined in the Foul Drainage Technical Note and any agreement submitted for approval.

The surface water drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted

The FRA is technically acceptable and the drainage details, plans and calculations should be submitted for approval. The use of soakaways should be investigated in the first instance.

- 4.1.10 **Welsh Water** – No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. Recommends use of either of the following conditions:

a) *No development shall take place until:*

A scheme has been submitted to and approved with the local planning authority demonstrating only foul water from the development site shall discharge to the public sewerage system between manhole reference numbers SJ29368905 and SJ29369910 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

Or:

b) *A hydraulic modelling assessment has been completed assessing the impact of the development hereby approved on the public sewer network and:-*

If necessary, a scheme to accommodate the development hereby approved as identified by the Hydraulic Modelling Assessment has been submitted to and approved with the local planning authority. No part of the development hereby approved shall be occupied until the approved scheme has been completed.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

The site is crossed by a 225mm public storm overflow pipe which will restrict development density for the site in the future. The approximate position of this sewer is marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 5 metres either side of the centreline of the public surface water sewer.

- 4.1.11 **Public Protection** – Having considered the location of the site and past land use I would recommend that conditions are placed should this application be approved.

At the reserved matters stage when location and orientation of dwellings are proposed this service will expect to see a noise assessment to take into consideration the impact of road noise from the A5 to the east of the development.

I would recommend that objections made by Welsh Water are taken on board. This service is aware of issues in the locality in respect of sewer capacities and welcomes improvements.

Having considered the most recent information I have no further conditions to propose. Contaminated land conditions are still appropriate should there be development of this site. In relation to the potential for part of the site being developed should non residential operations remain on site there would be the potential for noise to impact upon proposed residential dwellings. A noise assessment would therefore be necessary. This would not be required if the whole area is to be residential.

- 4.1.12 **Environment Agency** – No objection to the proposed development and would recommend the following comments and conditions be applied to any permission granted. We have reviewed the report produced by Betts Associates (Report No:

12CHE063/GI, dated May 2014). The site has a history of past, potentially contaminative, uses including a timber yard/sawmill dating back to at least the late 1800's. There is also an existing permitted landfill site as well as an older historic landfill.

The report provides a background to the site and reports on an intrusive site investigation. The executive summary recognises current site uses and suggests a number of contaminants of concern. However given that the predominant use has been as a sawmill, there is no mention made of specific timber treatment chemicals being targeted by the investigation. This information is clearly available in the DOE industry profiles and we would have expected the target species to be included in any sampling plan.

The investigation does show that the site is contaminated with metals, PAH's, hydrocarbons and asbestos (near surface samples) which means that further assessment would be necessary prior to any residential development on this site being progressed.

Landfill gas has been monitored at this site, both historically around the permitted landfill and also as part of this investigation in new boreholes. In addressing the landfill gas issues, historic landfill like the Wynn Cottage site identified are usually associated with the industrial activity nearby, so it is likely that there is a significant proportion of wood waste within this site.

Consideration needs to be given whether to apply for a surrender of the existing permit and / or continued monitoring of the boreholes on site.

It is noted that some areas of the site have yet to be investigated. Where buildings are due to be demolished, they should be surveyed for the presence of asbestos prior to demolition. This is especially pertinent given that asbestos has been found in multiple locations across the site, but not quantified and therefore risk assessed.

Some tanks have been identified with unknown contents and it is possible that these are associated with timber treatment. This should be confirmed by further investigation. The interpretation of geology and hydrogeology appears to be consistent with the proposed condition.

Advice to applicant: We recommend that developers should: 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination. 2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health. 3. Refer to our website at www.gov.uk/environment-agency for more information. The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an Environmental Permit. Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with the Environment Agency or by obtaining an Environmental Permit. Developers should ensure that

all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. It is recommended that developers should refer to the Environment Agency's:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.gov.uk/environment-agency for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information. Reference should be made to Model Procedures for the Management of Land Contamination (CLR11) and 'Guiding principles for land contamination (GPLC)' which clearly explains the type of information that the Environment Agency requires in order to assess site investigation and remediation reports.

Reference should also be made to: "Investigation of Potentially Contaminated Sites – Code of Practice (BS10175), published by the BSI.

4.2 **Public Comments**

4.2.1 16 letters of representation have been received raising the following concerns:

- The SAMDev proposes 20 houses for this site due to access issues, distance from the village, sewage and water infrastructure, school capacity, environmental and heritage sensitivity
- Proposed development is contrary to SAMDev
- Site beyond SAMDev site is open countryside and not brownfield
- Weston Rhyn is on target for the allocated development
- Development in the village should be phased to allow for infrastructure
- Large scale development in small village will alter the character
- Overdevelopment of the site
- No heritage or landscape assessment for a site on the edge of the buffer zone of the Pontcysyllte Aqueduct and Canal World Heritage Site
- Heritage assessment does not acknowledge the canal as a heritage asset
- Existing dwelling on site is a heritage asset and should not be removed

- Canalside development is out of keeping with the rurality of the canal
- Removal of trees will open views of the site from the canal and impact on the use of the canal and tourism
- Does not maintain the green corridor along the canal as required in SAMDev
- 3 storey town houses would be out of keeping
- Impact on residents amenities from traffic and noise
- Insufficient visibility from the junction and this is often reduced by parked cars
- There are bends in the road and traffic often exceeds the speed limit
- Traffic is currently morning and evening week days only, housing development will result in traffic 24/7
- Will result in increase in traffic which is already congested at peak times
- The traffic documents submitted are from 2012 and are out of date
- There have been traffic accidents including a van overturning into the canal following collision with two cars
- Neighbouring properties have access on the lane and the lane is within the property deeds, furthermore three are directly on the lane
- Existing dwelling is the home of a handicapped and blind person and should not be demolished
- Impact on public right of way
- Impact on wildlife, especially otters which use the canal
- Replacement landscaping will take years to form an effective screen
- Insufficient capacity in sewerage system
- Revised plans to connect to mains drainage is over 1km away and across the canal and A5, no details have been provided to show this is achievable
- Potential contamination

4.2.2 The **Canal and River Trust** has also submitted comments following receipt of additional information advising they have **no objections** to the proposed development, subject to the imposition of suitably worded conditions.

Ecology

Are pleased to note that the ecological survey report recognises the value of the Llangollen Canal as a wildlife corridor. The report refers to general site precautions during construction to protect species including otter, which use the canal corridor and advises, for example, that any external lighting should minimise the impact on bats. These should be required by condition on any approval.

Lighting

Whilst it is anticipated that this would be dealt with at reserved matters stage, the Trust would advise that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed.

The lighting should be restricted around the boundary edges, particularly along the Canal corridor, where protected species are likely to be found and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife.

Loss of Trees

The ecological report also recommends the retention of the existing trees and vegetation alongside the canal, to maintain its function as a wildlife corridor, and suggests that this be enhanced through the addition of new native hedgerow planting along the eastern boundary of the development site; potentially through the replacement of some of the mature *Leylandii* on the canal banks with native tree species. Proposals to incorporate bat boxes onto retained trees or new buildings on the site would help to enhance it for bats. The Trust would agree with these recommendations and encourage their implementation.

Whilst it is noted that the applicant considers issues relating to tree removal can be dealt with at reserved matters stage we would reiterate our previous concerns with regard to the reference within the tree survey to removal of all of the trees on the canal cutting other than three mature sycamores

We would strongly suggest that any reserved matters submission is required to revisit this, bearing in mind the recommendations of the ecological report. In particular:

Group G2 – Dense, mixed broadleaf woodland copse. Recommendation: ‘fell to open up vista to canal’.

There does not appear to be any justification for the removal of these trees. The Trust therefore requests that the recommendation be re-considered.

Group G12 – Leyland Cypress. Recommendation: ‘fell to open up vista to canal’. This forms approximately 100m of hedgerow/vegetation along this boundary and although non-native provides good wildlife habitat and a visual screen. If these trees need to be removed they should be replaced by native tree planting.

The Trust also requests that, as part of any reserved matters application, the tree survey is re-visited to include the trees on the site of the existing residential property (Wynn’s). The proposed landscaping should take account of the site levels and include appropriate boundary treatment.

The method for any tree removal on the canal cutting must include a full assessment of the need to protect the canal and its users from any risk of harm. Any risk of damage to the cutting due to the gradual decay of any residual root systems should also be avoided.

Contamination

We are pleased to note that the Llangollen Canal is recognised as a receptor to pollution as a result of the contaminants present on the site. It is essential that the canal is fully considered and protected from any risk of pollution at every stage of development including the demolition of the existing buildings, site remediation and construction and occupation of the proposed dwellings. With this in mind we would request that the Trust be consulted on the site investigation and remediation strategy prior to their approval.

Surface Water Drainage

The Hydrock Technical Note dated 25th January 2015 identifies proposals to discharge treated foul water to the Shropshire Union Canal. There is currently no ‘in principle’ agreement to this from the Canal & River Trust.

This would require the formal written consent and agreement of the Canal & River

Trust and would be dependent on appropriate and effective pollution prevention measures as well as water level assessments. For clarity we would therefore request that full drainage details are provided.

Structural Integrity

I can confirm that the responsibility for the cutting and the canal washwall lies with the landowner/developer, as the Trust's ownership only extends to the water's edge. The washwall is currently in poor condition in places, and will require appropriate repair and re-instatement, including following any tree removal on the cutting. At the detailed application stage, once the extent of tree removal and a replacement planting scheme has been established, the Trust would therefore request a schedule of appropriate works to repair the washwall.

4.2.3 The **Inland Waterways Association** has also written providing the following comment:

This site is adjacent to the Llangollen Canal for about a quarter of a mile. The canal is the most popular canal for tourism in the whole of Britain, New Marton Lock, two miles to the west, being the busiest lock in the country in 2015 according to figures recently issued by the Canal & River Trust. Half a mile to the north is the start of the Pontcysyllte Aqueduct & Canal World Heritage Site. This is therefore a more very sensitive location which needs to be protected.

We **do not object** to the replacement of the industrial buildings by housing on the northern part of the application site (marked '5' on the Site Design Principles map on page 62 of the revised Planning Statement), subject to adequate screening from the canal. However, we do object to the canalside development at the south-east end of the site. Although the design appears to respect the canal, with the houses facing the canal rather than turning their back on it, this has all the appearance of a suburban development inappropriate for this rural location. The current industrial buildings are well away from the canal and well-screened, hence they are not intrusive. To consider this whole area as a 'brown-field site' would be wrong.

Granting the application would mean replacing the present green corridor by a built environment.

5.0 **THE MAIN ISSUES**

- Policy & principle of development
- Is the site sustainable?
- Economic considerations
- Social considerations
- Environmental considerations
- Layout, scale and design
- Impact on heritage
- Impact on residential amenity
- Highways, access, parking and rights of way
- Ecology and trees
- Drainage

6.0 **OFFICER APPRAISAL**

6.1 **Policy & principle of development**

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision taking is therefore the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused, unless other material considerations indicate otherwise (para 12 of the National Planning Policy Framework (NPPF) refers). The Council can currently evidence a 5 year housing land supply and therefore the Council policies are up to date and relevant.

6.1.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. At para 14 the NPPF sets out the presumption in favour of sustainable development as a golden thread running through plan-making and decision-taking. At para. 197 the NPPF reiterates that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan. Development plan policies of particular relevance to assessing the acceptability of this housing application in principle are discussed below.

6.1.3 The Development Plan

For the purposes of the assessment of this application the development plan comprises of the adopted Shropshire Core Strategy 2011, the adopted Site Allocations and Management of Development 2015 (SAMDev) and a range of Supplementary Planning Documents. The Policies in the Oswestry Borough Local Plan (OBLP) were saved policies at the time of submission of the application, however since adoption of the SAMDev the OBLP policies have now been superseded and hold no weight in the consideration of the application.

6.1.4 Shropshire Core Strategy policies CS1 and CS4 - Policies CS1 and CS4 of the Core Strategy set out the strategic approach to housing provision. It is envisaged that the community hubs and clusters will enable the rural rebalance to make rural areas more sustainable and accommodate around 35% of Shropshire's residential development. The identification of hubs and clusters has been done through the SAMDev and therefore policy CS4 is reliant on the SAMDev for the detail of settlement allocation; however CS4 does set principles for future development of settlements which are not identified in CS2 or CS3. Policies CS1 and CS4 are consistent with the objectives of the NPPF to focus new development in sustainable locations.

6.1.5 Other Core Strategy policies - Policy CS6, amongst a range of considerations, requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel can be reduced. Policy CS7 states that a sustainable pattern of development requires the maintenance and improvement of integrated, attractive, safe and reliable communication and transport infrastructure and services. And policy CS9 states that development that provides additional dwellings or employment premises will

help deliver more sustainable communities by making contributions to local infrastructure in proportion to its scale and the sustainability of its location.

- 6.1.6 Policy CS5 is also relevant for the reasons given below. This policy seeks to control development in the countryside in accordance with national planning policies. The detail of the policy provides a list of development which may be considered appropriate in countryside locations.
- 6.1.7 SAMDev Policy – The SAMDev was adopted by Shropshire Council on the 17th December 2015 and therefore now holds full weight as part of the development plan. Rhoswiell has been identified in the SAMDev as part of a Community Cluster with Weston Rhyn, Wern and Chirk Bank. The SAMDev Plan provides a detailed map showing the development boundary and detailed policy setting out the development guidelines for the cluster and identifying two allocated sites. Policy S14.2(xi) advises that the whole of the cluster will provide for a housing growth of about 78 dwellings on specific site allocations in Weston Rhyn and Rhoswiell delivering around 45 dwellings and suitable infill sites, conversions and small groups of houses. The current application site is, in part, the proposed allocated site for Rhoswiell, but also extends beyond the proposed allocation into land considered as countryside for planning purposes.
- 6.1.8 The allocation suggests the provision of around 20 houses and that the development is subject to design measures which maintain the existing ‘green corridor’ and respect the setting of the Llangollen Canal whilst also taking into account the presence of a public sewer crossing the site. As such the scale and extent of the development proposed in the current application exceeds the allocated site and guidelines as detailed in the adopted SAMDev.
- 6.1.9 The agent has commented on the allocation within the submitted Planning Statement raising concerns that the allocation of 20 units for the application site was not based on quantitative or qualitative assessment but based purely on the desires of the Parish Council. Following a meeting between officers and the agent additional information has also been provided by the agent which seeks to justify the development of the whole site and the increase in numbers. This is dealt with later in this report.
- 6.1.10 Given that the site is partly outside the development boundary policy MD7a of the SAMDev is also relevant. This policy supports CS5 in seeking to control housing development in the countryside to exception sites, affordable housing and conversions. The current application is for open market housing and therefore the development of the parcel of land outside the development boundary would be contrary to both policies within the Core Strategy and the SAMDev.
- 6.1.11 The NPPF - As previously mentioned the NPPF sets out the presumption in favour of sustainable development as a golden thread running plan-making and decision-taking and is a material consideration to which significant weight should be attributed. As part of the overall planning balance, it is therefore appropriate to assess this site within the context of the ‘presumption in favour of sustainable development’ and to take into account any other material considerations.
- 6.1.12 At para 10 the NPPF states that policies in local plans should follow the approach

of the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

- 6.1.13 The business case put forward by the agent for developing the whole of the site, not just the part allocated in the SAMDev, and also for developing more than the guidelines in the SAMDev is a material consideration and needs to be taken into account in the determination of the application. The agent has commented that the whole of the site is brownfield, not just the parcel allocated, and that there is support within the NPPF for redevelopment of brownfield sites. He has also commented that the whole site is affected by contamination, is currently used by the existing business and served by one access. The agent suggests that developing only part of the site will not allow for dealing with the contamination, will not allow the relocation of the business and would result in conflict between residential and business use. Furthermore, developing the whole site allows for shared infrastructure costs and a single site design for the development and landscaping.
- 6.1.14 These matters need to be given careful consideration in the determination of the application. Officers accept that the proposal is beyond the land allocated in the SAMDev and also for more dwellings than the guidelines suggest in the SAMDev. However, if the agent is correct the SAMDev site is not developable. It would not be financially viable to only build on the land allocated or for the number detailed in the guideline. This would then result in the site not being developed, which in itself could harm the Council's 5 year housing land supply (as this site is relied on to form part of the future housing land).
- 6.1.15 Furthermore, as noted by the agent there are economies of scale in developing the whole of the brownfield site. The installation of roads and services is cheaper done at one time rather than piecemeal and also the partial development of the site would risk leaving a commercial use accessed through a housing development. The agent also comments in the addendum to the planning statement that there is no evidence of the housing guidelines for the settlement being met and that reliance on small infill sites would not provide the same level of affordable housing and CIL payments as developing the whole of the sawmill site.
- 6.1.16 The guideline figure in the SAMDev is only a guideline, there is no automatic refusal if the guideline is exceeded. The agent has put forward other material considerations which they consider should be given significant weight in allowing the development of the whole of the site for more housing than the guideline. Furthermore, officers consider that it is highly unlikely that the whole of the site would be developed within the first couple of years, the size of this site for the size of the village will result in a phased development, growing over time. Granting of outline consent on the whole of the site would secure the consent for any developer and provide certainty to enable the cost of providing the infrastructure and removing the contamination.
- 6.1.17 Officer accept that there is a local unwillingness to accept the larger site and housing numbers in this application but also accept that the issues raised by the agent are material considerations which need to be considered. Officers consider that these matters should be taken into account and do, on balance, justify the development of the whole of the application site rather than just the smaller parcel

allocated in the SAMDev. However, officers do not necessarily accept the scale of the increase in housing numbers and this matter is dealt with in greater detail below.

6.2 **Is the development sustainable?**

6.2.1 Objections have been received from the local community raising concerns about the scale of development proposed and the pressure on local services, sewage, water and school capacity as well as heritage and environmental impacts. Concerns have also been raised about the visual impact, traffic, access, impact on neighbours amenities, impact on the rights of way, wildlife and possible contamination. These later matters are considered in detail in the following sections of the report.

6.2.2 The agent considers that the proposed development is sustainable due to the delivery of housing supply, economic and public benefits, environmental improvements and the redevelopment of a brownfield site. The submitted Design and Access Statement (DAS) notes construction jobs, local economic investment, council tax and CIL receipts as economic benefits, retention of existing jobs and support for local services as social benefits and redevelopment of the brownfield site and providing public access as the environmental benefits of the development.

6.2.3 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system. For a site to be considered to be sustainable development the three dimensions need to all be provided jointly and simultaneously and as such the planning balance needs to be undertaken to ensure that the benefits and harms are weighed appropriately and taken into account in the decision making process.

6.2.4 The initial assessment of potential sites in the community cluster considered 25 sites in total. The whole of the application site, not just the smaller allocated site, was assessed under stage 2 by Shropshire Council Policy Officers who scored the site positively for access to bus service, being previously developed land and flood zone 1 but negatively for distance from a primary school and any recreation space and negatively for being within the World Heritage buffer zone and for being, in part, grade 3 agricultural land. The site was considered to have a moderate landscape sensitivity and was also noted as having an unacceptable access but that acceptability could be achieved. It was considered to be capable of providing new housing subject to careful consideration of the constraints and that a small allocation within the larger area of land could provide an appropriate site to address the Parish Council's preferred level of growth.

6.2.5 The above assessment shows how the site was allocated in the SAMDev and that the reduced site area was based on the Parish Council's growth plans rather than the larger site not being sustainable. The smaller, allocated site, is clearly sustainable development when considered against the NPPF, the issue is whether the proposed development of the larger site is also sustainable or not.

6.3 **Economic considerations?**

6.3.1 It is acknowledged that the site is on the edge of a rural village and therefore not

within walking distance of employment or supermarkets. However, the aim of the Shropshire Core Strategy is to promote development in villages and rural areas with services or where new development can help to improve sustainability.

- 6.3.2 The redevelopment of the brownfield site should be given significant weight in the planning balance. The Planning Statement advises that the proposal is to demolish all of the existing buildings, totalling approximately 3,108sqm, and to relocate the remainder of the business from this site to the applicants other business site on Birchwood Park, which is also in Rhoswiell village. The proposal will allow the consolidation of both parts of the business onto one site. Policy MD9 of the adopted SAMDev protects existing employment sites from redevelopment unless it can be shown that they are no longer required. Although the site has not been marketed for alternative uses it is, as detailed above, partially allocated for redevelopment to housing within the SAMDev. As such officers consider that the requirements of MD9 do not apply to this site and have been superseded by the allocation of the site.
- 6.3.3 Within the supporting information submitted with the application the agent is suggesting that 64 houses are required to fund the remediation works on the site and also to make the development viable. He comments that the development of the allocated part of the site alone would not provide sufficient funds, however no financial information has been provided. The agent has commented that they have undertaken a viability appraisal which advises that development of the northern part of the site would not be viable due to the need for remediation of contamination, the cost of infrastructure and the cost of relocating the existing business. As such it is the agent's view that restricting the site to the northern parcel alone would be unlikely to be delivered.
- 6.3.4 The agent's general comments on the economic considerations are detailed above and officers accept these comments as relevant. New housing will provide economic benefits and this must be given weight in the determination of the application. The agent's comments relating to the economic viability and physical constraints of developing only part of the site are also noted and officers agree that these issues are material considerations that can be weighed against the non-compliance of part of the site with the development plan. The economic benefits of redeveloping the site are significant and should be given significant weight.
- 6.4 **Social considerations?**
- 6.4.1 Policy CS11 of the Shropshire Core Strategy requires all new housing to contribute towards affordable housing. The applicant has acknowledged the need for the site to provide affordable housing within the design and access statement. At present the target rate for this area would be 10%, however as an outline application the level of affordable housing to be provided on the site would be dependant on the target rate at the time of the submission of reserved matters and a legal agreement will be required as part of this outline consent to ensure that the affordable housing is provided and retained as such. The agent also suggests that the regeneration of the site, relocation of the existing business and support to local services and facilities are social benefits of the development.
- 6.4.2 Policy CS9 also requires all new housing to financially contribute to the provision

of infrastructure. This is done through the Community Infrastructure Levy which is a levy charged on new housing and in the case of the application site would be £80 per square metre of new housing. The contribution is dealt with outside of the planning process and after development commences and is used to pay for infrastructure identified as local priorities. However, it is a material consideration in the determination of the application and the acknowledgement of the requirement to pay the CIL ensures that this matter will be dealt with after the consent.

6.4.3 Concern has been raised by local residents about the pressure on the local school and other services. No evidence has been provided of the capacity of the school, this was not raised as an issue during consideration of the whole site in the SAMDev and the Council Learning and Skills team have not provided any comment on this issue in response to this application. The CIL contribution could provide for infrastructure enhancements or could also be used to contribute towards school places if this is considered to be a priority in the local area. As noted above the development of this site will add pressure but also income for local services and facilities and as such any harm resulting from the development needs to be balanced against the benefits.

6.5 **Environmental considerations?**

6.5.1 The main issues with developing the site are the environmental issues. The whole of the application site is in part previously developed land, or brownfield, however the SAMDev site assessment also notes that the land is in part grade 3 agricultural land but continued to promote part of the site for development. It is therefore considered that to enable development and growth of the village will result in the loss of some agricultural land. The loss of best and most versatile agricultural land is an impact of the development proposed, however officers consider that the loss of the area proposed for the development would not constitute significant loss of agricultural land and as such that this harm is not so significant and demonstrable as to outweigh the benefits of new housing.

6.5.2 The redevelopment of the brownfield land is also a positive environmental consideration and can be given weight. The development guidelines in the SAMDev note that the development of the smaller parcel of land is subject to appropriate design and layout to maintain the 'green corridor' and respect the setting of the Llangollen Canal, this follows from a note in the SAMDev assessment of the site of the close proximity of the canal and the Pontcysyllte Aqueduct and Canal World Heritage Site (WHS) Buffer Zone.

6.5.3 The agent, in the recent update to the planning statement, suggests that the SAMDev and Core Strategy have a degree of inconsistency with the NPPF in regard to delivery of houses on brownfield sites. Officers would disagree with this comment and refer the agent to the fact that part of the site is allocated for the reason that it is brownfield. However, the allocation of the site did not take into account the economic issues raised by the agent with this application and as such only allocated part of the site. In now considering the economic difficulties with only developing part of the site and that the whole of the site is brownfield land significant weight needs to be given to this brownfield character.

6.5.4 This site is materially different from many other brownfield sites in Shropshire in

that it is located on the edge of an identified settlement and partially allocated. As such officers are of the opinion that there is limited risk of support for this site being used as a reason to support other brownfield sites situated in more remote countryside locations. That being said the support of officers remains to the principle of developing the site. The main consideration of environmental impact is dependent on the layout, scale and design which are reserved for later approval. An indicative layout has been submitted and can be commented on. Furthermore, the impact on heritage assets, highways, trees, ecology and drainage also need to be considered.

6.6 **Layout, scale and design**

6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

6.6.2 SAMDev policy S14.2(xi) provides detailed policy for the settlement cluster including Rhoswiel. The policy advises, as noted above, that the development of the site is subject to design measures which maintain the green corridor and respect the setting of the Llangollen canal and take account of the public sewer crossing the site.

6.6.3 The design and access statement acknowledges the need to provide positive frontage to the canal and notes the views of the school and golf course from within the site. The D&A seeks to set principles for the future development of the site and promotes high quality, accessible development with a sense of place whilst also retaining the landscape and views to and across the canal. The layout is indicated to provide a principle street with lower order roads leading off and with in-curtilage parking, where possible behind properties.

6.6.4 The design and access statement confirms that the plan submitted with the application is for indicative purposes only and is intended to show that the site can be developed for housing. The assessment of the site for early consideration in the SAMDev notes that the site could be developed for up to 51 dwellings at a density of 18 per hectare. The indicative plan suggests 65 dwellings and therefore a density of around 24 dwellings per hectare.

6.6.5 Local objectors have raised concerns about the scale of the development proposed and the impact it would have on the character of the village, that three storey town houses are out of keeping with the immediate area and that the removal of trees, which is considered later in the report, will also open up views of the site.

6.6.6 It is officer's opinion, including the Conservation Officer, that the density and layout of the development and the scale and design of the houses indicated in the submitted information would not be appropriate for the site, the village or the rural edge location. It is acknowledged that the plans are indicative, albeit the description of development applied for by the applicant is for up to 64 dwellings and the indicative plan is intended to indicate how the site could be developed.

6.6.7 However, scale and layout are reserved matters, not for consideration at this time. Accordingly the Council could not refuse the application on the basis of the indicative plan or the “up to 64” figure. The issue has been raised with the agent and could also be reiterated to the applicant at the time of the submission of the reserved matters. It is at that time that the exact number of dwellings, the layout, scale and impact on the character of the canal and village will be assessed and unsuitable development could be refused at that time.

6.7 **Impact on heritage**

6.7.1 The buffer zone for the Pontycysyllte Aqueduct and Canal World Heritage Site (WHS) lies to the north of the application site, the boundary of which runs along Station Road. As such the site is not within or immediately adjacent to the World Heritage Site or the buffer zone but is in very close proximity and also is adjacent to the same canal that is within the WHS. The Conservation Officer raised concerns about the lack of an assessment of the impact on heritage of both this designated and other non-designated assets and this information was requested from the agent. The concerns of the Council Conservation Officer are also repeated by local objectors who have also noted the existing dwelling on site could be considered to be a heritage asset.

6.7.2 A heritage assessment has since been carried out and submitted with the application and an addendum to the report also provided. The assessment notes the railway embankment and the canal and also the World Heritage Site and its associated buffer zone. The report considers that there are no buildings of merit on the site. Most of the structures are modern steel sectional buildings or portakabins. Wynn Cottage is greatly altered with large side and rear extensions, replacement Upvc windows and rainwater goods and the report suggests that it is architecturally unremarkable and that its historical significance is limited. Furthermore, Wynn Cottage is not considered to be rare, it is a typical example of its type.

6.7.3 With regard to the WHS the site is on the very southern edge of the buffer zone but outside the limits of the zone. As such the assessment accepts that the impact should be considered. The assessment comments on the proposed layout of the site and considers that the proposal will provide views directly and indirectly of the canal whilst also reinforcing the tranquil setting of the canal by landscaping. The assessment notes that the canal sits below the site and that there is an existing dense tree screen which the application proposes to manage, retain and strengthen. The report author concludes that the proposed development will enhance the WHS and its buffer zone and that the development will provide for characterful new dwellings and that the proposal appreciates its valuable setting adjacent to the canal.

6.7.4 The Council Conservation Officer’s comments are provided in full under section 4.1.3 above which concludes that, in principle, the development of the site would not cause detrimental impact on the significance of the World Heritage Site or the buffer zone and that there is no objection to the demolition of Wynn’s Cottage due to its degraded state providing it is not demolished prior to the developing proceeding. This is understood to mean that the Conservation Officer would like to ensure that Wynn’s Cottage is not demolished until the commencement of the

development, which would not be until a reserved matters consent for the detailed design of the layout, scale, appearance and landscaping of the site has been approved.

6.7.5 As such, although concerns have been raised locally about the loss of this building, the condition of the building does not warrant its retention in the development and overall the redevelopment of this site for housing would not have a detrimental impact on the significance of either designated or non-designated heritage assets in accordance with section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990. This is of course subject to appropriate design and layout which will need to be shown in any future reserved matters applications.

6.8 **Impact on residential amenity**

6.8.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Local objectors have commented on the potential for loss of amenities, specifically from traffic, which is considered below, but also from noise.

6.8.2 As an outline application it is not possible to provide a detailed assessment on the impact on the amenities of existing properties. There are existing properties to the north of the site and to the east and west of the northern part of the site. The properties to the east are on the opposite side of the canal and the properties to the west are set within large garden areas which provide good separation distances to the site. The main impact of the development will be on the properties immediately to the north along the access road into the site and also the two dwellings within the site. One of these is currently indicated to be demolished, however if at reserved matters stage this dwelling is retained its amenities should also be considered.

6.8.3 The reserved matters layout will need to ensure that there is not unacceptable loss of light or privacy to the houses to the north. The indicative layout, notwithstanding the density and layout comments, does show sufficient separation distances between the proposed dwellings and the existing dwellings to ensure that amenity is protected to a satisfactory level.

6.8.4 As noted above concerns have been raised by local residents regarding the potential for noise impacts. There is a potential that during the development stage there will be noise, dust and construction traffic. This can be controlled by appropriately worded conditions controlling the hours of construction. Post development the site will not result in noise emanating development any different to any other residential development and, given the existing and previous use of the site, there is also the potential for reduction in potential noise.

6.8.5 Consideration also needs to be taken of the potential impact on the proposed dwellings on the site as noted by the Council Public Protection Officer. A noise assessment is recommended to fully understand the potential impact on these properties from the A5 which lies to the east of the site. A condition can be used to require this to be carried out as part of the first submission of reserved matters to ensure that the layout takes into account the potential for noise.

- 6.8.6 Taking into account the allocation of the site and that the current application is for outline consent only it is considered that the allocation has accepted that there will be some level of impact on the neighbouring properties. However, the extent of the impact will need to be considered at the reserved matters stage and significant adverse impact will need to be avoided. The above confirms that, at this time, the expected impact is not significant and would not result in unacceptable adverse impact and therefore the principle of developing the site can be accepted.
- 6.9 **Highways, access, parking and rights of way**
- 6.9.1 Paragraph 32 of the NPPF advises that developments that generate significant amounts of traffic should be supported by a Transport Statement and promotes sustainable modes of travel, safe accesses and improvements to existing transport networks. Core Strategy Policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced.
- 6.9.2 The application has been submitted with a Transport Statement (TS) which considers the impacts of the potential traffic from the development as not being severe. The TS considers the site is in an accessible location, has little or no impact on the highway network, provides improved pedestrian and cycle linkages and therefore benefits the wider community and also will reduce the reliance on car trips to local services and facilities. The TS notes that roads in the local area are of standard width, speed limits are 30mph where the residential properties begin and speed surveys show that traffic speeds are just above the limit but that vehicles are slowing as they approach the village from the 60mph section. The TS also notes that there are no recorded accidents along the site frontage, 1 in the wider village and a small cluster of accidents at the A5 roundabout. The accident data is, on average, less than 1 per year. All the accidents are slight and therefore does not show a poor safety record. Within the TS the consultant concludes that there are no safety or capacity issues which would prevent the scheme coming forward.
- 6.9.3 With regard to sustainability the TS notes that an 800m walking distance covers the village and services, including the school. Other leisure and shopping facilities are within 2km or 5km and therefore are also accessible on foot or bicycle. The nearest bus stop is 750m to the west and 55m to the east with an hourly service during the week making the site accessible by bus.
- 6.9.4 The access to the site is 5.5m wide with a 6m radii and 2 paths. It narrows adjacent to The Firs to 1 path. Within the site it is proposed that the layout will provide short cul-de-sacs, private drives and shared spaces off an urban square. Visibility is 2.4m by 47.5m and car parking will be provided at 2 space per dwelling. The TS predicts average trip rates of the proposed development and also takes into account the fall back position of the business use of the site. The traffic levels are predicted as lower than could be achieved from a full business use. The TS also acknowledges the potential for traffic impact during the construction and recommends a routing plan and restricting the hours of construction vehicle movements to try and minimise the impact.
- 6.9.5 The Parish Council objection is wholly on the grounds of the suitability of the

access and the potential traffic movements which will arise from the proposed development. Local residents have also objected on the grounds of insufficient visibility, traffic levels, highway safety and access.

- 6.9.6 Immediate neighbouring residents have also raised concerns about the impact on the access road which they note is within their ownership. However the application shows the access road within the red edge of the application and the application form notes land owners which have been notified of the application. The ownership of the lane would be a civil matter and proof of title would be required as part of the legal agreement. As such this issue is not something which would prevent planning permission being granted.
- 6.9.7 The Council Highway Officer's comments are detailed in full under section 4 above. The Highway Officer has acknowledged the local concern and that the scale of the development is greater than the scale indicated in the SAMDev but has balanced this against the established use. The Highway Officer has advised that the indicative scale would not result in severe traffic movements that would warrant a refusal of the application but has recommended highway improvements to mitigate the impact of the potential traffic levels. The Highway Officer has no objections on the matters of visibility, traffic levels or the access junction subject to conditions as proposed in their consultation response. The conditions will ensure that details of the visibility and junction onto the main road and details of the internal estate roads are submitted for approval and will also require details of the highway improvements to be submitted and approved and thereafter carried out before any of the development is begun.
- 6.9.8 Local concerns have also been raised about the potential impact on the public right of way. The Council Rights of Way Officer has advised that the application directly affects Public Footpaths Weston Rhyn 3R and 3 and whilst the applicant has acknowledged the rights of way in the Design & Access Statement, the proposed outlet for Footpath 3 at the southern boundary of the site does not follow the definitive line of the right of way. However, as an outline application the plan, although intended to show an indicative layout, is not for approval and can be amended to take into account issues such as this. Alternatively, as noted by the agent and agreed by the Council Rights of Way Officer, the existing footpath can be diverted through a separate application process.
- 6.9.9 As such, although the concerns of the local community, including the Parish Council, are that the proposed development will result in significant levels of traffic, the advice from the Highway Officer is that the development will not result in severe traffic that would warrant a refusal of the current application. Such a refusal would not be defensible and improvements can be made to the local highway and the junction to mitigate the impact of the development.
- 6.10 **Ecology and trees**
- 6.10.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats and existing trees and landscaping. A protected species survey has been undertaken and submitted with the application and this has been considered by the Council Ecologist.

- 6.10.2 The submitted Ecology Report records the closest protected sites as being the River Dee and Bala Lakes SAC which is 800m from the site and Henlle Hall local wildlife site at 950m from the site. No direct impacts are expected on either of these sites given the distance and the intermediate roads and buildings. The report notes local records of otter on the canal and water voles, bats, great crested newts and birds in the local area. Site inspections were carried out of the site, buildings and trees and any ecology features in the wider area. One pond on the western boundary was surveyed and a small population of GCN were identified and the report notes that existing rough grass/ scrub areas on the boundaries and the railway line provide foraging and refuge areas. Daytime, dusk and dawn bat surveys were undertaken and no bats were recorded roosting on site, either in buildings or trees. Bats were recorded as using the site for foraging and commuting mainly on the railway line, canal and woodland area. The canal and banks were noted as suitable habitat for water voles and otters and a bankside survey showed no signs of either species but the report does recommend a survey from a boat. The report also comments that birds are likely to nest in the trees and scrub areas and along the banks of the canal.
- 6.10.3 The report recommends the retention of trees and other vegetation along the canal and railway line to retain the wildlife corridors, it also recommends that the canal corridor could be enhanced with new native planting and the replacement of the *Leylandii* with native species. The pond on the western boundary should also be retained and enhanced for the GCN and areas of rough grassland and tall herbs on the boundaries should also be retained where possible and any areas removed should be replaced with similar planting. A licence from Natural England will also be required as the development has the potential to affect GCN, the licence will need to show mitigation and compensation measures and also detail fencing and trapping proposals. Reasonable avoidance measures are recommended for works to trees in relation to bats, bat boxes should be provided and lighting should be appropriately designed so as not to impact on bats commuting. A 6m buffer to the canal should be retained to protect water vole and otter and general site precautions or fencing should also be carried out to ensure that otter are not affected by the development. With regard to birds tree removal should be carried out outside bird nesting season and bird nesting boxes should be provided within the site.
- 6.10.4 Concerns have been raised locally about the potential impact on wildlife, especially otters which local residents advise use the canal. The concerns of the local residents are reflected in the ecological reports undertaken by the applicant. The Council Ecologist initially raised no objections to the proposal and recommended conditions and informatives and also provided a Habitats Regulations Assessment for the site. The Council Ecologist's initial advice included information on considering and mitigating the impact on otters.
- 6.10.5 However, during the consideration of the application a revised foul drainage proposal was submitted which change the proposed foul drainage from mains connection to on-site treatment and disposal to the canal or watercourse. The Council Ecologist therefore advised that further details of the system and potential impact on protected sites and species was required. An on-site package treatment plan has the potential to impact upon the River Dee & Bala SAC or Cole

Mere Ramsar. Full drainage details were requested to see what is going to be discharged into the watercourse and additional ecology information was also requested.

- 6.10.6 The agent reconsidered the foul drainage proposals again and went back to negotiating with Welsh Water to establish whether there is a potential for connection to the mains drainage system. The details of the drainage matters are considered below. However, reversion to a mains drainage system has removed the need for additional ecology surveys to be carried out as the scheme no longer proposes outfall from a package treatment plant to the canal and therefore the risk to the SAC and Ramsar is removed.
- 6.10.7 The Council Ecologist has therefore reverted to their previous comment of no objection subject to conditions and the HRA 3 test matrix is attached as appendix 2 to this report. The content of the matrix should be noted by members as a requirement of the Habitats regulations.
- 6.10.8 A Tree Survey has also been submitted with the application which identifies 15 trees, 13 groups of trees, and one hedge. The report suggests that one oak and a group of sycamores are category A, 1 oak, 2 cherry and 1 ash as category C as are 7 groups of mixed trees and then leads on to propose removal of 4 individual trees, 3 of which are category C and 1 is category B, and 6 groups or parts of groups of trees.
- 6.10.9 Local objectors have raised concerns about the loss of trees and this was reiterated by the Council Ecologist. Canal and River Trust have also commented on the proposed development and specifically the tree works. CRT have noted that the ecology survey recognises the value of the canal as a wildlife corridor and recommends the retention of the trees yet the application and tree survey proposes removal of the majority of the trees along the canal cutting. CRT have suggested that further justification is required for the removal of these trees and this would also respond to the concerns raised by the residents regarding the potential for impact on tourism following the removal of trees
- 6.10.10 A continuous tree line along the canal bank should be retained by retaining as many trees as possible and replanting along the canal edge. The agent has confirmed that the tree removal is not included in the outline application, they are agreeable to suitable replanting and that this will be submitted as part of the Reserved Matters. This can be addressed by a landscape scheme condition and is considered to be a reasonable means of overcoming the concerns of all parties in relation to trees.
- 6.11 **Drainage and flood risk**
- 6.11.1 Policy CS18 ‘Sustainable Water Management’ of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity. The application proposed sending the foul drainage from the site to the existing mains system in the village and dealing with the surface water through various systems. Details could be conditioned as recommended by the Council Drainage Engineer, however Welsh Water initially objected to the proposal on the grounds of insufficient capacity in the mains sewerage system.

- 6.11.2 Following receipt of this objection the agent revised the foul drainage proposals for the site. Two alternative options were explored, connection to the watercourse and connection to the canal. The agent has discussed the options with Welsh Water to confirm that it would be possible for Welsh Water to adopt an on-site package treatment system, discussed the options with the Council Drainage Team and also with the Environment Agency. However, as noted in the previous section of this report either connection could impact on statutorily protected species and detrimentally harm habitats.
- 6.11.3 The case officer also drew the agents attention to the National Planning Practice Guidance which advises that: “*Applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment...when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies).*”
- 6.11.4 Given the risks to protected species and the uncertainty about which of the on-site systems could be developed it is officer’s opinion that there is not currently sufficient justification with the application to satisfy the national advice and support a private treatment plant. The agent has therefore revised the drainage proposal again, which has been the reason for the significant delay in presenting the application to members, and reverted to connecting the foul drainage to the existing mains drainage system.
- 6.11.5 The agent has discussed this latest proposal with Welsh Water who have confirmed direct to the agent that a connection at the point proposed would overcome their objection and would not require hydraulic modelling. However, they have also noted that the latest proposal would require significant off-site works and associated costs and therefore Welsh Water have recommended that the outline consent can be determined subject to an appropriately worded condition to require submission of the scheme for foul drainage prior to the commencement of any development on the site.
- 6.11.6 The condition recommended is as follows:
No development shall take place until:
i) A scheme has been submitted to and approved with the local planning authority demonstrating only foul water from the development site shall discharge to the public sewerage system between manhole reference numbers SJ29368905 and SJ29369910 as indicated on the extract of the Sewerage Network Plan.
Or:
ii) A hydraulic modelling assessment has been completed assessing the impact of the development hereby approved on the public sewer network and:-
iii) If necessary, a scheme to accommodate the development hereby approved as identified by the Hydraulic Modelling Assessment has been submitted to and approved with the local planning authority.
No part of the development hereby approved shall be occupied until the approved scheme has been completed.
Reason: To prevent hydraulic overloading of the public sewerage system, to

protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 6.11.7 Such a condition would allow the outline consent to be granted whilst ensuring that the development adequately addresses the disposal of foul drainage from the site before any development commences. The condition as recommended by Welsh Water only allows for connection to the existing mains drainage system but does allow for two options to be considered, either connection to the nearby system subject to hydraulic modelling, or connection to the system 1km away.
- 6.11.8 The cost of either connection would have to be met by the developer of the site. It is acknowledged, as noted by a recent objection, that the further away connection requires significant off-site works including crossing the canal and existing highways. However, this is not necessarily unachievable and it is not necessary given the wording of the condition proposed by Welsh Water to have a detailed plan submitted at this stage to show how a connection can be made. The latest advice from Welsh Water is that there are two options available to the applicant which would overcome their initial objection, either pay for the hydraulic modelling or pay for the lengthy connection further away. Which the developer decides on is a matter for them not for the Council and as there is no longer an objection from Welsh Water it would be unreasonable of the Council to refuse the proposal on foul drainage grounds.
- 6.11.9 A flood risk assessment has also been submitted which notes that the site is wholly within flood zone 1, that there is a low risk of flooding from the canal, little likelihood of flooding from rain water and no ground water flood risk identified but that infiltration for dealing with surface water is not suitable due to ground conditions. The FRA also calculates existing surface water run off rates and advises that the development will increase impermeable areas and recommends that surface water be attenuated using storage and restricted flows with final discharge being to the existing watercourse.
- 6.11.10 The Council Drainage Engineer has commented that the FRA is technically acceptable but has recommended that additional details are required for the surface water drainage of the site. The Drainage Engineer has recommended conditions to deal with this matter.
- 6.12 **Other matters**
- 6.12.1 Both the Council Public Protection Officer and the Environment Agency have noted that the site has the potential to have contamination both through the previous uses on the site and also from permitted and historic landfill. Local objections have also raised this as an issue. A report was submitted as part of the application which has identified existing structures and conditions and potential for contamination. The report notes that there are above ground and below ground tanks, areas of landfill, made ground, ponds and the railway line route. On-site tests were therefore undertaken and evidence was found of contamination and ground gas across the site but no hot spots were found and the evidence was as expected given the previous uses. The report advises remediation action, gas protection and monitoring, the provision of clean soil to garden areas and areas of pile driving required where peat has been noted.

- 6.12. The submitted report was considered by both statutory consultees and both have advised that further survey work is required but neither have raised an objection or recommended that the application does not proceed until the surveys are undertaken. It is therefore considered, as suggested by the Council Public Protection Officer that the additional information can be conditioned for approval at a later date.

7.0 CONCLUSION

7.1 The site is located within the recently adopted development boundary for Rhoswiell and is a site partly allocated for housing development in the Site Allocations and Management of Development (SAMDev) Plan. It is therefore accepted that the site is in a sustainable location, on the edge of the existing built development, where it benefits from the facilities, services and infrastructure offered by the village and will provide additional housing supply in accordance with national planning policy priorities. Furthermore, the development will provide for affordable housing in accordance with Policy CS11 and infrastructure provision in accordance with policy CS9, will result in the redevelopment of a brownfield site and will not result in significant loss of agricultural land.

7.2 The access to the site and its relationship with the adjacent canal and associated World Heritage site buffer zone will influence the future reserved matters applications layout and design, however in principle the site could be developed for housing without adversely affecting the amenities of the existing properties and in context with the surrounding built form. Furthermore, subject to submission of detailed designs, the site can be provided with satisfactory foul and surface water drainage arrangements, will not be harmful to local habitats or biodiversity and public open space will be provided which also improves the accessibility and the landscaping of the area.

7.3 Accordingly, subject to conditions and the applicant entering into a S106 legal agreement to secure affordable housing, it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with policies CS6, CS9, CS11, CS17 and CS18 of the Shropshire Core Strategy and policies MD1, MD2, MD8, MD12, S14.2 and S14.s(xi) of the SAMDev. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural

justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose first arose.

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10. **BACKGROUND**

10.1 Relevant Planning Policies

National Planning Policy Framework
 CS4 - Community Hubs and Community Clusters
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS7 - Communications and Transport
 CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD8 - Infrastructure Provision
 MD12 - Natural Environment
 Settlement: S14 - Oswestry

10.2 relevant planning history:
 None

11. Additional Information

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

EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

14/05708/OUT

The Sawmills, Rhoswiel, Weston Rhyn - Outline application (access for approval) for mixed use residential development; creation of vehicular access; demolition of all existing buildings

Date of consideration of three tests:

5th August 2015

Consideration of three tests carried out by:

Alison Slade

Planning Ecologist (01743 252578) Alison.Slade@Shropshire.gov.uk

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 development of the site is considered to be of overriding public interest for both social and economic reasons. The site is allocated for housing development to support the Council’s housing delivery requirements and as such, the allocated part of the site, is required to be developed for housing.

2 Is there ‘no satisfactory alternative’?

There are no satisfactory alternatives given the allocation of the site for housing

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’?

JW Ecological carried out surveys of one pond (Pond 1) on the western site boundary in spring 2013. This recorded a small population of great crested newts (GCN) and eggs were found. Six GCN surveys were carried out between April and June 2015 confirming a ‘small’ population size class. Additional GCN surveys were carried out in 2015 of Pond 2 (sited around 20m south of the site), which were negative. Pond 3 (sited 200m from the site) was assessed as having ‘poor’ suitability for GCN and was scoped out for further survey.

Details of mitigation, including exclusion and trapping, enhancement of Pond 1 and creation of hibernation sites are contained within the Great Crested Newt Mitigation Statement by Kingdom Ecology dated July 2015.

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 that the conditions and informatives detailed in the response from Alison Slade to Karen Townend dated 5th August 2015 are attached to any consent and thereafter implemented.

Guidance for filling in the EPS form

The three tests detailed below must be satisfied in all cases where a European Protected Species may be affected and where derogation under Article 16 of the EC Habitats Directive 1992 would be required – i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary; since no offence is likely to be committed, it is not appropriate to consider the three tests. Test 1 'overriding public interest' and test 2 'no satisfactory alternative' should be addressed by Shropshire Council planning team. Test 3 'favourable conservation status' should be addressed by Shropshire Council Ecologists with guidance from Natural England.

1 Is the purpose of the development/damaging activity for 'Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?'

NB in order to meet this test, the purpose of preserving public health or public safety must also be shown to constitute a reason of overriding public interest. You would need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public.

If an unstable structure (e.g. buildings, trees) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.

If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992), projects that are entirely in the interest of companies or individuals would generally not be considered covered.

2 Is there no satisfactory alternative?

An assessment of alternatives needs to be provided. If there are any viable alternatives which would not have an impact on a European Protected species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort. Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) are there any other solutions, and c) will the alternative solutions resolve the problem or specific question in (a)?

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'?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; b) what the impact of the proposal would be. In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if it has a detrimental effect on the conservation status or the attainment of favourable conservation status for a species at all levels. The net result of a derogation should be neutral or positive for a species. In the case of destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected. Compensation measures do not replace or marginalise any of the three tests, all three tests must still be satisfied.

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. This permission does not purport to grant consent for the layout shown on the deposited plan submitted with this application.

Reason: To enable the Local Planning Authority to consider the siting of the development when the reserved matters are submitted.

5. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

- The number of units
- The means of enclosure of the site
- The existing levels of the site
- The finished floor levels across the site
- Details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land, buildings and the canal
- A noise assessment to take into consideration the impact of road noise from the A5
- An updated AIA and tree survey

Reason: To ensure the development is of an appropriate standard and to ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and the canal and establish the impact of the proposals on the stability of the canal cutting.

6. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

7. No burning shall take place on site including during clearance of the site.

Reason: to protect the amenity of the area and protect the health and wellbeing of local residents.

8. Work shall be carried out strictly in accordance with the Great Crested Newt Mitigation Statement by Kingdom Ecology dated July 2015

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

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

10. Prior to the commencement of the development full engineering details of the proposed highway improvements (footway widening/priority Give-Way) on Station Road (canal Bridge) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the development is begun.

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

11. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

12. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

13. Contaminated land

- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

14. 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.

15. No development shall take place until:

i) A scheme has been submitted to and approved with the local planning authority demonstrating only foul water from the development site shall discharge to the public sewerage system between manhole reference numbers SJ29368905 and SJ29369910 as indicated on the extract of the Sewerage Network Plan.

Or:

ii) A hydraulic modelling assessment has been completed assessing the impact of the development hereby approved on the public sewer network and:-

iii) If necessary, a scheme to accommodate the development hereby approved as identified by the Hydraulic Modelling Assessment has been submitted to and approved with the local planning authority.

No part of the development hereby approved shall be occupied until the approved scheme has been completed.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding and to protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

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

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

18. Prior to the commencement of development, details of appropriate mitigation measures to prevent pollution of the waterway or other damage to the Llangollen Canal infrastructure or its users during the demolition, remediation or construction of the proposed development, shall

be submitted to and agreed in writing by the Local Planning Authority in consultation with the Canal and River Trust. The approved measures shall be fully implemented in accordance with the agreed details.

Reason: To prevent any detriment to the Llangollen Canal and its users, and avoid damage to or contamination of the waterway and ground water from wind blow, seepage or spillage at the site.

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

19. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall 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 bats 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.

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

20. As part of the reserved matters details of the location and design of five 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

21. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

- a) Description and evaluation of the features to be managed;
- 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.

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, including great crested newts.

22. Prior to the first occupation of the dwellings a range of 11 artificial nests suitable for small birds such as garden birds, house sparrow, house martin and swallow shall be erected on the site.

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



Committee and Date
 North Planning Committee
 28th March 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

<u>Application Number:</u> 15/04373/FUL	<u>Parish:</u>	Sutton Upon Tern
<u>Proposal:</u> Erection of a workshop and amenity building and associated use of land as a haulage yard with external storage		
<u>Site Address:</u> Site of Former Railway Station Tern Hill Shropshire		
<u>Applicant:</u> Tony Hamer and Sons Ltd		
<u>Case Officer:</u> Richard Denison	<u>email:</u> planningdmne@shropshire.gov.uk	

Grid Ref: 363350 - 332090



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Recommendation:- Delegated to the Head of Planning Services for approval subject to conditions set out in Appendix 1 and any amendments considered necessary.

Recommended Reason for Approval.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of a workshop and amenity building and associated use of the land as a haulage yard with external storage. The proposed workshop building will measure 15 metres by 20 metres and will be constructed from a steel portal frame with box profile sheeting. A total of 18 open storage clamps will be provided (two mushroom compost clamps, six 4.3m x 6m clamps and ten 4.3m x 7.6m clamps). The proposed clamps will face a square manoeuvring and loading area adjacent to the workshop building, wash area and gravel hopper. The existing vehicular access will be used and there will be 16 car parking spaces being provided for staff and customers and 9 heavy goods vehicle parking bays. Four lighting columns will be provided, whilst a landscaped gravel display area will be provided directly adjacent to the entrance. Security fencing and gates will be provided to enclose the site. The area of land to the south west corner of the site will be open and allow for any potential future expansion.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site is 1.14 hectares in size and was formerly used as a railway station with associated rail haulage and railway goods storage. It is bounded by agricultural land to the north, west and south. The A53 road defines its south eastern boundary. To the north east of the site are a number of employment uses. Tern Hill Furniture is situated immediately north of the access. Between the access and the main part of the site is United House, which is occupied by United Milking Systems. The nearest residential property is Station House which is located to the north east corner of the site, whilst The Cottage is located directly adjacent to the Tern hill Furniture warehouse and the Lodge is located directly opposite facing the A53. There are two derelict storage and workshop buildings on the site that will be demolished, that were previously used as a railway goods shed and weighbridge.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 **Consultee Comments**

- 4.1.1 **Shropshire Council, Highways Development Control (07/12/15)** - Whilst the Highway Authority raises no objection to the principle of the proposal in order to more fully assess the application from a highway perspective clarification and information regarding the simultaneous movement of the HGVs at the in/egress of the site onto the adjoining principal road should be forwarded. In addition, a more detailed site/block plan should be forwarded identifying all the assigned parking and turning arrangements for the HGVs, staff and customers. Whilst the traffic movements have been given in the supporting information greater clarification should be given on how these equate to the proposed operation of the site and the number of clamps shown. The operation of the company would appear to be in aggregates from the supporting information but the use of the site would appear to be seeking a general haulage use and as such would other haulage operations than just aggregates operate from the site? Further comments will be forwarded on receipt of the above information and plans.
- 4.1.2 **Shropshire Council, Highways Development Control (04/11/16)** - The site access geometry is limited by the adjacent furniture store car parking to the north-east and by the property shown as United House to the south-west. The submitted information also does not adequately address the relationship of the access and proposed site use to the existing furniture store car park and vehicle movements to and from the A53.

The submitted swept-path analysis demonstrates that two articulated HGV's can pass within the access at a point 20 metres or more from the A53 junction, however, the drawing also clearly demonstrates that the manoeuvring requirements of a standard articulated HGV requires the full width of the available access for an initial length when entering the site.

Of particular concern is the exit manoeuvre to the north-east which, because of the limitations of the site ownership and control at the corner of the furniture store car park, appears to show an articulated vehicle encroaching into the oncoming southwest bound A53 traffic. Site observations suggest that the southwest bound traffic at the position of the site access would have ample opportunity to achieve speeds at or near to the speed limit and the encroachment may not be anticipated.

Whilst it is considered that visibility for vehicles emerging from the access and forward visibility for traffic on the A53 are acceptable at this location, the geometric limitations of the access could give rise to instances of vehicles associated with both the site and the adjacent furniture store stopping and waiting on the A53 while an articulated vehicle negotiates and clears the access. The submitted information clearly identifies the sale of aggregates to customers and there would be the potential for movements of customers' vehicles to conflict with those of the articulated vehicles.

It is accepted that the submitted vehicle movement schedule shows low levels of articulated vehicle movements based upon the current site location and operations, however, the business operations and associated vehicle movements are unlikely to be able to be controlled under a planning consent and could change. In addition, the increase in capacity afforded by a larger site could give rise to increased articulated and staff/customer vehicle movements in the future, potentially without the need for a further planning consent, should the haulage yard use be established.

It is, however, noted that the site ownership and control appears to be sufficient for the consideration of a new vehicular access, which could be designed to fully accommodate articulated HGV's, to the southwest of the property shown as United House.

- 4.1.3 **Shropshire Council, Highways Development Control (19/01/17)** - Following the previous Highway Advice Note dated 4th November 2016 further information has been submitted in the form of a revised application site boundary to both the south western and north eastern sides of the access road with a revised drawing showing articulated HGV's swept-paths.

Additional width is shown along the length of the access road both adjacent to United House and across the adjacent furniture store car park to the north-east. The supporting swept-path analysis plan now demonstrates that the access can accommodate the swept-path of an articulated HGV exiting the site to the northeast without encroaching onto the opposing lane on the A53. This will, however, require the widening of the existing dropped kerb.

The submitted information still does not adequately address the relationship between the increased use of the access by HGV's and the operation of the existing furniture store car park. In addition, and contrary to the statement provided, it would appear that the passing of two HGV's within the access road has not been demonstrated.

It can be determined from the new swept-path analysis that an articulated HGV should now be able to exit the site access junction with the availability of the additional furniture store land without encroaching onto the opposing lane on the A53. In terms of the access road, whilst the swept-path analysis shows movements for vehicles 6 and 9, these are not combined and when compared, there would still appear to be the potential for conflict within the initial 20 metres of the A53 junction. It would appear, however, that the swept-paths have not taken into account the additional width on the south western side of the access road and should be capable of further revision.

The concerns in relation to the furniture store access arrangements appear not to have been fully considered or addressed. With the increased use of the site access and the current "in/out" arrangements for the furniture store car park, this could give rise to instances of vehicles stopping and waiting on the A53 while an articulated vehicle clears the access.

The revision of the application site boundary suggests that there is some agreement with the neighbouring landowners; however, it is considered that the access width and radius amendments do not fully address the previous concerns. In order to resolve the remaining highway concerns, it is considered that the furniture store car park layout and "in/out" arrangement also needs to be amended.

At present, the full range of measures considered to be required to safely accommodate the proposed development have either not been demonstrated or are outside the ownership/control of the applicant and reliant on further agreement over changes to the neighbouring landowners' site. Notwithstanding the submitted revised information and the above comments, it is still considered that a new vehicular access, located to the southwest of United House and designed to fully accommodate articulated HGV's, would be preferable.

- 4.1.4 **Shropshire Council, Highways Development Control (21/02/17)** - Following the previous Highway Advice Note dated 19th January 2017 revised information has been submitted in the form of a Site Survey (Drawing No. 79-17-01) and articulated Vehicle Swept Paths 10 & 11 (Drawing No. 79-17-72) which now demonstrate that the access road and junction arrangements can accommodate the swept-paths of articulated HGV's subject to the widening of the existing dropped kerb.

Drawing No. 79-17-72 also shows the reversal of the current “in/out” arrangements, angled parking bays and surface markings for the furniture store car park which addresses a further concern, however, the requested signing from the A53 is currently not indicated but is considered appropriate to secure under a planning condition. In considering the reversal of the existing parking bays, it is noted that the bays appear to be below the recommended length and it is likely that vehicles will project into the aisle shown, however, this is assumed to occur under the current layout. The revised layout shows an overall reduction of two parking spaces, however, this appears to have been caused by providing the full clear width of the access from the A53 which is acceptable.

The requested physical kerbing or separation of the revised radius and boundary to the north-eastern side of the access, across the furniture store car park, also does not appear to be indicated on the revised drawings.

The protection of the HGV swept-path from parking or other obstructions is considered essential to ensure safe egress for site HGV's and through traffic on the A53 and, therefore, requires physical separation from the furniture store car parking area to avoid the possibility of future encroachment. It is considered that these details should be submitted for approval under a planning condition and implemented as part of the necessary alterations to the existing dropped-kerbing to the A53.

No objection is raised subject to the development being carried out in accordance with the approved plans and the provision of safeguarding conditions and informative.

- 4.1.5 **Shropshire Council, Planning Ecologist (18/12/16)** - A mature oak tree adjacent to the eastern boundary was assessed for its suitability to support roosting bats but no suitable features were identified. The boundary hedgerows provide foraging and commuting opportunities for bats. The report recommends the inclusion of bat tubes or boxes on the new building to replace existing roosting opportunities and to enhance the site for bats. New lighting on the site should follow the Bat Conservation Trust's guidance Bats and Lighting in the U.K. (2009). In particular, illumination of boundary vegetation and the locations of the bat and bird boxes should be avoided.

There are two ponds located approximately 50 metres to the south of the site, on the opposite side of the A53. Presence/absence surveys were carried out on the two ponds in May and June 2015 and a small number of smooth newts were recorded in both ponds. The mitigation measures proposed for reptiles will also ensure that smooth newts are not harmed by the development. Should any Great Crested Newts be found at any stage, works must cease and a suitably qualified ecologist and Natural England contacted for advice.

The two buildings on site do have features where birds could nest and an old nest

was noted. The buildings, hedgerows, trees and scrub provide potential nesting opportunities for birds. An old nest was observed at the south-western end of Building 1. Demotion of the buildings and removal of vegetation should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check of the buildings and vegetation should be carried out to ensure there are no active nests present. If any active nests are present (or birds begin nesting once works begin) then works must cease until the young birds have fledged. The report recommends that a number of artificial nesting boxes are erected on the new building, suitable for swifts, house martins, starlings and house sparrows.

The grassland provides little suitable habitat for reptiles but the piles of brash, rubble and wood, patches of scrub and areas within and around the derelict buildings all provide suitable habitat for hibernating and foraging. The boundary hedgerows also provide cover suitable for foraging, hibernating and dispersing reptiles and are well-connected to other suitable habitats. To avoid harming reptiles mitigation measures are proposed.

No evidence of badgers was found on the site or within the local area. It has been suggested that trenches and pipework should be covered overnight or contain a ramp so that any badgers, or other wildlife, that become trapped have a means of escape.

- 4.1.6 **Shropshire Council, Planning Ecologist (08/09/16)** - Apart from a mature oak tree adjacent to the eastern boundary, there are no potential roosting opportunities for bats on the site. Because not all suitable features could be fully searched during the preliminary roost assessment, emergence and re-entry activity surveys were carried out. These were carried out in May and June during the bat survey season and in accordance with the Bat Conservation Trust (BCT) survey guidelines. The temperatures during the activity surveys are given in Turnstone's report. There is no requirement for more activity surveys. Bats are known to forage in the area and use the boundaries to commute. Further surveys would not alter the conclusions, which are to strengthen existing boundaries, erect bat boxes and have a bat-sensitive lighting scheme. All of which will enhance the roosting and foraging opportunities available for the local bat populations. Details of proposed lighting will have to be submitted which will be at the minimum level possible, on PIR timers, down-lit, not illuminating boundaries or locations of bat/bird boxes etc.
- 4.1.7 **Shropshire Council, Flood & Water Management Team** - The surface water drainage proposals are acceptable.
- 4.1.8 **Shropshire Council, Public Protection (27/10/15)** - Having considered the proposed land use, past land use and character of the area I am satisfied that there is not likely to be a significant impact on the area in relation to noise due to the fact that the road network in this area is very busy and noise from the road would mask noise created on site. In relation to contamination although there may be some contamination on site it is not considered likely that this would be at a level that would have an impact on the proposed land use. As a result I have no objection to this application.
- 4.1.9 **Shropshire Council, Public Protection (20/09/16)** - The issue of noise from the site and the impact on nearby residential properties has been raised. Noise from general

activities and also from HGVs entering and leaving the site. Having considered potential noise sources on site it is noted that there are some noisy activities which could generate significant noise at source such as loading and unloading of silos and use of the hopper. Impact noises from these activities will be loud at source however will be reduced significantly by the distances between the activity and residential curtilage. There will also be no direct line of sight between these activities and nearest residents to the north due to the presence of existing buildings. As a result it is not anticipated that noise from these activities will have a significant detrimental impact on residents although it is expected that these noises would be heard at the boundary of the residential receptors. As a result a condition to limit any loading, unloading and packaging including bagging of materials is recommended in order to limit the potential impact of these activities to between the hours of 08:00 – 17:00 Monday to Saturday with no activity on Sundays.

One concern that has arisen in relation to vehicle movements on site is that of reversing alarms. Although the distances involved will ensure that absolute volume of any vehicle reversing alarm may be low should be noted that reversing beeping alarms are very intrusive due to their single pitch. I would therefore advise that a condition to ensure that any vehicle to be used solely on site shall be fitted with white noise reversing alarm in order to ensure there is no impact on residents from this noise source.

Noise from vehicles entering and exiting the site has been considered in the past and not warranted any comment. Here is some further detail behind these initial comments. The access road is approximately 50 metres at its nearest point from the façade of the nearest residential dwelling with direct line of sight of the access road. Over this distance noise levels will be reduced from typical noise levels for HGVs of approx. 100dB (conservative as likely to be less due to low speeds entering and exiting the site) to 58dB as a worst case scenario at the façade of the nearest dwelling. Although audible given the fact that background noise in the area will consist of vehicle noises on the A53 and A41 I do not consider that these noise levels will have a significant impact on the residents. In respect to noise in the garden area as each noise event will be relatively short lived I do not consider that the proposed development will have a significant impact on the amenity of the area in respect of noise from this noise source.

Air quality in the area has been raised as a concern. As the air quality specialist for Shropshire Council I can confirm that air quality monitoring takes place 45m from Tern Hill roundabout and has found levels are on average half of the national objective limit for nitrogen dioxide. The properties nearest to the application site are 200m from the roundabout and it is reasonable to expect air quality to be better at these properties. Having considered the number of vehicle movements on any given day from the proposed use it is noted that this is insignificant compared to the amount of traffic on the A53. As a result the air quality at nearby residential properties and garden areas is not expected to get noticeably worse and will certainly not exceed national objective levels set in legislation for short term or long term averages. As a result I have no concerns over air quality and do not expect any noticeable increase in annual, daily or hourly averages of any pollutant should this application be recommended for approval.

In respect of light pollution from the lighting proposed I would recommend that lighting

is angled down and not above horizontal and baffled where necessary to ensure minimal light spill, no sky glow and no glare. This should be easily achieved. Should this not be carried out and a nuisance alleged in future this department can be contacted to investigate and statutory nuisance and ensures a solution is provided where a nuisance is found.

Lights from vehicles have also been raised as a potential issue. Having considered this aspect, topography, existing vegetation and fences I do not consider that lights from vehicles are likely to have a detrimental impact on residents.

In conclusion I would recommend a condition to limit times of operations which involve delivery/removal or packaging of aggregates on site and a condition to ensure that reversing alarms on site are white noise alarms and not beeping alarms when these are required for health and safety reasons. I have no other recommendations having considered the application in full.

- 4.1.10 **Sutton Upon Tern Parish Council (19/11/15)** - Objects to the proposals outlined in this planning application. The proposal is contrary to CS6 which seeks to '*safeguard the residential and local amenity*' of residents. CS6 states that development must '*protect, restore, conserve and enhance the natural, built and historic environments and is appropriate in scale, density, pattern and design taking into account the local context and character*'. Parish Council members expressed concerns over the proposed access/egress onto the A53 which, at that point, has insufficient width to cater for heavy goods vehicle movements turning/crossing the 60mph road. The proposal fails to address safeguarding the health and well being of local residents with no mitigations in place for noise pollution, air quality regulation/monitoring, light pollution, general disturbance and nuisance from HGV movements and unacceptable hours of operation. No screening or acoustic barriers have been proposed. Stringent conditions would need to be imposed to safeguard the amenity and health and wellbeing of neighbours. Councillors noted the reason for relocation is due to unsuitability of current site due to close proximity to residential dwellings but little thought has been put into the proposal to safeguard the amenity/wellbeing of residents adjacent/close to the new site. Rights of way have been overlooked in the proposal. Emergency service access does not seem to be adequate. This site has not been used for haulage in recent years and will result in loss of residential amenity for local residents. Councillors agreed that in its current format this proposal is unsuitable for the site due to contravening CS6 and on Highways concerns. The Parish Council objects to this application.
- 4.1.11 **Sutton Upon Tern Parish Council (21/01/16)** - Following the amended plans Sutton Parish Councillors maintain a strong objection to this application on the grounds of close proximity to neighbouring non-related domestic dwellings due to the loss of residential amenity and the potential harm that operating an aggregate haulage yard in the proposed location will cause. The Councillors expressed disappointment that none of the mitigations which have been suggested have been implemented and that the applicant is continuing with the intention of keeping the access by the houses rather than at the other end of the yard which is being left empty. The positioning of the building is in itself unacceptable. Councillors queried the installation of a public viewing platform adjacent to a residential dwelling - it will result in a significant loss of privacy and will serve no obvious purpose. The Town and Country Planning Act specifies that a B8 business is unsuitable next to residential dwellings. Councillors

agreed that this proposal remains unworkable in its current format and would like to see the plans significantly altered to reflect its location and the impact on residents. The Council strongly OBJECTS to this application.

4.1.12 **Sutton Upon Tern Parish Council** - The Parish Council wishes to raise their objection to the application on highway grounds as it is felt that the site cannot accommodate adequately turning areas for articulated HGV's without affecting the traffic on the A53.

4.2 **Public Comments**

4.2.1 A number of detailed letters of objection have been received from the occupiers of seven households raising the following concerns:-

- Loading and unloading of aggregates will cause dust pollution.
- Noise from plant and machinery used on site, vehicles entering and leaving, running engines
- Unsocial working hours.
- Highway safety concerns for vehicles accessing onto the main A53.
- Proposed site was formally a railway yard and has not been used for this purpose since 1968.
- Existing site will be developed and business transferred so no increase in the supply of employment.
- Concerns over future expansion.
- Impact on wildlife.
- Increase danger to pedestrians using right of access and Council has duty of care towards the health and safety to pedestrians.
- Impact on existing right of access.
- Restrictive covenant issued by the Council in relationship to the use of the land.
- Opening hours of 4am to 10pm is unacceptable.
- Storage of compost may attract vermin and cause unpleasant odours.
- Light pollution from flood lights.
- Increase in air pollution.
- Impact of CCTV cameras.

A full and detailed copy of the objections can be viewed on line in full.

4.2.1 A detailed objection report has been received from Coombs Planning Services on behalf of the owners of Station House and raise the following concerns:-

- Increase in intensification from any previous use.
- Noise and disturbance from HGV's entering and leaving, reversing beepers, forklift trucks and machinery in building.
- Proposed operation will be 24/7.
- Increased movement of traffic will result in loss of privacy and CCTV.
- Pollution and fumes from vehicles.
- Odour from stored materials such as fertiliser or compost.
- Increase in dust.

- Proposed lighting will result in annoyance, harmful to wildlife and undermine the enjoyments of the countryside.
- Increase in traffic and suitability of existing access.
- Visual impact on the character of the local area.
- Proposed security gates and fencing will obstruct a legal right of access.

Conditions are proposed to assist to mitigate the impact and limited the extent of activities. A full and detailed copy of the objection can be viewed on line in full.

4.2.1 Five letters of support have been received raising the following comments:-

- The proposed site is close to two main roads.
- The site is further away from residential properties.
- A new residential estate has been built directly opposite the existing haulage yard.
- The long established business is investing in the local economy.
- The site will provide employment and services locally and nationally.
- Re-use of a derelict site.

A full and detailed copy of the support letters can be viewed on line in full.

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Environment Impact Assessment
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology
- Drainage
- Right of Access
- Restrictive Covenant
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 The proposed site has had a long planning history since the former railway use ceased. Historically, the site was used as a loading and unloading area in connection with the former Drayton to Wellington Railway line and the existing redundant sheds on site relate to this former use. The railway closed in the late 1960's and the track was completely removed by 1970. The operational use of the land as railway sidings ceased over 40 years ago.

6.1.2 Planning permission was granted in September 1989 for use of the former railway yard as a haulage contractor's depot which included the provision of storage facilities and security fencing (application reference NS/86/00760/FUL). There is no evidence

to suggest that this permission was implemented and no pre-commencement conditions complied with. A subsequent planning permission was granted in April 1991 for the use of an existing haulage and storage yard to a builder's yard (application reference NS/91/00009/FUL). Whilst planning permission was granted in July 1991 to change the use of an existing haulage and storage land to a builder's merchant's yard (application reference NS/91/00525/FUL).

- 6.1.3 Officers are aware that the proposed site has been in use as a haulage yard with associated external storage, although it is unclear as to when the last known commercial use on the site ceased. The site does currently have a storage trailer sited on it, although there appears to be no current established business operating from the site at this point in time. The site is largely underlain with hard core with a thin layer of self-seeded scrub / grass. Although the land closest to the existing entrance gates is clearly hard surfaced and is used from time to time. Officers are aware that the proposed site has been used over the past 15 years for occasional storage of the odd trailer and some road salt, whilst it has been used by a travelling circus. The agent has also confirmed that Technology Supplies used to operate from the warehouse which is currently used by Tern Hill Furniture. This was a highly successful company and had many members of staff, with company vans and delivery vehicles. Such was the volume of traffic that they rented the northern part of the applicant's site from August 2004 to February 2012 as additional parking space.
- 6.1.4 No Lawful Use Certificate for the site has been issued and officers consider that the proposed site has no lawful use as a haulage yard. The agent for the avoidance of doubt has sought the change of use of the land as a heavy goods vehicle haulage yard with associated external storage, together with the erection of a workshop and amenity building.
- 6.1.5 The existing business specialises in the haulage of all type of products such as decorative aggregates, sand, gravel, topsoil, compost, salt, sawdust, etc. Their existing premises on Newcastle Road in Market Drayton are used to store and maintain their vehicle fleet as well as to store some quantities of the products they deliver. That site covers an area of 0.19 hectares and has reached capacity. It is located in a primarily residential area with private gardens abutting the site boundary to the east and west with properties being directly opposite the road to the south, whilst the A53 bypass runs along the northern boundary. There are 23 dwellings within 100 metres of the site and there have been no formal complaints regarding the operations of the business on the amenity of local residents. There are no restrictions on hours of opening, although the site is in use Monday to Saturday inclusive and lorry movements take place throughout the day (generally 04:00hrs to 22:00hrs) in order to meet customer demands.

6.2 **Policy & Principle of Development**

National Planning Policy Framework

- 6.2.1 The National Planning Policy Framework (NPPF) sets a "*presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking*". In paragraph 17 it indicates that one of the core planning principles is to support sustainable economic development to deliver business and industrial units and encourage the effective use of land by reusing land

that has been previously development provided that it is not of high environmental value. The NPPF is focused on ‘supporting thriving rural communities’ within the countryside. Section 3 of the NPPF seeks to support a prosperous rural economy.

- 6.2.2 The NPPF references ‘previously developed land’ in Annex 2 as land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes land that was previously developed, but where the remains of the permanent structure or fixed surface have blended into the landscape in the process of time. The proposed site has two derelict buildings on site (a loading shed and weighbridge building) which are clearly visible, whilst the access drive and hard surfacing towards the northern end of the site is still visible. The land surrounding the central derelict building has been overgrown with short grass, although there is evidence of the former hard surface and there is a concrete pad. Under the NPPF the proposed site constitutes previously development land and although part of the site now has grass growing the land is not considered to be of high environmental value. The ecological aspects of the site are considered further in section 6.7.
- 6.2.3 The NPPF also indicates 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*”. It indicates that to promote a strong rural economy development should “*support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings*”.

Shropshire Core Strategy

- 6.2.4 The Shropshire Core Strategy encourages economic development in the rural area and Strategic Objective 6 seeks to, “*Promote sustainable economic development and growth by providing a flexible and responsive supply of employment land and premises*”. Strategic Objective 7 aims to support the development of rural enterprise and diversification of the rural economy, ensuring that development proposals are appropriate in their scale and nature with the character and quality of their location.
- 6.2.5 Policy CS5 ‘Countryside and Green Belt’ indicates that new development will be strictly controlled in accordance with national policies protecting the countryside. However, the policy permits development that brings local economic benefits including, “*small-scale new economic development diversifying the rural economy*”, and “*the conversion or replacement of suitably located buildings for small scale economic development / employment generating use*”. The proposed development enables a local company currently based in Market Drayton to expand, thereby helping to provide jobs and diversify the rural economy.
- 6.2.6 Policy CS6 ‘Sustainable Design and Development Principles’ requires development to respect and enhance local distinctiveness and to make effective use of land. The use of a previously development land constitutes an effective re-use of a non-agricultural site, while the location of this proposed site makes effective use of Shropshire’s main road network, namely the intersection of the A41 and A53 at Tern Hill. The proposed development is in keeping with the existing commercial uses at Tern Hill (which comprise of a storage/haulage yard at Green Bank Farm, a 24hr petrol filling station, furniture warehouse, United Milking Systems which is a supplier

of milking/farming equipment approval for a motel) and consequently is consistent with the area's local character. Policy CS6 also indicates that development should protect, restore, conserve and enhance the natural and historic environment and is appropriate in scale, density and design taking into account the local character and which is considered in paragraph 6.4. Policy CS6 also indicates that it should safeguard residential and local amenity which is considered in paragraph 6.5.

- 6.2.7 Policy CS13 'Economic Development, Enterprise and Employment' plans to positively develop the economy and support enterprise including, "*Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business*", and in rural areas, "*supporting rural enterprise and diversification of the economy*".

Site Allocations and Management of Development (SAMDev) Plan

- 6.2.8 Policy S11.3(i) in the SAMDev Plan provides the relevant policy for the Tern Hill area, which is in the rural hinterland of Market Drayton. This indicates that suitable small scale employment uses within Market Drayton, the surrounding Community Hubs, Community Clusters or appropriate rural locations will be permitted to deliver around 6 hectares of employment land on windfall opportunities over the plan period. This current application will assist in delivery of the 6 hectares of employment land required by the Market Drayton area by contributing 1.14 hectares.
- 6.2.9 Policy MD4 'Managing Employment Development' indicates that employment land and development will be delivered by permitting proposals that are sustainable and meet the following criteria:
- i. *Are on committed or allocated sites (portfolio sites) identified in policies S1 to S18 and on the Proposals Map; **or***
 - ii. *Are other suitable development sites; **and***
 - iii. *Comprise Class B or sui generis uses which include industrial or commercial employment opportunities;*
 - iv. *Are operations which are compatible with adjoining uses;*
 - v. *Satisfy the relevant settlement policy and accompanying development guidelines.*
- 6.2.10 The proposed site would be classified as a suitable development site for providing employment land, whilst a haulage contractor's vehicle depot is classified within the Use Classes Order as Sui Generis and would provide commercial employment opportunities. The existing haulage business has operated successfully in its current residential location, whilst the adjacent Class B employment businesses would be acceptable adjoining uses.
- 6.2.11 The proposed development will enable a successful local company to expand, creating more jobs and economic growth. The site has historically been used as a rail haulage goods yard with a number of low key uses of a commercial nature. The proposed development makes better use of the site for modern day haulage uses, bringing it up to modern standards with associated benefits for the Shropshire economy.
- 6.2.12 The site has good access on two main roads the A53 linking Shrewsbury and

Newcastle-under-Lyme and the A41 linking Chester and Wolverhampton. This will provide quick and easy access to the road network to assist both the local and national deliveries.

- 6.2.13 The proposed development will enable the relocation of the business from its current cramped site in a residential area to a previously developed site which will make efficient use of land. The modern building will be larger than the existing derelict buildings, but this constitutes the “regeneration of existing employment sites” which is specifically encouraged by policy S11.3(i) and therefore supported by the Development Plan.

6.3 **Environmental Impact Assessment**

- 6.3.1 The development does not fall within Schedule 1 or Schedule 2 development of The Town and Country Planning (Environmental Impact Assessment) Regulations 2015 and therefore this application does not require an Environment Impact Assessment.

6.4 **Design, Scale and Character**

- 6.4.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.
- 6.4.2 The proposed workshop building will measure 15 metres by 20 metres and will house a workshop (including inspection pit) for maintaining the vehicle HGV fleet as well as a reception, office, kitchen and toilet facilities. To accommodate articulated heavy goods vehicles the proposed building will be 5.2 metres high to its eaves and 9 metres high to the ridge. The building will be constructed from a steel portal frame with box profile metal cladding painted juniper green with two large roller shutter doors.
- 6.4.3 The proposed building is similar in design, scale and appearance to modern commercial buildings and those found on farming enterprises in the rural area. The proposed building will be positioned 47 metres from the A53 and will be partly obscured by the mature hedgerow along the roadside and the existing buildings associated with United House. The building will be viewed in context with the existing buildings surrounding the site and will not extend into open countryside and is not considered to be particularly prominent in the landscape. The proposed clamps and hopper will be positioned along the rear wall of the United House building and the mature roadside hedgerow. Due to the height of the hedgerow and adjoining building the proposed clamps will be obscured from any public vantage point.
- 6.4.4 Concerns have been raised that the area of land to the south of the site will allow for future expansion. However, this area of the site is not indicated to provide any HGV parking or storage of material and will remain open. The number of HGVs are controlled by the Operator’s Licence and a condition can be imposed which will control the number of HGVs and trailers to prevent any increase in the number of

vehicles operating from the site.

- 6.4.4 The proposed layout, design and scale of the building would be acceptable on this rural location and would not impact on the landscape character of the local area.

6.5 Impact on Residential Amenity

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The main objections which have been raised from local residents indicate that the development will result in an overbearing impact and result in loss of light; cause overlooking and loss of privacy; create noise disturbance; result in poor air quality; create light pollution; result in odours from the storage of products; and create privacy issues.

Overbearing Impact & Loss of Light

- 6.5.2 The proposed workshop and amenity building measures 15 metres wide by 20 metre long with an eaves height of 5.2 metres and ridge height of 9.7 metres. The building will be positioned 8 metres from the gable elevation of a single storey long narrow building associated to United House to the south east. Having regard to the orientation the proposed building will not result in any overshadowing or loss of light, whilst the distance will prevent any overbearing impact.

Overlooking & Loss of Privacy

- 6.5.3 Concerns have been raised regarding overlooking and loss of privacy for local residents arising from the landscaped gravel display, whilst the Parish Council have raised concerns from overlooking from a viewing platform. The proposed landscaped gravel area is located towards the north corner of the site adjacent to the entrance gates and will be separated from the rear garden of Station House by a proposed security fence, an access driveway and wooden fence panels, together with garden landscaping and trees. Although customers will be able to visit the site to view the displays this haulage yard will not generate a significant level of customer visits. A large proportion of customers are aware of the products being sold and will not visit this haulage and distribution yard. This area of the site was originally left open and officers raised concerns that if this was not utilised then it may be used for vehicle parking, manoeuvring and turning which could raise noise concerns. The use of a landscaped gravel display area will enhance the entrance and visual appearance of this part of the site and prevent any encroachment of the business operations close to the occupiers of Station House. The area will not include a raised viewing platform as indicated by the Parish Council. Due to the existing screening the use of this area as a landscaped gravel area will not result in any significant overlooking or loss of privacy.
- 6.5.4 The proposed workshop and amenity building will include a number of windows and doors on the north east, south east and south west elevations overlooking the entrance and yard. However, these will only be at ground floor level and will be 53 metres from the rear boundary of Station House. The proposed building will be 8 metres from the gable elevation of the adjacent United House and screened by a security fence. Having regard to the proposed distances and uses the proposed

openings will not result in any detrimental overlooking or loss of privacy.

Noise Impact

- 6.5.5 Concerns have been raised from the occupiers of Station House regarding the operation of the business which will result in noisy activities involved in the haulage and storage of aggregates, building and landscaping materials. They has also indicated that it is considered that noise from vehicles entering and leaving the site; reversing beepers from forklift trucks and mini diggers will have a significant impact on the residential amenity of their property. It has also been stated that the use of the site which will potentially be 24 hours 7 days a week and the nature of the outdoor activities will result in a detrimental noise impact. It has been indicated that although it is acknowledged that there may be some existing noise from the A53 the noise levels experienced in the rear garden of Station House are likely to be lower because the property is set back from the road and there are a number of intervening buildings which screen any noise from the main road. Objections have been raised that no noise assessment has been submitted.
- 6.5.6 Officers have consulted Public Protection who has indicated that the proposed use as a haulage yard with external storage may result in some noisy activities which could generate significant noise at the source such as loading and unloading of silos and use of the hopper. The Public Protection Officer has indicated that impact noises from these activities will be loud at source, although they will be reduced significantly by the distances between the activity and residential curtilage of neighbouring properties. The nearest clamp will be over 56 metres away from the rear garden and over 100 metres from the rear elevation of Station House, whilst the gravel hopper will be 71 metres and 115 metres respectively. There will be no direct line of sight between these activities and occupiers of Station House or The Cottage due to the presence of existing buildings associated with United House and the furniture warehouse. As a result it is not anticipated that noise from these activities will have a significant detrimental impact on residents, although it is expected that these noises would be heard at the boundary of the residential receptors. As a result a condition to limit the hours of loading, unloading and packaging including bagging of materials is recommended in order to minimise the potential impact of these activities.
- 6.5.7 Public Protection has indicated restrictive hours of 08:00hrs to 17:00hrs Monday to Saturday with no activity on Sundays. However, these times would not accord with the current business operations and are significantly more restrictive than a previous application on this site which related to the use of the site as a builders merchants yard (application reference NS/91/00525/FUL). This application restricted loading and unloading of materials to take place between 07:00hrs and 19:00hrs Monday to Friday and 08:00hrs to 13:00hrs on Saturdays. However, officers have discussed this with Public Protection Officers who have agreed that the extending loading and unloading times would be acceptable, although the bagging of materials should not commence before 08:00hrs. Should vehicles require leaving the yard prior to 08:00hrs then materials will need to be bagged up the day before being delivered.
- 6.5.8 In relation to concerns regarding the level of traffic movements and potential noise impact the agent has indicated that the business currently has 6 heavy goods vehicles of which one is predominantly parked on site all day and only occasionally used in the yard. A detailed daily vehicle movement schedule has been submitted for all of the

vehicles for a 12 month period. There is a wide range of differing movements for all of the vehicles with some vehicles being out all day and night, out all day (including late returns), returning in the day for second pick up, returning to park up, half day and movements in the yard. In a worst case scenario if all vehicles returned for a second pick up this would equate to 10 movements outward and 10 movements inward. However, this has not happened in the past 12 months with there being on average around 10 movements per day. It has also been confirmed that staff and customer movements typically comprise of approximately 30 movements per day of cars and light vans (15 visits involving an inward and outward movement each). Officers consider that this level of vehicle movement is low, although appreciate that this proposed site is significantly larger and could accommodate additional heavy goods vehicles. The agent has submitted a copy of the Goods Vehicle Operators Licence which indicates that the licence was in force from 9th May 2007 and will be reviewed on the 9th May 2017. It indicates that the maximum number of motor vehicles which has been authorised is 9 motor vehicles and 6 trailers.

- 6.5.9 In relation to concerns over noise from vehicles leaving and entering, the access road is approximately 50 metres at its nearest point from the rear elevation of Station House with direct line of sight of the access road. Public Protection have indicated that over this distance noise levels will be reduced from typical noise levels for heavy goods vehicles of approximately 100dB (conservative as likely to be less due to low speeds entering and exiting the site) to 58dB as a worst case scenario at the façade of the nearest dwelling. Although audible given the fact that background noise in the area will consist of vehicle noises on the A53 and A41 it is not considered that these noise levels will have a significant impact on the residents. In respect to noise in the garden area as each noise event will be relatively short lived it is not considered that the proposed development will have a significant impact on the amenity of the area in respect of noise from this noise source.
- 6.5.10 Having regard that the application site is significantly larger than the existing site which could allow for future expansion it is proposed to restrict the level of vehicles and trailers by condition to that of the Vehicle Operators Licence. Should the business wish to expand the applicant will be required to vary the condition and allow the Planning Authority to assess any increased impact and consult with local residents.
- 6.5.11 Concerns have also been raised regarding the vehicle movements on site in relation to reversing alarms. The proposed centre of the yard is approximately 100 metres from the rear boundary of Station House and as indicated above is screened by existing buildings. Although the distances involved will ensure that absolute volume of any vehicle reversing alarm may be low it is noted that reversing beeping alarms are very intrusive due to their single pitch. It is advised that a condition be imposed to ensure that any vehicle to be used solely on site shall be fitted with white noise reversing alarm in order to ensure there is no impact on residents from this noise source.
- 6.5.12 The agent has indicated that the security gates will be left open during normal business hours and therefore vehicles entering and leaving will do so without any delay. The Public Protection Officer has acknowledged that the occupiers of Station House will hear vehicles coming and going in the garden due to the proximity of the access driveway. However, this will be against the elevated volume of vehicles passing along the A53 and therefore the noise will not be out of character for this

area. The Public Protection Team have considered that due to the number of vehicles operated by the business, together with the level of traffic movements and distance from neighbouring properties it is not necessary for a detailed Noise Impact Assessment to be carried out.

Air Quality

- 6.5.13 Concerns have been raised regarding air quality from the fumes of vehicles entering and leaving the site due to the close proximity to the neighbouring property. Officers have consulted the Council's Air Quality Specialist in Public Protection who has indicated that air quality monitoring takes place 45 metres from the Tern Hill roundabout and has found levels which are on average half of the national objective limit for nitrogen dioxide. It has been indicated that the properties nearest to the application site are approximately 200 metres from the roundabout and it is reasonable to expect air quality to be better at these properties. Having considered the number of vehicle movements on any given day from the proposed use it is noted that this is insignificant compared to the amount of traffic on the A53. As a result the air quality at nearby residential properties and garden areas is not expected to get noticeably worse and will certainly not exceed national objective levels set in legislation for short term or long term averages. As a result no concerns are raised over air quality and it is not expected that there will be any noticeable increase in annual, daily or hourly averages of any pollutant should planning permission be granted.

Light Pollution

- 6.5.14 Concerns have been raised regarding light pollution from the head lights of heavy goods vehicles entering and leaving the site which will shine towards Station House, together with light spillage from the proposed flood lighting columns. Amended plans have been received to reposition the access gates away from the rear boundary of Station House which is located approximately 50 metres away and screened by trees and shrubs. The objector has also recently constructed a new wooden fence along the rear garden boundary which will assist further in blocking light from vehicles. The entrance gates will be left open during working hours and therefore vehicles will be entering and leaving the site without having to wait whilst gates open.
- 6.5.15 The proposed site has to be considered in context with the local area. This site is not located in isolated open countryside which experiences complete darkness. Tern Hill roundabout is 192 metres away from the north east elevation of Station House and includes four 9 metre high street lights directly adjacent to the roundabout with four additional lighting columns on each of the four approaches. There are a total of 20 columns which are illuminated all night every day of the year with the nearest lighting column being positioned only 60 metres away from Station House. There is also a petrol filling station adjacent to the roundabout with its own flood lighting, whilst a proposed motel has been approved directly adjacent to the roundabout in February 2014 (application reference 13/03178/OUT). This includes a car park for 50 vehicles which would include flood lighting and is located just over 105 metres away.
- 6.5.16 In respect to concerns regarding light pollution from the proposed flood lighting the nearest lighting column is located over 65 metres away from the rear elevation of Station House which is partly screened by trees and shrubs. However, it is

recommend that lights will be angled down and not above horizontal and baffled where necessary to ensure minimal light spill, no sky glow and no glare. The flood lighting will be conditioned and will need to comply with ecology requirements so not to impact on foraging bats and cause light spillage to the neighbouring properties.

Odours

- 6.5.17 Concerns have been raised regarding the odour that will be admitted from the mushroom compost storage clamp. Mushroom compost is a by-product of the mushroom farming industry and consists of the bedding material (straw, manures, and other organic matter) that is left over after the mushrooms have been grown and harvested. Mushroom compost is an organic fertiliser for enriching the soil used to grow fruits, vegetables, and even flowers. If mushroom compost is properly made and stored it will not present a bad odour unlike horse or poultry manure. The mushroom clamp has been positioned 115 metres from the rear garden of Station House and 162 metres from the rear elevation, whilst The Cottage is 152 metres away. The mushroom compost will be stored in two clamps measuring 4.3 metres wide by 6 metres deep. The level of compost being stored is small and due to the distance away will not result in any significant odour levels which would be detrimental to residential amenity.

CCTV Privacy Issues

- 6.5.18 Concerns have been raised regarding the provision of CCTV cameras which may be directed towards neighbouring properties and result in privacy issues. The main laws governing the installation and use of CCTV is covered by the Data Protection Act 1998. Should CCTV cameras be installed then it is likely that these will be directed towards the main entrance gates and access driveway, together with the workshop / amenity building and yard. They will not be angled towards the private garden of Station House or the rear elevation of this dwelling and a condition is proposed to agree the proposed columns and angle of coverage prior to installation.

6.6 Highways

- 6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.6.2 Objections have been received from both local residents and the Parish Council raising highway safety concerns regarding vehicles accessing onto the main A53 and concerns that the amended plans do not overcome the original highway concerns. Suggestions have also been made that a new access to the south of the United House building could be provided which would take vehicle movements further away from neighbouring properties and would assist in reducing impact. The Highways Authority were originally consulted on the application and raised no objection in principle to the proposed use of the land, but raised a number of concerns regarding the simultaneous movement of the HGVs at the in/egress of the site; parking and turning arrangements for HGV's, staff and customers; and potential impact of traffic

movements.

Existing Access

- 6.6.3 The existing access is located between the Tern Hill furniture store building and United House and provides a hard surfaced driveway onto the main A53 road between Shrewsbury and Market Drayton. The existing access provides visibility splays in excess of 2.4m by 100m in a north east direction and 2.4m by 232m in a south west direction.
- 6.6.4 The Highways Authority have indicated that the site access geometry is limited by the adjacent furniture store car parking to the north east and by the property shown as United House to the south west. The applicants highway consultant has submitted a swept-path analysis which originally demonstrated that two articulated HGV's can pass within the access at a point 20 metres or more from the A53 junction, although it demonstrated that the manoeuvring for an articulated HGV required the full width of the access. The Highways Officer indicated that of particular concern is the exit manoeuvre to the north-east which, because of the limitations of the site ownership and control at the corner of the furniture store car park, appears to show an articulated vehicle encroaching into the oncoming southwest bound A53 traffic.
- 6.6.5 Whilst it is considered that visibility for vehicles emerging from the access and forward visibility for traffic on the A53 are acceptable at this location, the geometric limitations of the access could give rise to instances of vehicles associated with both the site and the adjacent furniture store stopping and waiting on the A53 while an articulated vehicle negotiates and clears the access. The submitted information clearly identifies the sale of aggregates to customers and there would be the potential for movements of customers' vehicles to conflict with those of the articulated vehicles.
- 6.6.6 Officers have been in discussion with the agent to seek amendments to the highway access which have resulted in a detailed site survey and vehicle swept paths which now demonstrate that the access road and junction arrangements can accommodate the swept-paths of articulated HGV's subject to the widening of the existing dropped kerb.
- 6.6.7 Amended plans show the reversal of the current "in/out" arrangements, angled parking bays and surface markings for the adjacent furniture store car park which addresses the conflict of customers/employees with vehicles using the existing access. Whilst new signage from the A53 is proposed as part of a condition to include these work. In considering the reversal of the existing parking bays, it is noted that the bays appear to be below the recommended length and it is likely that vehicles will project into the aisle shown, however, this is assumed to occur under the current layout. The revised layout shows an overall reduction of two parking spaces, however, this appears to have been caused by providing the full clear width of the access from the A53 which is acceptable. The requested physical kerbing or separation of the revised radius and boundary to the north-eastern side of the access, across the furniture store car park, also does not appear to be indicated on the revised drawings, although this will be conditioned accordingly.
- 6.6.8 The protection of the HGV swept-path from parking or other obstructions is considered essential to ensure safe egress for site HGV's and through traffic on the

A53 and, therefore, requires physical separation from the furniture store car parking area to avoid the possibility of future encroachment. It is considered that these details should be submitted for approval under a planning condition and implemented as part of the necessary alterations to the existing dropped-kerbing to the A53.

- 6.6.9 Having regard to the submitted amended plans, proposed conditions and following professional highway advice officers consider that the proposed access is acceptable.

Parking and Turning Arrangements

- 6.6.9 The proposed layout plan indicates the provision of nine HGV parking bays along the north west boundary with a large circulation space towards the centre of the site. The proposed level of parking is in line with the Goods Vehicle Operators Licence for 9 HGV's, although the applicant currently only has 6 HGV's. The site is large and will provide sufficient width and space to enable vehicles to manoeuvre and park up without interfering with any potential loading. Sixteen staff and customer car parking spaces are being provided directly adjacent to the proposed workshop and amenity building and will provide an acceptable level of parking provision for employees and visitors. Although a small number of visitors may come to inspect samples the main proportion of the business is from established clients and builders who pre-order.

Traffic Movements

- 6.6.10 The company's operations involve the delivery of aggregates from source (i.e. quarries) to end customers all over the country. Most of these movements are direct from source to end customer, and do not go near the depot. The main purpose of the depot is to park up the HGVs and trailers when not in use, and for vehicle maintenance. The sale of small quantities of aggregate at the site for customers who wish to collect themselves, is very much a secondary activity. Sub-contractors are used during periods of high demand, to transport aggregates from source to end customer. They do not need to use the depot, and in any event are mainly used for locations that are geographically remote from Shropshire.
- 6.6.11 The business currently has 6 heavy goods vehicles of which one is predominantly parked on site all day and only occasionally used in the yard. A detailed daily vehicle movement schedule has been submitted for all of the vehicles for a 12 month period. There is a wide range of differing movements for all of the vehicles with some vehicles being out all day and night, out all day (including late returns), returning in the day for second pick up, returning to park up, half day and movements in the yard. In a worst case scenario if all vehicles returned for a second pick up this would equate to 10 movements outward and 10 movements inward. However, this has not happened in the past 12 months with there being on average around 10 movements per day. It has also been confirmed that staff and customer movements typically comprise of approximately 30 movements per day of cars and light vans (15 visits involving an inward and outward movement each). Highways Officers consider that this level of vehicle movement is low, although appreciate that this proposed site is significantly larger and could accommodate additional heavy goods vehicles.
- 6.6.12 The nature of any business makes it difficult to predict with any accuracy future growth in the short, medium and long term. A site with more space will make operations more efficient and help secure jobs and officer consider that the current site on Newcastle

Road, Market Drayton, is far from ideal as it is cramped and surrounded on all boundaries by residential properties.

- 6.6.13 The agent has submitted a copy of the Goods Vehicle Operators Licence which indicates that the licence was in force from 9th May 2007 and will be reviewed on the 9th May 2017. It indicates that the maximum number of motor vehicles which has been authorised is 9 motor vehicles and 6 trailers. Concerns have been raised that a large area of ground to the south of the site is not being allocated and would allow additional vehicles to be parked and operated from the site. However, officers are aware that an increase in the number of HGV vehicles would need to be assessed in relation to their impact and therefore the number of HGV vehicles and trailers operating from this site will be restricted under this planning application. It is suggested that this should be in line with the Goods Vehicle Operators Licence at this point in time. Should the applicant wish to increase the number of vehicles in the future then the applicant will need to apply for planning permission to allow consideration and assessment of any increase.

Consideration of New Access

- 6.6.14 Officers have discussed the application with the owners of Station House who have raised concerns regarding the proximity of the existing access to the rear of their property and the potential disturbance and noise impact. A suggestion was made that by providing a new access to the south of the United House this would significantly help to reduce the disturbance and noise from HGV movements. This has been suggested to the applicant, although the formation of a new access would provide a significant increase in costs. Having regard to the existing operation of the business which the applicant considers will not cause any detrimental impact on neighbours and that an adequate existing access is provided it is not considered necessary to consider a new access.

6.7 Ecology

- 6.7.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in policy 11 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
- 6.7.2 A detailed Phase 1 Habitat Survey and Protected Species Survey have been undertaken, together with additional bat and Great Crested Newt surveys. The surveys indicate that there are two ponds located approximately 50 metres to the south of the site on the opposite side of the A53. Presence/absence surveys were carried out on the two ponds in May and June 2015 and a small number of smooth newts were recorded in both ponds. The mitigation measures proposed for reptiles will also ensure that smooth newts are not harmed by the development. Should any

Great Crested Newts be found at any stage, works must cease and a suitably qualified ecologist and Natural England contacted for advice.

- 6.7.3 The Habitat Survey indicates that the two buildings on site do have features where birds could nest and an old nest was noted. The buildings, hedgerows, trees and scrub provide potential nesting opportunities for birds. An old nest was observed at the south-western end of Building 1. Demolition of the buildings and removal of vegetation should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check of the buildings and vegetation should be carried out to ensure there are no active nests present. If any active nests are present (or birds begin nesting once works begin) then works must cease until the young birds have fledged. The report recommends that a number of artificial nesting boxes are erected on the new building, suitable for swifts, house martins, starlings and house sparrows.
- 6.7.4 The grassland provides little suitable habitat for reptiles but the piles of brash, rubble and wood, patches of scrub and areas within and around the derelict buildings all provide suitable habitat for hibernating and foraging. The boundary hedgerows also provide cover suitable for foraging, hibernating and dispersing reptiles and are well-connected to other suitable habitats. To avoid harming reptiles mitigation measures are proposed. No evidence of badgers was found on the site or within the local area. It has been suggested that trenches and pipework should be covered overnight or contain a ramp so that any badgers, or other wildlife, that become trapped have a means of escape.
- 6.7.5 Concerns have been raised regarding the impact of the development on the local bat population and that detailed bat surveys should be carried out to assess the impact. However, the Planning Ecologist has indicated that apart from a mature oak tree adjacent to the eastern boundary, there are no potential roosting opportunities for bats on the site. Because not all suitable features could be fully searched during the preliminary roost assessment, emergence and re-entry activity surveys were carried out. These were carried out in May and June during the bat survey season and in accordance with the Bat Conservation Trust survey guidelines. There is no requirement for more activity surveys. Bats are known to forage in the area and use the boundaries to commute. Further surveys would not alter the conclusions, which are to strengthen existing boundaries, erect bat boxes and have a bat-sensitive lighting scheme. All of which will enhance the roosting and foraging opportunities available for the local bat populations. Details of proposed lighting will have to be submitted which will be at the minimum level possible, on PIR timers, down-lit, not illuminating boundaries or locations of bat/bird boxes etc.
- 6.7.6 The Planning Ecologist has raised no objection to the development of this site subject to safeguarding conditions and informatives.

6.8 **Drainage**

- 6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul drainage will be dealt with via a package treatment plant and no objection

has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations. The application indicates that surface water will be disposed of via soakaways and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore both the foul and surface water drainage is acceptable in accordance with the Surface Water Management Plan, soakaway calculations and proposed drainage layout.

6.9 **Right of Access & Restrictive Covenant**

6.9.1 The occupiers of Station House have indicated that they have a right of access along the existing access driveway serving the application site and along the side boundary of their garden to the rear of their property. Comments have also been raised that the Council have imposed a Restrictive Covenant that should allow a right of access at all times to the rear of Station House. However, the Council Assets and Estates Department have indicated that the Council does not own this land and can therefore not enforce this restrictive covenant. Concerns are also raised that the proposed access gates and security fencing would obstruct this right of access. However, amended plans have been received to reposition the access gates and security fencing away from the rear garden boundary of Station House. The security gates will be positioned 9.1 metres away from the western edge of the rear garden, whilst the security fencing along the landscaped gravel display area will be a minimum of 6 metres away from the north west rear boundary of this garden. This will result in the occupiers of this property retaining the same level of access as they currently experience, whilst the land within the restricted covenant will not be obstructed and will remain free for the occupiers of Station House to use. The applicant has provided Land Registry documents to indicate that they own the strip of land which the neighbour is claiming the right of access along. The access rights along this strip of land are a civil matter between the neighbour and the applicant.

6.10 **Other Matters**

6.10.1 Concerns have been raised regarding the increase danger to pedestrians using the right of access due to the proposed heavy goods vehicles and that the Council has a duty of care towards the health and safety of pedestrians.. In this case those with a right of access have to exercise it taking in to account the use by the owner of the land subject to the right. In effect neither has the right to use the access to the exclusion of each other. So far as health and safety is concerned, the operator of the site has to do so in a safe manner having regard to the other users present and other users have to be aware of the use of the site. The proposed layout plan indicates that the new hard surfaced access from the A53 will be 4.8 metres wide up to the security gates. Although the land along this access does vary from 7.6 metres to 10 metres wide. The layout plan also indicates a 1 metre wide margin along the rear boundary of Station House which will link into the footpath along the A53. This will provide a safe area of pedestrians to walk should any vehicles pass, whilst there is clear visibility along the right of access to view vehicles entering and leaving the site.

6.10.2 The Parish Council has raised concerns regarding access for emergency services which they suggest does not seem to be adequate. However, the proposed vehicular access is suitable for heavy goods vehicles and would be more than adequate to

accommodate any emergency vehicles if required.

7.0 CONCLUSION

7.1 The proposed development is acceptable in principle and will allow a long established redundant site to be utilised for employment purposes which will provide sustainable economic development, providing local employment opportunities and assist in providing a prosperous community. The proposed workshop and amenity building will be sympathetic to this rural location and will not result in any detrimental impact on the character of the local area or impact on the landscape character. The proposed operations on site and deliveries will not result in any significant detrimental impact on the amenities of local residents and safeguarding conditions are proposed to limit the intensity of operations. The proposed vehicular access onto the main A53 provides adequate visibility in both directions for emerging vehicles and having regard to the traffic movement levels it is considered that there is adequate capacity within the existing road network to accommodate this slight increase. The redevelopment of this site will not result in any impact on protected species with ecology enhancements being provided, whilst adequate foul and surface water drainage can be provided. The existing legal right of way for the occupiers of Station House is a private civil matter and in any event will be unaffected by the development. It is considered that the proposal complies with the relevant policies CS5, CS6, CS13, CS17, CS18, MD2, MD4 and MD12.

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose first arose.

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

determination for application for which costs can also be awarded.

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

National Planning Policy Framework:

7 : Requiring Good Design

8 : Promoting Healthy Communities

10 : Meeting the Challenge of Climate Change, Flooding and Coastal Change

11 : Conserving and Enhancing the Natural Environment

12 : Conserving and Enhancing the Historic Environment

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS13 : Economic Development, Enterprise and Employment

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Site Allocation and Management of Development Plan (December 2015):

MD2 : Sustainable Design

MD4 : Managing Employment Development

MD12 : The Natural Environment

10.2 Relevant Planning History

NS/04/01288/FUL - Construction of a unit for storage and office use and area for parking at site. Refused 26th January 2005.

NS/91/00525/FUL - Use of existing haulage and storage land as builder's merchant's yard. Granted 24th July 1991.

NS/91/00009/FUL - Use of existing haulage and storage land as builder's yard. Granted 29th April 1991.

NS/86/00760/FUL - Use of former railway yard as haulage contractor's depot includes the provision of storage facilities and erection of security fencing. Granted 11th September 1989.

NS/79/00963/FUL - Erection of new bakery building (1,452 square feet). Granted 18th October 1979.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 15/04373/FUL

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Andrew Davies

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. The proposed surface water drainage scheme shall be installed in accordance with the proposed Planning Drainage Layout plan referenced J01443/A1/001 dated the 2nd July 2015 prior to the first occupation of the site hereby approved.
Reason: To ensure that the surface water drainage systems are adequate and to minimise flood risk.
4. The proposed development shall be undertaken strictly in accordance with section 4.2.6 of the Ecological Assessment (Turnstone Ecology dated August 2015). Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified and experienced ecologist.
Reason: To ensure the protection of reptiles and amphibians.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. 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.
6. No development shall commence until the following access works have been completed along with a scheme of signing, which should be visible to traffic on the A53, the details of which shall first be submitted to and approved in writing by, the Local Planning Authority:-
 - (i) The widening of the existing dropped crossing and associated footway works.
 - (ii) The access/egress, car parking bays and surface markings for the adjacent furniture store shown on the submitted Drawing No. 79-17-72.The access/egress, car parking bays, surface markings and approved signing shall thereafter be retained for the lifetime of the development.
Reason: In the interests of Highway safety.
7. No development shall commence until details of the physical kerbing or separation of the HGV swept-path width/radius and boundary to the furniture store car park, shown on the submitted Drawing No. 79-17-72, have been submitted to, and approved in writing by, the

Local Planning Authority. The approved details shall be fully implemented as part of the access works under Condition 1 above before any site development operations commence and thereafter retained for the lifetime of the development.

Reason: In the interests of Highway safety.

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

8. Prior to the first occupation of the site details of the security fencing and gates shall have been submitted to and approved by the Local Planning Authority. The approved details shall be submitted prior to the use commencing on the site and thereafter retained.

Reason: In the interest of visual amenity.

9. Prior to the first occupation of the buildings hereby permitted, a suite of artificial nesting and/or roosting boxes shall be erected on the site. The type and location of the boxes shall be submitted to and agreed in writing with the Local Planning Authority and the scheme shall then be undertaken in accordance with the agreed details. The following artificial nesting/roosting boxes shall be provided:

1. A total of two woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species.

2. A total of two woodcrete artificial nesting boxes suitable for house sparrows, starlings, house martins or swifts.

Reason: To ensure the provision of roosting/nesting opportunities for wildlife in accordance with Section 11 of the National Planning Policy Framework.

10. Prior to the erection of any external lighting on the site details of the design of column and lighting unit, together with 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's Bats and Lighting in the U.K. (2009).

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

11. The development hereby permitted shall not be brought into use until the access road, between the A53 and the security gates shown on the submitted Block Plan (Drawing No. SA19375/02 Rev D) along with the areas for parking, loading, unloading and turning of vehicles have been provided properly laid out, hard surfaced and drained. The areas shall thereafter be maintained free from any impediment to their designated use.

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

12. Prior to the erection of any CCTV cameras on the site details of the design of the column and angle of the cameras, together with the coverage 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.

Reason: To prevent overlooking and loss of privacy to neighbouring properties.

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

13. The premises shall only be used as a haulage contractor's vehicle depot in association with the distribution of aggregates, sand, gravel, topsoil, compost, salt and sawdust.
Reason: In order to restrict the use of the premises in the interest of the amenities of the area.
14. No more than nine heavy goods vehicles and six trailers shall be operated from the site.
Reason: In order to restrict the use of the premises in the interest of the amenities of the area.
15. The loading and unloading of materials shall take place only between the hours of 07:00hrs and 19:00hrs on Weekdays (with the exception of packaging aggregates from the storage clamps and hopper which shall not take place prior to 08:00hrs) and only between 08:00hrs and 13:00hrs on Saturdays and no activity on Sundays or Bank Holidays.
Reason: To safeguard the amenities of the locality.
16. All vehicles on site shall be fitted with a white noise reversing alarm only.
Reason: To safeguard the amenities of the locality.
17. No gates shall be installed or allowed to remain within the access road except as shown on the submitted Block Plan (Drawing No. SA19375/02 Rev D).
Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.



Committee and Date
 North Planning Committee
 28th March 2017

Item
7
 Public

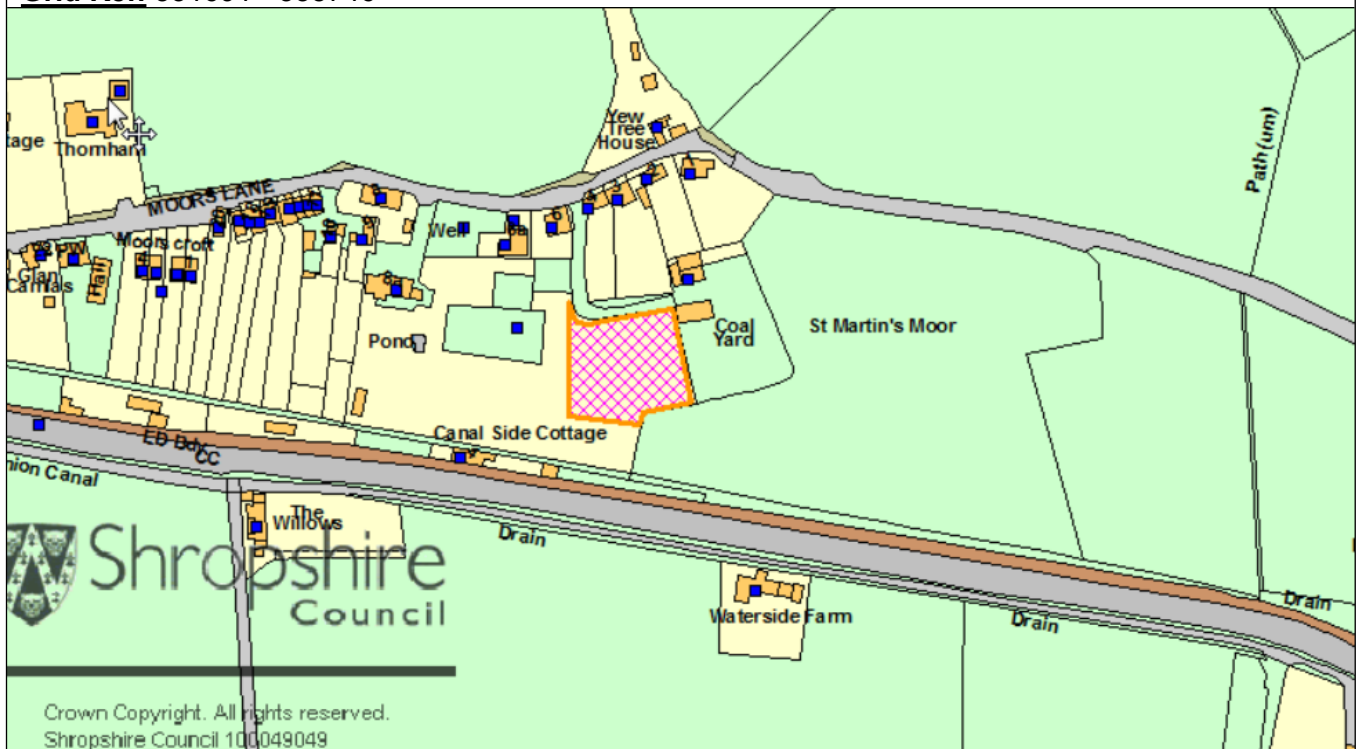
Development Management Report

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

Summary of Application

Application Number: 16/03136/REM	Parish: St Martins
Proposal: Approval of reserved matters pursuant to permission 14/01224/OUT for the erection of 2 dwellings and associated detached garages	
Site Address: Proposed Residential Development Land East Of 8A Moors Lane St Martins Moor Shropshire	
Applicant: Mr Paul Gurnett	
Case Officer: Janet Davies	email: planningdmnw@shropshire.gov.uk

Grid Ref: 331691 - 335746



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Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

1.1 The application seeks reserved matters approval pursuant to permission 14/01224/OUT, which was for the erection of two detached, open market dwellings on land adjacent to 8A St Martin's Moor.

1.2 An associated application 16/03137/REM (pursuant to outline permission 13/05016/OUT) for an attached plot to the west, also for two detached dwellings and garages, is also concurrently under consideration.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site forms part of a parcel of land located to the south of Moors Lane within the small hamlet of St Martin's Moor and sits approximately midway between the lane and the Shropshire Union Canal.

2.2 The site is surrounded by residential development on its north and north east and to the west the above mentioned adjoining site, previously granted outline approval for residential development. To the south of the field, adjacent to the canal, is a detached dwelling (Canal Side Cottage) whilst to the east is Robert's Coal Yard. The proposed access is shown to the north east corner of the proposal site off the existing coal yard access road. Existing boundaries are formed mainly by open post and rail fencing with some sparsely grown hedgerows around the outer perimeters of the field.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The ward member has requested that the application is considered by planning committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SC Affordable Housing - As the site is subject to a signed S106 an affordable housing contribution will be payable, the applicant is required to submit a completed proforma to confirm the amount payable.

4.1.3 SC Drainage – no objection subject to conditions and informatives relating to drainage details, plans and calculations.

4.1.4 SC Highways – no objection subject to conditions and informatives. The principle of the proposed development has been previously approved under outline consent 14/01224/OUT. Recommend conditions relating to access, parking and turning areas and informatives relating to mud on highway, drainage discharge onto the highway and works on, within or abutting the public highway.

4.1.5 Canal and River Trust – no comment to make but request informative

relating to surface or foul water discharge to the waterway.

4.1.6 SC Ecology - no comments to make.

4.2 - Public Comments

4.2.1 St Martins Parish Council - expressed concern that the previous application was for four small dwellings and not two large dwellings in two applications making the four in total. Safety grounds are being ignored and reserved matters should not be used for such a major change of development. The new proposals were not in keeping with the area and again concern was expressed over access and flooding.

4.2.3 An objection has also been received from a local resident which raises the following points:

- ☐ Concerned regarding excess traffic that will occur especially when cars parked in evenings and weekends
- ☐ Drains are at their capacity and ground tends to be waterlogged and floods during the winter.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of residential development on this site has already been accepted under the previous planning approval reference 14/01224/OUT when outline approval was granted for 2 no detached dwellings.

6.1.2 Core Strategy Policy CS6 (Sustainable Design and Development Principles) is relevant to the consideration of this application and seeks to protect the natural, built and historic environment and requires new development to be appropriate in scale, density, pattern and design taking into account local context and character. The policy also aims to safeguard residential and local amenity.

6.1.3 CS11 requires an integrated and balanced approach to be taken with regard to existing and new housing, including type, size, tenure and affordability. Housing developments should be designed to be capable of adaptation to accommodate lifestyle changes, including the needs of the elderly and people with disabilities.

6.1.4 Policy CS17 seeks to ensure that new development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreation values and functions

of these assets, their immediate surroundings or their connecting corridors.

- 6.1.5 Policy MD2 of the adopted SAMDev Plan requires development to contribute to and respect local distinctive or valued character and existing amenity value.
- 6.2 Siting, scale and design of structure
- 6.2.1 The proposal is for 2 no. 4 bedroomed two storey dwellings (shown as plots 1 and 2 on the submitted site plan) which would be accessed via separate private driveways along the western boundary of each plot each with a detached garage to the rear south west corner.
- 6.2.2 Both proposed dwellings are on an L-shaped plan with their principle elevations facing north and each with a two storey section to rear and would be surrounded on all sides by garden. The proposed accommodation is to include a hall, lounge, kitchen/family room, dining room and utility with WC at ground floor with the first floor comprising 3 ensuite double bedrooms, a further double bedroom and family bathroom.
- 6.2.3 Concerns had initially been raised regarding the scale of the proposed development in that the proposed dwellings appeared large for the size of the plots and in relation to each other resulting in a perception of overdevelopment and of restricted amenity space in proportion to the size of the dwellings. In response to this the proposed dwellings, both on this site and the adjoining application site, have been reduced in scale to allow for greater separation, and design amendments have been carried out.
- 6.2.4 Both proposed dwellings would incorporate a two storey gable to the left hand side of their principle elevation, and a lean to single storey roof across much of its front elevation. Three light windows are shown at ground floor and a mix of dormer and two light casement above. An external chimney stack is attached at the west elevation.
- 6.2.5 The proposed double garages are to be detached single storey structures faced in render under natural slate roofs.
- 6.2.6 Following the reduction in size of the proposed dwellings and design amendments the proposed dwellings are deemed to have a reasonable amount of separation and individual amenity space and together with the proposed garage are considered to be of a suitably vernacular style in keeping with their rural surroundings.
- 6.3 Visual impact and landscaping
- 6.3.1 The scale of the proposed dwellings, as revised, together with their proposed orientation and distance from the surrounding dwellings is such that there are not considered to be any major implications for loss of amenity either to existing properties or the other proposed dwellings also currently under consideration.

- 6.3.2 In terms of impact on the landscape a reasonable amount of garden amenity space is deemed to be provided around each of the proposed dwellings and it is recommended that the nature of any new planting, boundary treatments could be dealt with by way of condition in order to ensure the provision of suitable native species.
- 6.4 Drainage
- 6.4.1 A proposed drainage plan was submitted with the application and the agent has supplied details explaining that surface water management is proposed to be dealt with by way of permeable surfaces, an underground modular rainstore in addition to rainwater butts and that the property is bounded by a drainage ditch that runs parallel to the canal which provides for surface water drainage.
- 6.4.2 Foul drainage is proposed to be via a 300mm diameter Welsh Water drain running through the lane which serves the remainder of the properties on Moors Lane.
- 6.4.3 The Council's Drainage engineer has requested that drainage details, to include foul drainage disposal, floor levels, percolation test and soakaway details, be supplied for approval prior to development commencing on site.
- 6.4.4 A section through the proposed foundations has been supplied. The Canal and River Trust have no comment to make other than that an informative should be attached relating to any future discharge to the canal.
- 7.0 CONCLUSION
- 7.1 The application is deemed to be acceptable in terms of its scale, design, and materials and is not considered to have any major implications for highways, ecology, amenity or drainage and is recommended for approval in accordance with Core Strategy Policies CS6; CS11 and CS17 and SAMDev Policy MD2 subject to conditions and informatives.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the

planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

13/05016/OUT Outline application for the erection of 2 no. detached dwellings (all matters reserved) GRANT 26th August 2015

14/01224/OUT Outline application (all matters reserved) for the erection of 2 dwellings GRANT 26th August 2015

16/03136/REM Approval of reserved matters pursuant to permission 14/01224/OUT for the erection of 2 dwellings and associated detached garages PCO

16/03137/REM Approval of all reserved matters pursuant to permission 13/05016/OUT for the erection of two detached dwellings and associated garages PCO

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Steven Davenport
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 as amended by the revised plans and elevations received on the 8th December 2016.

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 and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

4. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, soakaways designed for the 1 in 10 year storm event would be accepted provided the applicant submits details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not affect other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted to the Local Planning Authority for approval prior to development commencing on site.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and designed to a robust standard to minimise the risk of surface water flooding.

5. The applicant shall complete Appendix 'D' of the Shropshire Council's Surface Water Management: Interim Guidance for Developers and submit to the Local Planning Authority for approval by the Local Planning Authority.

Reason: To ensure that measures have been taken to mitigate against surface water flooding.

6. Notwithstanding the details shown on the approved plans, full details of landscape works have been submitted to and approved in writing by the local planning authority prior to development commencing on site. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any

trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To safeguard the amenity of the area.

7. The applicant should provide details on how the surface water runoff will be managed and ensure that the finished floor level is set above any known flood level and is no lower than the floor level of the existing building. These details should be supplied to the Local Planning Authority prior to development commencing on site.

Reason: To minimise the risk of surface water flooding.

8. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2. If main foul sewer is not available for connection, full details and sizing of the proposed septic tank including percolation tests for the drainage field soakaways should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 3' should be used to determine the number of persons for the proposed development and the sizing of the septic tank and drainage fields should be designed to cater for correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed. The above details should be submitted to the Local Planning Authority for approval in writing prior to development commencing on site and carried out as approved.

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

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

9. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no.8AML/SP1 prior to the dwellings being occupied. 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.

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

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

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

Informatives

1. There shall be no surface or foul water discharge to the waterway. Any discharges that may be subsequently proposed will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right where they are granted they will usually be subject to completion of a commercial agreement.
2. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
3. This planning permission does not authorise the applicant to:
construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway
The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details.

Shropshire Councils Street works team. This link provides further details

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

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

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

-



Committee and Date
 North Planning Committee
 28th March 2017

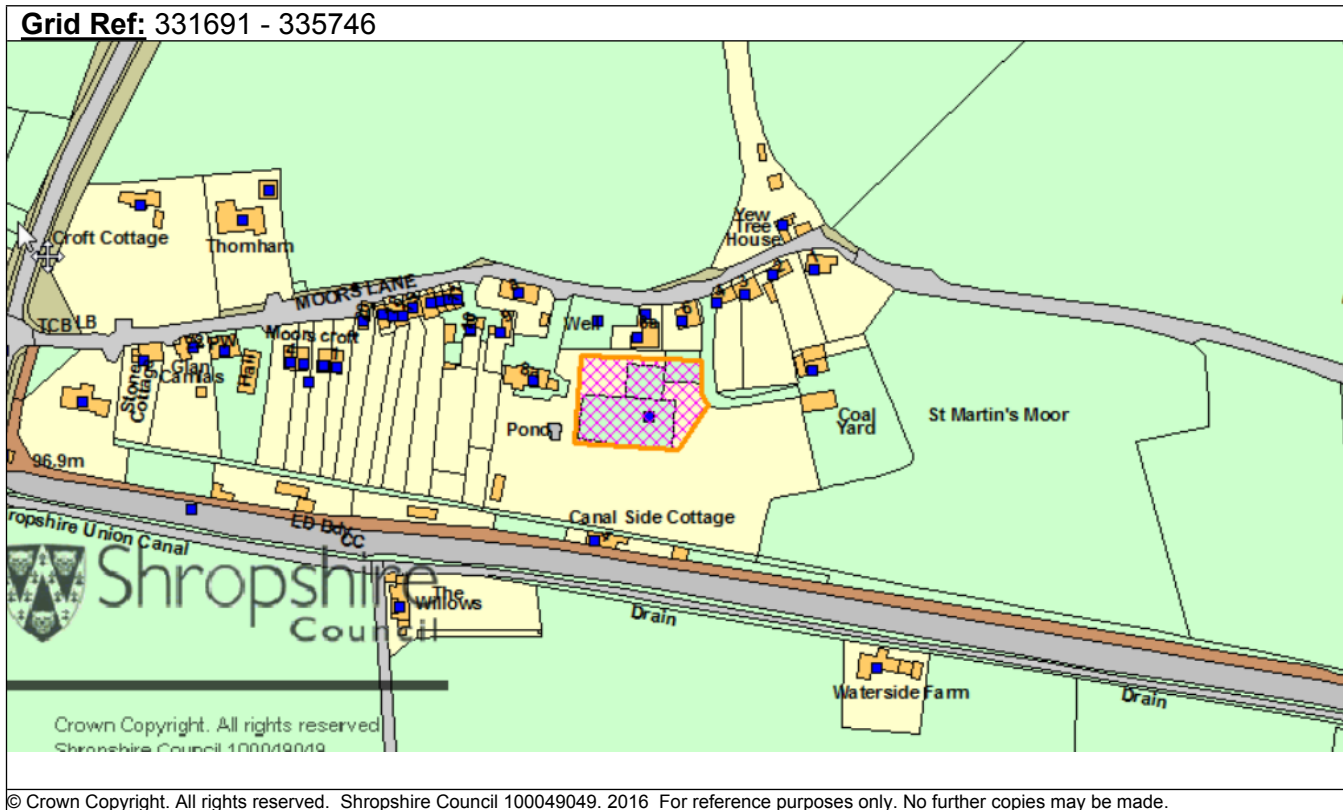
Item
8
 Public

Development Management Report

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

Summary of Application

Application Number: 16/03137/REM	Parish:	St Martins
Proposal: Approval of all reserved matters pursuant to permission 13/05016/OUT for the erection of two detached dwellings and associated garages		
Site Address: Proposed Residential Development Land East Of 8A Moors Lane St Martins Moor Shropshire		
Applicant: Mr P Gurnett		
Case Officer: Janet Davies	email: planningdmnw@shropshire.gov.uk	



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

1.1 The application seeks reserved matters approval pursuant to permission 13/05016/OUT, which was for the erection of two detached, open market dwellings on land adjacent to 8A St Martin's Moor.

1.2 An associated application 16/03136/REM (pursuant to outline permission 14/01224/OUT) for an attached plot to the east, also for two detached dwellings and garages (plots 3 and 4), is also concurrently under consideration.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site forms part of a parcel of land located to the south of Moors Lane within the small hamlet of St Martin's Moor and sits approximately midway between the lane and the Shropshire Union Canal.

2.2 The site is surrounded by residential development to its north and north east and to the east the above mentioned adjoining site, also previously granted outline approval for residential development. To the south of the field, adjacent to the canal, is a detached dwelling (Canal Side Cottage) whilst to the east is Robert's Coal Yard. The proposed access is shown to the north east corner of the proposal site off the existing coal yard access road. Existing boundaries are formed mainly by open post and rail fencing with some sparsely grown hedgerows around the outer perimeters of the field.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The ward member has requested that the application is considered by planning committee.

4.0 Community Representations**4.1 - Consultee Comments**

4.1.1 SC Affordable Housing - As the site is subject to a signed S106 an affordable housing contribution will be payable, the applicant is required to submit a completed proforma to confirm the amount payable.

4.1.3 SC Drainage – No objection subject to conditions and informatives relating to drainage details, plan and calculations.

4.1.4 SC Highways – no objection subject to conditions and informatives. The principle of the proposed development has been previously approved under outline consent 13/05016/OUT. Recommend conditions relating to access, parking and turning areas and informatives relating to mud on highway, drainage discharge onto the highway and works on, within or abutting the public highway.

4.1.5 Canal and River Trust – no comment to make but recommend inclusion of

informative advising that there shall be no surface or foul water discharge to the waterway and that any discharges subsequently proposed will require prior consent from the Canal and River Trust.

4.1.6 SC Ecology - no comments to make on this application.

4.2 - Public Comments

4.2.1 St Martins Parish Council - expressed concern that the previous application was for four small dwellings and not two large dwellings in two applications making the four in total. Safety grounds are being ignored and reserved matters should not be used for such a major change of development. The new proposals were not in keeping with the area and again concern was expressed over access and flooding.

4.2.2 Welsh water – The proposed foul drainage layout is lacking detail and needs to clearly identify how both properties are going to connect into the foul drainage network. The drainage and foundations information from the agent listing how surface water will be managed is acknowledged but no technical specification for these systems have been provided and no detail provided on how surface water flows will communicate to a drainage ditch. Evidence detailing the technical specification of surface water removal techniques and communication of surface water flows is required.

4.2.3 An objection has also been received from a local resident which raises the following points:

- ☐ Concerned regarding excess traffic that will occur especially when cars are parked in evenings and weekends
- ☐ Drains are at their capacity and ground tends to be waterlogged and floods during the winter.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of residential development on this site has already been accepted under the previous planning approval reference 13/05016/OUT when outline approval was granted for 2 no detached dwellings.

6.1.2 Core Strategy Policy CS6 (Sustainable Design and Development Principles) is relevant to the consideration of this application and seeks to protect the natural, built and historic environment and requires new development to be appropriate in scale, density, pattern and design taking into account local context and character. The policy also aims to safeguard residential and local amenity.

6.1.3 CS11 requires an integrated and balanced approach to be taken with regard to existing and new housing, including type, size, tenure and affordability. Housing

developments should be designed to be capable of adaptation to accommodate lifestyle changes, including the needs of the elderly and people with disabilities.

- 6.1.4 Policy CS17 seeks to ensure that new development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreation values and functions of these assets, their immediate surroundings or their connecting corridors.
- 6.1.5 Policy MD2 of the adopted SAMDev Plan requires development to contribute to and respect local distinctive or valued character and existing amenity value.
- 6.2 Siting, scale and design of structure
 - 6.2.1 The proposal is for 2 no. 4 bedroomed two storey dwellings (shown as plots 3 and 4 on the amended site plan) which would be accessed via separate private driveways to run between the two dwellings with detached garages at the rear of each plot.
 - 6.2.2 Both proposed dwellings are on an L-shaped plan with their principle elevations facing north and each with a two storey section to rear and would be surrounded on all sides by garden. The proposed accommodation is to include a hall, lounge, kitchen/family room, dining room and utility with WC at ground floor with the first floor comprising 3 ensuite double bedrooms, a further double bedroom and family bathroom.
 - 6.2.3 Concerns had initially been raised regarding the scale of the proposed development in that the proposed dwellings appeared large for the size of the plots and in relation to each other resulting in a perception of overdevelopment and of restricted amenity space in proportion to the size of the dwellings. In response to this the proposed dwellings, both on this site and the adjoining proposal site, have been reduced in scale to allow for greater separation, and design amendments carried out.
 - 6.2.4 The proposed dwelling to the east of the application site (plot 3) would incorporate a two storey gable to its left hand side, and a lean to single storey roof across much of its front elevation. Three light windows are included at ground floor and a mix of dormer and two light casements above. An external chimney stack is attached at the west gable. The proposed dwelling on plot 4 is a handed version of plot 3 with the rear gable located at the opposing end.
 - 6.2.5 The proposed double garages are detached single storey structures to be faced in render under natural slate roofs.
 - 6.2.6 Following the reduction in size of the proposed dwellings and design amendments the proposed dwellings are deemed to have a reasonable amount of separation, and individual amenity space, and together with the proposed garages are considered to be of a suitably vernacular style in keeping with their rural surroundings.
- 6.3 Visual impact and landscaping
 - 6.3.1 The scale of the proposed dwellings, as revised, together with their proposed

orientation and distance from the surrounding dwellings is such that there are not considered to be any major implications for loss of amenity either to existing properties or the other proposed dwellings also currently under consideration.

6.3.2 In terms of impact on the landscape a reasonable amount of garden amenity space is deemed to be provided around each of the proposed dwellings and it is recommended that the nature of any new planting, boundary treatments could be dealt with by way of condition in order to ensure the provision of suitable native species.

6.4 Drainage

6.4.1 A proposed drainage plan was submitted with the application and the agent has supplied details explaining that surface water management is proposed to be dealt with by way of permeable surfaces, an underground modular rainstore in addition to rainwater butts and that the property is bounded by a drainage ditch that runs parallel to the canal which provides for surface water drainage.

6.4.2 Foul drainage is proposed to be via a 300mm diameter Welsh Water drain running through the lane which serves the remainder of the properties on Moors Lane.

6.4.3 Welsh Water have indicated that additional information is required relating to the foul drainage layout as to how both properties are to connect into the foul drainage network. Technical specifications are requested to demonstrate how systems are to be provided and as to how surface water flows will communicate to a drainage ditch. Evidence detailing the technical specification of surface water removal techniques and communication of surface water flows is required.

6.4.4 The Council's Drainage Engineer has indicated that these details, along with other drainage matters including floor levels, percolation test and soakaway details could be dealt with by way of pre-commencement conditions.

6.4.5 A section through the proposed foundations has been supplied. The Canal and River Trust have no comment to make other than that an informative should be attached relating to any future discharge to the canal.

7.0 CONCLUSION

7.1 The application is deemed to be acceptable in terms of its scale, design, and materials and is not considered to have any major implications for highways, ecology, amenity or drainage and is recommended for approval in accordance with Core Strategy Policies CS6; CS11 and CS17 and SAMDev Policy MD2 subject to conditions and informatives.

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. BackgroundRelevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

13/05016/OUT Outline application for the erection of 2 no. detached dwellings (all matters reserved) GRANT 26th August 2015

14/01224/OUT Outline application (all matters reserved) for the erection of 2 dwellings GRANT 26th August 2015

16/03136/REM Approval of reserved matters pursuant to permission 14/01224/OUT for the erection of 2 dwellings and associated detached garages PCO

16/03137/REM Approval of all reserved matters pursuant to permission 13/05016/OUT for the erection of two detached dwellings and associated garages PCO

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 Steven Davenport

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 as amended by the revised plans and elevations received on the 8th December 2016.

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 and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.**

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

4. **Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, soakaways designed for the 1 in 10 year storm event would be accepted provided the applicant submits details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not affect other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted to the Local Planning Authority for approval prior to development commencing on site.**

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and designed to a robust standard to minimise the risk of surface water flooding.

5. **The applicant shall complete Appendix 'D' of the Shropshire Council's Surface Water Management: Interim Guidance for Developers and submit to the Local Planning Authority for approval by the Local Planning Authority.**

Reason: To ensure that measures have been taken to mitigate against surface water flooding.

6. **Notwithstanding the details shown on the approved plans, full details of landscape works have been submitted to and approved in writing by the local planning authority prior to development commencing on site. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any**

trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To safeguard the amenity of the area.

7. The applicant should provide details on how the surface water runoff will be managed and ensure that the finished floor level is set above any known flood level and is no lower than the floor level of the existing building. These details should be supplied to the Local Planning Authority prior to development commencing on site.

Reason: To minimise the risk of surface water flooding.

8. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2. If main foul sewer is not available for connection, full details and sizing of the proposed septic tank including percolation tests for the drainage field soakaways should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 3' should be used to determine the number of persons for the proposed development and the sizing of the septic tank and drainage fields should be designed to cater for correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed. The above details should be submitted to the Local Planning Authority for approval in writing prior to development commencing on site and carried out as approved.

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

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

9. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing no.8AML/SP1 prior to the dwellings being occupied. 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.

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

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

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

Informatives

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

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

3. This planning permission does not authorise the applicant to:
construct any means of access over the publicly maintained highway (footway or verge) or
carry out any works within the publicly maintained highway, or
authorise the laying of private apparatus within the confines of the public highway including any
a new utility connection, or
undertaking the disturbance of ground or structures supporting or abutting the publicly
maintained highway
The applicant should in the first instance contact Shropshire Councils Street works team. This
link provides further details.

Shropshire Councils Street works team. This link provides further details

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

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

4. The applicant is advised that there shall be no surface or foul water discharge to the waterway. Any discharges that may be subsequently proposed will require prior consent from the Canal and River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right - where they are granted they will usually be subject to completion of a commercial agreement.

-



Committee and Date

North Planning Committee

28th March 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> 16/04784/VAR	<u>Parish:</u> Whitchurch Urban
<u>Proposal:</u> Variation of conditions 2, 3 and 8 attached to 14/01398/MAW dated 19/12/2014 (for installation of an anaerobic digestion plant) to alter the site layout and increase the quantity of feedstock accepted at the site.	
<u>Site Address:</u> Broughall Fields Farm, Ash Road, Whitchurch, TF8 7BX	
<u>Applicant:</u> Grocontinental Ltd	
<u>Case Officer:</u> Graham French	<u>email:</u> planningdmc@shropshire.gov.uk

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and subject to a legal agreement delivering highway funding and off site landscaping



REPORT

1.0 THE PROPOSAL

- 1.1 Planning permission for construction of an AD plant at Broughall Fields Farm was granted to the applicant, Whitchurch Biogas Ltd on 19th December 2014 (14/01398/MAW) and construction works are underway. Whilst the work is broadly in line with the planning approval there are a number of material differences which the current part retrospective application seeks to regularise.
- 1.2 The existing permission limits feedstock inputs to a maximum of 26,000 tonnes per annum which equates to an anticipated peak electrical output of 1MW per hour. However, due to a change in indicative feedstock mix the applicant is now seeking approval for a 17,000 tonne (65%) increase in feedstocks to 43,000 tonnes per annum. This would in turn increase the level of energy production to 2.55MW (equivalent to the energy requirement of over 5000 households) whilst also more than doubling the available renewable heat. The applicant confirms that all feedstocks accepted at the plant would either remain agricultural as with the previously approved scheme, or would be derived from the dairy industry. None of the feedstocks would be classed as a waste and as such, the application is not for a 'waste development'.
- 1.3 The nearby Grocontinental site has a peak electrical demand of 3MW per hour and the proposed variation satisfy this demand at all but a few peak summer times. This would in turn free up significantly more electricity supplies in the local grid than the currently approved scheme, in turn allowing existing businesses to expand and new residential and commercial developments to proceed.
- 1.4 It is proposed to use approximately half of renewable heat energy at Grocontinental and within the AD site. Beyond this the applicant states that there is a potential opportunity for renewable heat to be used in a district heating scheme. The applicant has identified and in initial discussion with three potential end users within 750m of the Ad site.
- 1.5 A non-material amendment to the originally approved site layout was granted in 2015 (15/02293/AMP). Fig 1 below shows the difference between the currently approved and the proposed layouts:



Original layout as varied

Proposed layout

Fig 1 – Existing and proposed layouts

The development would involve the following structures, most of which are approved under the existing planning permission:

- **Digester Tank:** The digester tank is 30 metres in diameter, 5.5 metres above finished ground level around the perimeter and 12.5 metres to the top of the gas holder dome. The AD tank is where the AD process and the biogas production takes place (the original scheme involved one digester tank).
- **Digestate Storage Tank:** Would be located next to the digester tank and would be of the same dimensions. The tank would provide temporary storage for the digestate before it is taken off-site to be used as a fertiliser on local farmland.
- **Feedstock Clamps:** The proposed feedstock clamps are 3 metres in height, approximately 60 metres in length and 50 metres in width. They provide storage for the crop feedstocks (in the approved scheme these extend closer to the highway).
- **Feedstock / Reception Shed:** The shed would be located east of the clamps. It would measure 38 metres in length, 9 metres in width, and with a maximum height of 5.9 metres (the approved scheme involves a much larger shed at the centre of the site).
- **Solids Feeder and Shed:** A solids feeders is to be placed in a small open fronted shed adjacent to the digester tank. The feeder is loaded with and mixes the feedstocks prior to delivery to the digester tank. The feeder shed will measure 24 metres in length, 6.6 metres in width, and will reach a maximum height of 8.25 metres.
- **Combined Heat and Power Units (CHPs):** The 4 CHPs are located on the south western site boundary. The CHP engines will run on the biogas produced by the process to generate heat and electricity (the approved scheme involved 2 CHP engines).

- Surplus Gas Burner: During normal operations biogas will be consumed by the CHP gas engine. In the event of surplus biogas production or if the CHP is shut down (e.g. for maintenance) the biogas will be consumed in the biogas boiler and failing this will be diverted to the surplus gas burner for burning, to prevent an overpressure situation arising in the gas holder. This surplus gas burner will ensure no unburned gas is released to the atmosphere.
 - Pasteurisation Unit: This unit will treat the digestate so that it can be applied to land as PAS110 accredited organic fertiliser.
 - Weighbridge: A weighbridge would be located along the one-way traffic movement system within the site, to the east of the clamps.
 - Containment Bund: A containment bund would surround the main AD structures in line with Environment Agency guidance.
 - Separator and Clamp: The separator would separate the digestate produced into solid and liquid fractions. The clamp below the separator would provide storage for the solid fraction.
- 1.6 The proposed AD structures will be coloured green to aid integration with the existing farm structures, the surrounding landscape and the additional native species tree planting. The feedstock would be delivered to the solids feeder via a JCB loader or similar handler. The feed unit would operate intermittently for 24 hours a day, loading the digester automatically every hour.
- 1.7 Landscaping: The proposals include provision of a planted bund adjacent to the Whitchurch By-Pass with additional planting on other site margins. Recently the applicant has also secured agreement to undertake significant additional planting in and around a field to the immediate west of the site and this is being carried out under the terms of a unilateral undertaking (see section 6.8).
- 1.8 Hours of Operation: The AD process, once initiated, would carry on continuously for 24 hours a day. On site, the crops and manure would be moved to the stationary feeder by a mechanical loader once a day. This would be predominantly undertaken during daylight hours, in order to minimise light and noise pollution.
- 1.9 Traffic / access: The access is unchanged relative to the approved scheme. The increase in feedstock would be offset by the use of larger vehicles. The total increase in HGV's would equate to approximately 500 extra vehicles per year of which 90% would approach via the principal road network. 10% of traffic would approach from Ash Road, a minor road to the east of the site. The applicant states that similar levels of agricultural traffic already use this road in connection with local agricultural activity. Notwithstanding this, the applicant has agreed to make a financial contribution of £10,000 towards the cost of maintaining / improving the highway in this area and this would be secured by means of a legal agreement.
- 1.10 The applicant has recently amended the proposals. The following details have changed:
- A second digester tank originally shown next to the retained digester tank has been removed;
 - The digestate tank has been relocated from the roadside margin of the site and is now next to the digester tank;

- Clarification is given that the building adjacent to the clamps is to be utilised for feedstocks / reception;
- It is confirmed that formerly proposed wood drying activities are no longer part of the current application.

All other aspects of the application remain unaltered. Documents originally supporting the planning application have been updated to reflect these changes.

- 1.11 The applicant has emphasised the following points with respect to the proposals:
- An AD plant is already approved for the site. The amended layout which is the subject of this application is on exactly the same footprint as the approved site but reduces visual impact and improves operational efficiency.
 - The amended layout commits to providing a substantial landscaping scheme, a great betterment over the approved scheme.
 - The amended layout will more than double the quantity of the renewable energy produced from the site.
 - The plant will provide renewable energy for Grocontinental, securing a sustainable future for Whitchurch's largest employer.
 - A co-operative of local farmers will provide energy crop feedstocks for the plant, securing the future of these farms.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The proposed AD site (area 2.15ha) is located on agricultural land to the east of the A525 Whitchurch By-Pass and the applicant's warehouses on the Waymills Industrial Estate. The site sits just outside of the Development Boundary of Whitchurch as defined in the Place Plan. The surrounding landscape comprises a mixture of industrial and commercial development and intensively managed agricultural land. The nearest residential property is located 130m to the north east. The site is not affected by any statutory rural or historic designations. Brown Moss, a RAMSAR site, SSSI and Local Nature Reserve, is located approximately 940 metres to the south.
- 2.2 Grocontinental is one of the largest international storage and distribution companies in the UK. The 30 acre unit at Whitchurch oversees 143,000 pallet spaces of multi-temperature storage and 5,000 daily pallet movements, controlled by systems technology.

3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals have been referred to the Committee under the Council's scheme of delegation as they relate to major development raising complex issues and the Town Council has objected.

4. CONSULTEE RESPONSES

- 4.1 Whitchurch Town Council – A discussion was held at the Town Council's meeting regarding the fact that the development had gone ahead without planning permission and that substantial changes have been made that include:
- doubling of the feedstock for the digester
 - more than doubling of vehicular traffic to and from the site
 - construction of a workshop

- construction of a digestate storage tank
- addition of two CHP engines,
- extension of the site boundary and proposal to add a log drying facility to the site would appear, to a reasonable person, to be more than a non-material amendment to the agreed planning permission.

The Town Council resolved that it would send a representative to address the North Planning Committee concerning the proposals.

- 4.2 Whitchurch Rural Parish Council (adjoining parish): Objection on the grounds of detrimental impact to residents in terms of increased traffic nuisance throughout the Parish. The Council has queried why it is not a consultee in this application when the land area abutts its boundary.
- 4.3 Environment Agency: - No objections in principle. Pre-permit discussions with the Agency's Installations at Warrington office have been ongoing for some time. A written agreement has been issued that Whey Permeate (produced by Belton Cheese Limited) and used as an AD Feedstock at Broughall Fields AD Facility is considered a by-product. On the basis that the Agency would not regulate the site now, following the feedstock amendment, we would not look to raise any EPR related amenity/emission issues on the planning application. We would advise that these issues are considered by your Public Protection team, as we would not regulate the site.
- 4.4i. Public Protection – No objection. In relation to noise a noise impact assessment, reference DYN010814_2A/3 dated October 2016, has been submitted in support of the application. Particular note should be given to section 3.3 which states, 'We understand that the client proposes to erect an appropriate acoustic fence/construct an earth bund along the side of the CHP generators i.e. at approximately 2m from Northern and Eastern edges of the generator location, to form a permanent barrier between the CHP generators and 'Broughall Fields Farm'. Our understanding is that a typical CHP generator is housed in a steel container, with noise generating components no more than approximately 3.0 ' 3.5m above ground level. We would recommend that any bund/barrier be at least 1.0m higher than the finalised maximum noise source height'. It goes on to state that, 'Our calculations include the implementation of the appropriate barriers/bunds and/or screening above'. The report's acoustic calculations are based on the assumption that such a barrier is in place. The report concludes that daytime and night-time noise levels should not exceed the background sound level and that noise from the proposed CHP generators should have a low adverse impact. I am in agreement with this conclusion and would therefore recommend that a condition is placed which stipulates acoustic treatment in line with the assumed conditions as follows: that the location 2m from Northern and Eastern edges of the generators location is put in place to a height of 1m above the highest noise source height. As the noise source height is predicted to be around 3-3.5m this equates to a structure of 4-4.5m in height to the northern and eastern edges of the generator location. It is noted that a plan of the site, drawing SA22500/03, shows bunding however the applicant should provide detail of the height of any noise source relevant to the above comments and state the height of the bund to achieve 1m above the noise source. If this is not the case the predictions of the noise assessment are not robust and the assessment would be found to be unsuitable for the proposed site layout.
- ii. In relation to the odour impact assessment submitted by Isopleth Ltd reference: 01.0053.001 OIA v2 dated November 2016 concludes that that the proposed development will not lead to unacceptable odour impacts, particularly given the

agricultural nature of the feedstocks which are typical of the site setting. I am in agreement and have no conditions to recommend in relation to odour other than an odour management plan being required/conditioned if the anaerobic digester is not going to be permitted by the Environment Agency. If the installation is to be permitted this type of condition will be part of the permit and should therefore not be necessary as a planning condition.

- iii. Public Protection has reiterated no objections following re-notification on the recent amendments to the proposals.
- 4.5i. Highways Development Control (verbal comment): No objections subject to the development being carried out in accordance with the approved plans and the following condition and informative notes. The application proposes a variation to the previous planning permission 14/01398/MAW essentially changing the type and increasing the quantities of feedstock materials for use in the approved Anaerobic Digester. The original approval included works to form a ghost-island right turn lane on the A525 to provide a facility for vehicles entering the site from the southwest and to minimise the impact of the development traffic on through traffic movements. The same access arrangements are resubmitted for this variation application. The variation application proposes an increase in the quantity of feedstock material to be brought onto the site from the previously approved 26,000 tonnes per annum to 43,000 tonnes per annum. The submitted Highways Statement has been revised to detail the type, quantity and number of vehicle movements associated with the proposed feedstock variation and there is no reason to question the figures provided. It is clearly stated that the proposed variation will generate additional traffic movements to and from the site, however, the access improvement works are considered to be capable of accommodating the increase in vehicle movements without significantly affecting the through traffic on the A525 Primary Route.
- ii. The access works to the A525 are shown on the submitted Drawing No. GC-SA-100: Rev E and are considered to be acceptable in principle, however, the works will need to be the subject of a full technical/engineering assessment and approval, including all necessary Road Safety Audits, before implementation with a legal agreement under Section 278 of the Highways Act 1980. Some design changes may be necessary as part of the approval process. The submitted Highways Statement makes reference to there being no awareness of accidents at the site access or along the A525 at this location, but no evidence is provided to support this statement. In view of the anticipated increase in vehicle movements, the personal injury accident data held by Shropshire Council has been viewed and it is considered that the statement is technically correct in that a small number of personal Injury Accidents have been recorded within the past 5 years, but only at the Edgeley Bank/A525 junction to the southwest and the A525/Ash Road/Shakespeare Way roundabout to the northeast. This accident record is not considered to be significant in view of the traffic flows on the A525.
- 4.6. Natural Environment - Ecology: No objection. The comments dated 19th May 2014 are still relevant. The Star Ecology January 2016 Ecological report, which has been submitted with this application, has identified one tree with bat roost potential. The site plans show this tree as being retained. Providing the conditions and informatives recommended in 2014 are on the planning decision notice, and are unaffected by this Variation of condition application, SC Ecology has no additional comments to make. A habitat risk assessment linked to the original application is relevant to the current

proposals.

- 4.7 Natural Environment - Arboriculture): No objection. Having read the submitted documents and amended landscape plan I agree with the following statement made in plan: "This planting proposal provides a significant betterment over the previous planning approval and the current variation of condition application. The plans demonstrate significant new native species tree and shrub planting and sections of 3m high trellis fencing with climbers along sections of the site boundary. These planting measures will screen much of the development from the passing A525 and will in particular enhance the approach from the south west." I therefore have no objection to the enhanced scheme and variation of the landscape condition.
- 4.8 Rights Of Way: – No objections. There are no recorded public rights of way affected by the proposal.
- 4.9 Historic Environment - Conservation: No objections. It is noted that amendments to the scheme have been made to take account of previous concerns over the design and visual impact of the proposals in the rural landscape setting, including that of the designated and non-designated heritage assets in the vicinity of the proposal site. While these measures - screening through additional landscaping, finishes to the buildings and a re-design of the roof on the structure immediately adjacent to the road - are largely considered appropriate to mitigate these adverse effects, the heights of the bunds to the rear (S to W) of the digestate tanks and the workshop building appear insubstantial on revised cross sections, when compared to the height of the structures. It is recommended that these are planted appropriately and bund heights are increased where necessary to further mitigate the potential for visual impacts, especially when viewed from the western approach. As discussed with the case officer, a condition may also be appropriate to determine and control the style, lumen level and position of lighting within the site to mitigate any potential adverse effects at night.
- 4.10 Historic Environment - Archaeology: No objections.
- 4.11. Flood & Water Management - No objection. We have no further drainage comment to make as the drainage is covered under Condition 23a.
- 4.13 Councillor Mr Gerald Dakin (Whitchurch South) – has been informed of the proposals.

PUBLIC REPRESENTATIONS

- 4.14 The application has been advertised in the press and by site notice and the nearest properties have been individually notified. Objections have been received from 19 individuals including some multiple representations. Three letters of support have been received, including from the farming collective involved with the AD proposals and the joint applicants - Iona Capital and Grocontinental. The grounds of objection are summarised below:
- i. Traffic
- The development will increase traffic due to the increase in feedstock which would lead to more air pollution from diesel particulates and more risk to pedestrians. The Ash Road is substandard and the A525 is one of the most dangerous roads in the country and traffic would not be able to turn right into the site when heading from Wem (currently all site traffic has to make a U turn at the roundabout). Any benefits

are outweighed by disadvantages.

- The highway proposal suggests that the existing two way two lane road can operate safely marked out as three lanes. It would seem to require that stretch of road to be widened to have adequate space.
- To utilise the process and heat generated by the plant it is intended to dry logs. Timber will be brought to site in HGV's with 4 loads per week or 208 loads per year. Traffic is increasing once again, more HGV movements entering and leaving the site, making the A525 even more dangerous.
- The minor roads from the A525 leading to Ash Magna and Ash Parva, Edgeley Bank to Brown Moss are being used as a main route for hauling maize. The danger to pedestrians, horses, cyclist and cars has escalated. Large transporters and maize trailers have been seen entering and leaving the AD site by crossing the centre line of the highway in direct contravention of the initial planning conditions.
- It is outdated technology as it will divert agricultural land from food production to energy production which is now considered not to be in the interests of the environment, also more energy may be put in than is taken out.
- I am a keen cyclist and it is almost impossible to ride along this stretch of road already from the railway flyover to the Ash roundabout, the road surface, particularly in the cycle lane, is so rutted that you are forced to ride in the main carriageway. With an already evident constant trail of Grocott HGVs and now super sized farm tractor/trailers carrying maize, it makes it exceedingly dangerous to transit this road unless you are in a motorised vehicle.

ii. Amenity

- It is bad enough with the noise of the fans in the warehouses, now this ...extra traffic running day and night, not to mention the smell. The digester will be sited to the south east of the town with many houses less than 1 km away and most of the town within a 2km radius, and the wind is in that quarter several days each month. The council is likely to receive very many and frequent complaints about bad odours, and it will have a detrimental effect on the quality of life in Whitchurch.
- I see little in the way of environmental enhancement on the Grocott site - there is no screening by trees of the huge pale-coloured sheds, and although I live 1 km away some evening I hear a low and intrusive 'hum' from the site. Many people in the town do not want to see this site expanded.
- There is also an issue with inappropriate siting and glare of the flood lighting used to illuminate the site at night which affects road users passing the site. I also have concerns at the noise etc if the site is in continual use throughout the night.
- Due to the health risks from air pollution, it is too close to established work places (including schools and nurseries) and homes.
- The new site taking shape certainly complements the existing Grocott storage units making both sides of the A525 an eyesore.
- It will emit bioaerosols - these are microscopic airborne particles including bacteria, fungal spores, protozoa and organic constituents of microbial and fungal origins. They can penetrate into the lungs causing respiratory inflammation, coughs, respiratory diseases, and have been known to cause intestinal illness and eye irritation.
- This Industrial AD is close to our children at nursery, at schools, playing at the nearby Rugby Club, people at work at Waymills just over the road and nearby houses. It will have effects on any future expansion of Whitchurch on that side of the town.
- The original application should never have been granted as it is within 200 meters

of residential and/or commercial property, including a children's nursery. AD's are at risk of explosion and there are many cases to corroborate and this alone should be enough for the project to be scrapped due to the proximity of properties.

v. Damage to the Environment

- There will also be an added risk of pollution to the environment /water table in the event of leakage/accident.

vi. Principle of the proposals:

- The change in feedstock means that the AD facility will not run on waste. This now means that if permission is given the facility will run totally counter to the Governments stated policy that waste should be used in Anaerobic Digesters and that they should not use only specifically grown feedstocks as this takes land out of food production.
- My main objection is that the feedstock is to be maize. The growing of maize for digesters has caused environmental problems in parts of Germany where large areas are devoted to this crop. I strongly object to any development that encourages yet more maize production
- The feed crops proposed are not those required by government policy - they are food crops with other better uses. This site cannot use feeds that would comply due to the nature and location of the site.
- The previous decision was for an on farm digester this is industrial.
- Is this a back door for further industrialisation of the south side of the bypass?
- This development is riding roughshod over planning and safety rules in an attempt to meet deadlines for feed in tariffs.
- there were about 100 objections for the previous application, and this one is much larger and will have a greater impact.
- The building of it, south of the Whitchurch by pass, is NOT part of the overall development plan for Whitchurch. A bio digester so close to an established business park and homes makes this an unsuitable site. It will endanger people's health through air pollution and is a potential environmental hazard.

vii. Process of Application

- I object to retrospective planning permission being applied for to normalise proceedings which have already begun. It amounts to a fait accompli and in my experience elsewhere is not usually tolerated by planners. S.C must have monitored the building of this site, it must therefore have been aware of the changes to the original plans a long time ago.

4.15 Iona Capital support letter: Iona Capital confirm that they are an investment company who supports the renewable energy sector and contributes positively to the need to address climate change. To date the company has made over £180m of investments in the UK renewable energy sector including 18 AD plants providing multiple benefits to local stakeholders. Farm derived feedstocks will be supplied by a local farming co-operative within 3.5 miles of the site which has become established following the decline of the local dairy industry. The cooperative will also take back organic fertiliser. It is stated that the AD site is a sustainable location which has good transport and electrical infrastructure connections and is centrally located in relation to its feedstock and digestate management activities. The proposals will also use green energy to help reduce the carbon footprint of the Grocontinental business.

4.16 Farming cooperative support letter: A letter of support has been received which is signed by 10 local farms who will supply feedstocks and receive digestate from the AD site. Similar points are made to those made by Iona Capital.

4.17 Grocontinental support letter: Grocontinental advise that the AD plant will be a major factor in securing a sustainable future for the Whitchurch business. As the town's largest employer Grocontinental wants to be able to protect the jobs of its 360 local employees. The business plays a vital part in Shropshire's food manufacturing industry, providing temperature controlled storage and distribution to the county's major food suppliers, all of whom are under increasing pressure to demonstrate sustainable use of energy. The expanded AD plant will provide around 80% of our total electricity needs which will help to secure the on-going demand for our services for many years to come. The AD plant is also fully aligned with the UK Government's directive to support the switch to low-carbon energy. We operate in a cut-throat and dynamic industry with small margins. Our business is stringently regulated and our green credentials are coming under increasing scrutiny from our customers. This demand will increase. More generally we do as much as we can to support Whitchurch and its economy, including through our long-established policy of using local suppliers and employing local people. We believe our annual wage bill of £11 million helps to sustain the town.

5. THE MAIN ISSUES

- Principle of the development and the proposed variation;
- Environmental implications of the proposed variation, with reference to:
 - odour;
 - traffic;
 - noise and vibration;
 - visual impact;
 - air quality and health
 - water resources;
 - community benefits.
- Other issues including enforcement and waste licensing.

6. OFFICER APPRAISAL

6.1 Need for the development: The principle of establishing an AD facility at this site has already been established by permission reference 14/01398/FUL. If the current variation application was not to proceed then the fall-back position for the applicant would be to implement this existing planning consent. The main issue to consider is whether the amendments proposed under the current application would be supported by relevant policies and guidance or whether they would lead to any unacceptable environmental or amenity impacts relative to the approved scheme.

6.2 The National Planning Policy Framework advises that planning authorities should not require applicants for renewable energy schemes to demonstrate the overall need for the renewable energy (s98). It is noted however that the variation proposals would deliver a significant increase in renewable electricity of the currently approved scheme (2.55MW as opposed to 1MW). This is equivalent to the electricity requirement of 2800 homes and would nearly match the total energy requirement of the nearby Grocontinental site (3MW), in turn freeing up an equivalent amount of energy for use by other local businesses.

- 6.3 The amount of renewable heat energy would also more than double. This would provide the opportunity to establish an ancillary wood drying facility within the AD site with sufficient surplus heat energy remaining to allow consideration of a local district heating scheme. The applicant has identified three potential end users. The increase in renewable energy which the proposed variation would yield is a significant planning consideration.
- 6.4 The Council's Business and Enterprise team supported the original scheme on the basis that the proposals would help provide a secure and sustainable energy source which would support the further development and growth of Grocontinental as a major local employer. A similar justification would apply for the current proposals. The applicant is a major energy user and there is an energy shortage in Whitchurch which the plant would help to address. The Business and Enterprise team has confirmed that there have been difficulties in attracting the funding necessary for the local energy supplier to upgrade the local grid system. As previously noted, the current proposals would deliver a significant increase in renewable energy relative to the approved scheme.
- 6.5 Need - Climate change: The NPPF advises that 'local planning authorities should adopt proactive strategies to mitigate and adapt to climate change (s94). The renewable energy produced by the plant would reduce carbon dioxide released from the traditional fossil fuel generation by around 5200 tonnes of carbon equivalents each year. In addition, the digestate produced by the AD process would replace conventional fertilisers, the manufacture and distribution of which is very energy intensive. The climate change benefits of the proposals are also a significant material consideration.
- 6.6 Need - Agriculture: The AD unit would be operated in association with local farming enterprises and will represent a vertical integration whereby the digestate produced can be utilised to fertilise the crops grown as feedstock for use in the digester, along with feedstock sourced from other local businesses. A collective of 11 local farming businesses has been formed to supply feedstocks and to take back organic fertiliser from the plant. These businesses have signed a letter indicating their support for the AD proposals. The letter states that the proposals would aid farm diversification and would assist in making adjustments to farming practices to adapt to a long-term decline in dairy farming activities that were traditionally practiced in the Whitchurch area. It is considered that the proposals would in principle promote the development and diversification of agricultural business in a way that supports the rural economy (NPPF s28, Core Strategy CS5)
- 6.7 Need – conclusion: The need for renewable energy and the climate change benefits of the proposals are strongly supported by the NPPF (e.g. para 97, 98) and the level of renewable energy would be significantly greater than for the currently approved scheme. In addition, it is considered that the economic benefits of a renewable power supply are significant and consistent with Core Strategy Policy CS13. The potential benefits of the scheme to the local agricultural economy also align with this aspect of Core Strategy Policy CS5. It is necessary however to also assess justification for the site location and the potential environmental effects in order to determine whether or not the proposed variation is sustainable and can therefore benefit from the NPPF presumption in favour of sustainable development.

Environmental considerations

- 6.8 Odour and feedstock mix: The currently approved planning scheme (14/01398/MAW) involved the importation of up to 6,000 tonnes per year of poultry manure. However, the Environment Agency's permitting team did not issue a permit due to their concerns about the potential odour impact of this material. During the processing of the above application an original proposal to also import some food waste to the facility as part of the feedstock mix was also withdrawn for the same reason. A minor change to the layout was subsequently approved in response to these changes under the non-material amendment procedure (15/02293/AMP). The applicant subsequently sought a variation in early 2016 which included an increase in output and re-introduction of food waste (16/00919/VAR) but the Environment Agency however retained reservations about the potential for odour impact from the introduction of food waste and the application was subsequently withdrawn.
- 6.9 Since this time discussions have been ongoing between the applicant and the Environment Agency, resulting in submission of the current application which does not involve the use of any waste materials as part of the feedstock mix. During these discussions the Agency's Permitting team has confirmed to that the whey permeate (– a cheese manufacturing by-product from nearby Belton Cheese) would not be classed as a waste material. The current proposals therefore involve utilising a feedstock mix consisting just of energy crops and whey permeate. There would be no materials which are classed as wastes and which would potentially have a higher intrinsic potential to cause odour problems. The current proposals, if approved, would lead to the site being the only AD facility in Shropshire operating which does not employ the use of waste materials as part of the feedstock mix. The Environment Agency has confirmed on this basis that the proposals would not require an environmental permit.
- 6.10 The application includes an odour impact assessment which concludes as follows: 'Dispersion modelling has been completed, which predicts that the proposed development will not lead to unacceptable odour impacts, particularly given the agricultural nature of the feedstocks which are typical of the site setting. The operation of the site in accordance with an Odour Management Plan will ensure that remains the case during typical operation and abnormal events'. The Council's Public Protection team has supported this conclusion. The site as currently proposed would not require an environmental permit to operate. It is considered on balance that subject to the recommended conditions the measures proposed by the applicant are sufficient to prevent any reasonably foreseeable loss to amenity at neighbouring residences.
- 6.11 Noise and hours of working: Ambient traffic noise from the Whitchurch By-Pass is a dominant part of the local noise climate at most times. The process of anaerobic digestion is itself silent running continuously over a 24-hour period. Given the separation distance to residential properties and the positioning of the CHP, it is not anticipated that the plant would give rise to an increase in ambient noise levels at any nearby residential property.
- 6.12 A noise report accompanying the application concludes as follows: 'Based on the information contained within this report, the result of our noise assessment in line with BS4142:2014 demonstrates that the predicted/calculated daytime and night-time noise levels should not exceed the background sound level. Therefore, noise from the proposed CHP generators should have a low adverse impact, in accordance with BS 4142'. The Public Protection service has not objected. Conditions covering noise

were imposed on the original planning permission and it is recommended that they are re-imposed on any consent linked to the current application. Subject to these measures it is considered that noise from the proposed facility is capable of being controlled to an acceptable degree.

6.13 Traffic and Access The proposed level of feedstock would increase from 26,000 tonnes to 43,000 tonnes to facilitate the more than doubling of the renewable energy output from the site. A Traffic Statement details how the likely traffic generated by the AD unit would affect the surrounding highway network based on a worst case scenario where there were no saved journeys. The A525 is a principal road and is considered suitable to carry large volumes of daily traffic. Good links are available from this road to the A41, the A49 and the wider principal road network. The AD Unit would use the following feedstocks including crops which are harvested at different times of the year so individual harvest peaks will not coincide:

- Whey Permeate – 15,000 tonnes- sourced within 2 miles of the site. This will be delivered by HGV in 27 tonne loads 556 loads distributed across the year. This will be an average of 11 (10.68) movements per week.
- Maize – 7,000 tonnes is typically harvested over a 6 week period in October and November. This will result in typically 58.33 movements per week.
- Rye - 7,000 tonnes is typically harvested over a 6 week period in June and July. This will result in typically 58.33 movements per week.
- Grass silage – 14,000 tonnes is typically harvested at the end of April/early May as the principal cut and a secondary cut typically between August and September as growth dictates. This will result in typically 175 movements per week or 25 movements per day.

6.14 Currently 11 local farmers have committed to supply a mix of feedstocks, with one other local commitment for the supply of the whey permeate. Typically the farms are located within a 6 – 7 mile radius of the site, with 5 farms located to the south, 3 from the north/north-west and two from the east. All farms have satisfactory direct access or are only a relatively short distance from a suitable highway network and can gain access to site via the higher order roads such as the A525, A41, and A49. The adjacent farm to the unit will also supply the feedstock.

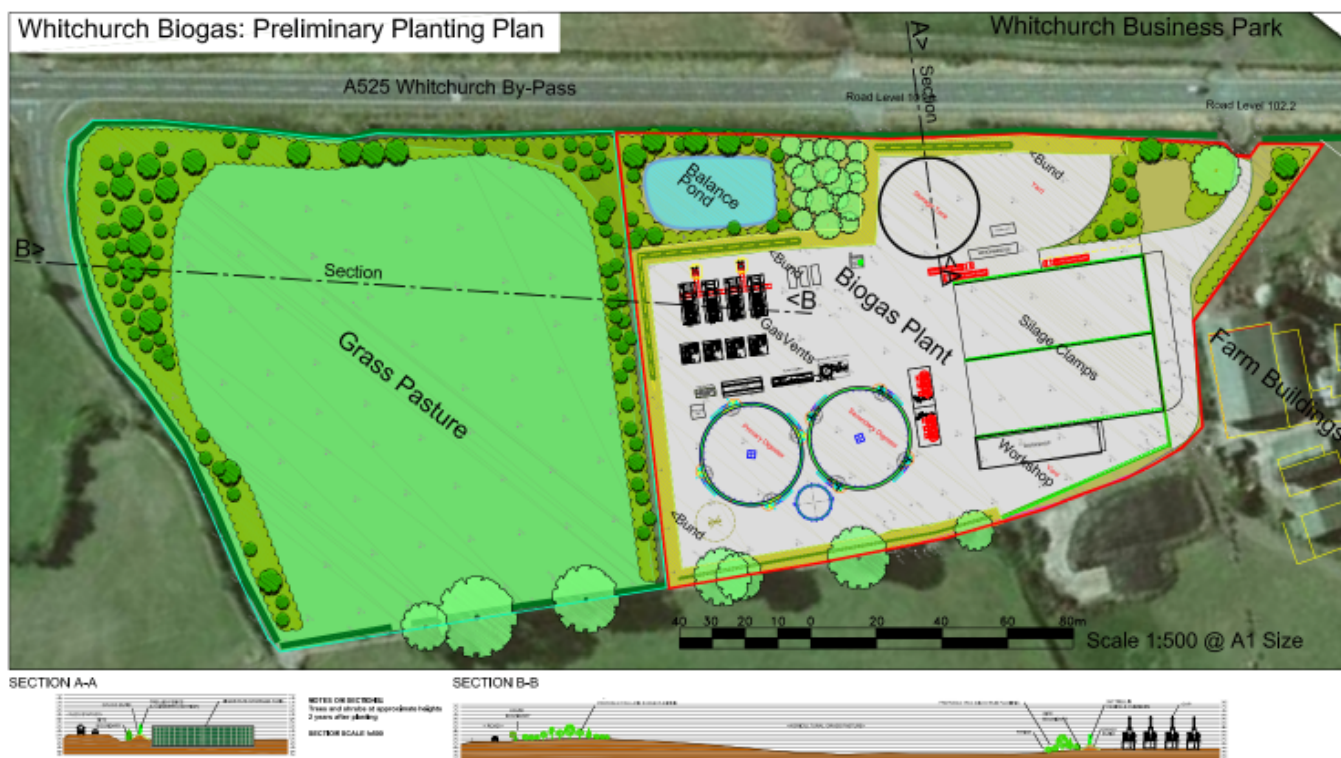
6.15 The 15,000 tonnes of whey permeate would be sourced within 2 miles of the site and 2,000 tonnes of maize/rye crop provided would be sourced from Broughall Fields Farm itself. Hence 44% of the overall feedstock would be sourced from very near to the facility. The remaining 26,000 tonnes would be from the other contracted farms, with only 10% of the overall tonnage arriving from the west and the Ash/Calverhall south east direction. It is further stated that many of the local farms supplying the AD Plant already grow crops that are not used within their own enterprise and are sold elsewhere. Hence, most if not all trips for these harvests are already on the road network. The traffic statement also advises that overall traffic levels in the rural area have fallen significantly due to the decline in dairy farming.

6.16 The traffic report acknowledges that there would be an overall increase in traffic movements to the site due to the 17,000 tonnes of additional feedstock. However, it is stated that a significant number of these movements would be by HGV, meaning less movements from the larger loads. The original approved feedstock of 26,000 tonnes would potentially result in 1734 tractor and trailer movements, with 1473 outgoing tractor and trailer movements from the digestate. The current proposals for 43,000

tonnes of feedstock would result in an overall increase of 570 movements per annum or an average of 1.56 movements per day. It is not considered that this level of average increase would be likely to cause detriment to the immediate or wider highway network.

6.17 Notwithstanding this, the applicant has agreed to pay a voluntary contribution of £10,000 to facilitate improvements to the Ash Road where some 10% of the feedstock would be transported from, in recognition of the local concerns in relation to vehicle movements. The applicant has also previously agreed to implement a voluntary code of traffic management in order to minimise the potential for adverse highway impacts during peak times. This is to be welcomed and an advisory note covering this matter has been included in Appendix 1. Highway officers did not object to the original scheme and have indicated that there are no objections to the current amended proposals. Whilst objectors maintain concerns with respect to the traffic implications of the scheme it is not considered that a highway refusal could be justified. (Core Strategy Policy CS7, SAMDev Policy MD8)

6.18 Visual impact: The Development Plan seeks to protect landscape quality (Core Strategy Policy CS17, SAMDev Policy MD12). The nearest residential properties are generally well screened visually from the site and the proposed landscaping works would further improve this containment. The applicant states that the structures within the site would have an agricultural appearance and would be directly related to the agricultural activities taking place within the wider farming unit. The applicant has recently agreed to undertake additional landscaping measures in order to improve the screening and visual integration of the site.



Updated landscaping proposals

6.19 An updated planting scheme has been submitted and this encompasses a wider area surrounding the site, including planting of native tree and shrub species in a field area to the immediate west. Sections of 3m high trellis fencing with climbing plants are also proposed along sections of the site boundary including behind existing roadside hedging. These planting measures are designed to screen much of the development

from the A525 and will in particular enhance the approach from the south west. The Council's Conservation section has acknowledged that these measures represent a significant enhancement relative to the original proposals.

- 6.20 Whilst the current variation proposals would result in some changes to the local landscape there would not be an unacceptably adverse impact once the proposed updated landscaping measures have been fully implemented. SC Conservation and Trees sections have supported the proposed landscaping amendments. The proposals are therefore considered to be compliant with Policies CS6, CS17, MD2 and MD12.
- 6.21 Ecology An ecological assessment advises that the site is not located within or adjacent to a designated ecological area. Possible bat roosting features were identified within one tree. Compensation measures recommended in the assessment have been incorporated into the landscaping proposals which would provide a significant overall biodiversity enhancement for the area. The Council's ecology section has not objected. It is considered that the proposals can be accepted in relation to ecology and biodiversity. (Core Strategy Policy CS17, NPPF chapter 11.
- 6.22 Water resources: A Flood Risk Assessment confirms that the site is not located in an area of flood risk. The main tanks would be sited on impermeable bases within a fully bunded area and the silage clamps and reception shed would also have concrete bases. The site would have a rainwater management system that will direct rainwater to a balancing pool from where it can be released at a sustainable rate into the existing drainage system. In line with Environment Agency advice, an area of secondary containment has been provided around the main AD structures. Boreholes confirm that groundwater levels are 3-5m below the ground level within the site. Therefore a sufficient freeboard will exist between the base of any excavation and the highest seasonal groundwater table.
- 6.23 The line of a blocked up watercourse running through the site has previously been diverted around the edge of the site so that if the watercourse is reinstated at some time in the future the flow can continue around the site. The Council's land drainage sections have not objected subject to relevant drainage conditions (included in appendix 1). It is concluded therefore that the proposals can be accepted in relation to development plan policies and guidance covering the protection of water resources. (Core Strategy Policy CS18; NPPF – natural environment (s110))
- 6.24 Lighting The proposed site is located away from private dwellings. Low levels of external lighting are proposed. The applicant has confirmed that measures would be employed to minimise any unnecessary light spill. There would be no round the clock external lighting. A lighting condition has been recommended and is included in appendix 1.

Other matters:

- 6.25 Energy efficiency / use of surplus heat: As well as producing electricity, the proposed facility would generate an equivalent amount of energy in the form of surplus heat. Some of this would be used to maintain the temperature of the AD tanks. It would also be possible in principle to utilise remaining heat energy in nearby buildings. The current proposals would generate additional surplus heat relative to the currently approved scheme. The ability to optimise the use of surplus heat would be beneficial in terms of national climate change and energy policy and would further reduce the carbon footprint

of the proposals. It is therefore considered that, if planning permission is granted, a condition requiring an annual review of the potential to maximise use of renewable heat energy is imposed. It is understood that discussions have already taken place with three potential heat users. Subject to this it is considered that the proposals can be accepted in relation to the objectives of national climate change and energy policy and related development plan policies.

- 6.26 Variation application: The application is part-retrospective. As such, if permission is granted any consent would immediately supersede the original planning permission. It is appropriate in this instance to re-impose the majority of the conditions attached to the original planning consent as the current proposals will require essentially the same planning controls as the previous scheme. Whilst pre-commencement conditions have previously been discharged in relation to the original application it is considered appropriate to re-impose appropriate time-limited conditions on any permission to allow updating and review of previously submitted information. A 3 month timescale has been recommended in Appendix 1 for the submission of such updated information given the part-retrospective nature of the application.
- 6.27 The scheme has been amended. A second digester tank has been removed and a proposed workshop building has been re-deployed as a feedstock / reception building. As such the proposals align closely with the description of the application in the original application. The application therefore is considered to fall clearly within the remit of a variation application under section 73 of the Planning Act 1990.
- 6.28 Retrospective application: It is regrettable that the applicant has progressed the current amended scheme in advance of any planning permission. The part-retrospective nature of the application is however not material to the consideration of the current application which must be considered entirely on its land use planning merits. It is understood that the applicant had to make difficult decisions based on the need to secure funding for renewable energy and heat at a sufficient rate and within a tight timescale to optimise the viability of the scheme. Officers have expressed reservations to the applicant and have emphasized that if the current proposals are not approved then the Planning Authority would not hesitate to consider taking appropriate action in order to remedy the breach in planning control.
- 6.29 Objectors consider that the Planning Authority should have taken enforcement action as soon as the departure from the approved scheme became apparent in August 2016. However, planning enforcement is a discretionary and risk-based function and must take appropriate account of the context of any breaches. In this respect planning permission already existed for an AD site in the same location and the Planning Authority had been considering an application to amend the layout whilst the construction works were underway. Following internal discussions it was determined that it would not be expedient to take any formal action until the outcome of the application was known.
- 6.30 If the application is approved then this will have the effect of regularising the currently unauthorized works. If the application is not approved then the applicant would have the option of appealing against the decision. The proposed amended layout could in principle be operated as a 1MW scheme in line with the current approval. In this respect officers consider that the amended proposals including enhanced landscaping measures would continue to deliver significant benefits overall relative to the currently approved proposals. However, the NPPF indicates that the additional renewable energy provided by the

current variation should be recognised as a significant material consideration (Paras 97 & 98).

7.0 CONCLUSION

7.1 The principle of allowing a 1MW AD scheme on the same site has already been established by permission reference 14/01398/MAW. The current proposals would more than double the level of renewable electricity and heat energy produced by the facility for an increase in feedstock of 44%. Much of the additional feedstock would be in the form of whey permeate imported in larger loads from nearby Belton Cheese. The increase in renewable energy supplied by the proposals is a significant material consideration. The proposals would match or exceed the amount of electricity used by Grocontinental for most of the year. This would in turn securing a reliable source of affordable renewable energy for the company whilst freeing up grid capacity for other local users (NPPF97, 98). The company is a major employer and performs a vital role in supporting the wider food industry in Shropshire.

7.2 The individual issues raised by the proposals have been assessed. No environmental issues have been identified which would suggest any material conflict with relevant development plan policies. The proposals include enhanced landscaping measures which would represent a significant benefit relative to the currently approved scheme. The increase in traffic would equate to be less than 1.6 extra loads per day and is not considered sufficient to warrant a highways refusal in this location on the major road network.

7.3 It is regrettable that construction operations departed from the originally approved scheme before the current application was determined, although an application to regularize this situation has been lodged with the Council throughout this period. It is recognised in this respect that the applicant's discussions with the Environment Agency had resulted in major delay to the determination of this application. The amended design has significant benefits relative to the approved scheme, including in terms of landscaping and renewable energy. Notwithstanding this, the amended scheme could easily be amended to a 1MW scheme in principle.

7.4 The NPPF requires that applications for renewable energy should be approved if the impacts are, or can be made, acceptable (s98). It is concluded on balance that the proposals are capable of being accepted in relation to relevant development plan policies, guidance and other local considerations. Approval is therefore recommended subject to the conditions set out in appendix 1.

8. RISK MANAGEMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy

or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose 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

8.2.1 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

8.3.1 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.

8.4 Financial Implications

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

9. BACKGROUND

RELEVANT PLANNING POLICIES

Central Government Guidance:

9.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

9.1.1 The National Planning Policy Framework (NPPF) advises that 'development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

9.1.2 The Government's objective is that planning should support the transition to a low carbon economy in a changing climate, for instance, by the development of renewable energy (s17). To help increase the use and supply of renewable and low-carbon energy, local planning authorities should recognise the responsibility on all

communities to contribute to energy generation from renewable or low-carbon sources. They should:

- have a positive strategy to promote energy from renewable and low-carbon sources, including deep geothermal energy;
- design their policies to maximise renewable and low-carbon energy development while ensuring that adverse impacts are addressed satisfactorily;
- consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers (s97).

9.1.3 When determining planning applications, local planning authorities should apply the presumption in favour of sustainable development and:

- not require applicants for energy development to demonstrate the overall need for renewable or low-carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once opportunity areas for renewable and low-carbon energy have been mapped in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying opportunity areas (s98).

9.1.4 Relevant areas covered by the NPPF include:

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

9.2 Core Strategy:

9.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);

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

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

- CS5: Countryside and Green Belt;
- CS6: Sustainable Design and Development Principles;
- CS13: Economic Development, Enterprise and Employment;
- CS14: Managed release of Employment Land
- CS16: Tourism, Culture and Leisure
- CS17: Environmental Networks
- CS18: Sustainable Water Management

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

- MD2 – Promoting sustainable design;
- MD7b – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD9 – Safeguarding and improving employment investment (includes seeking to protect existing employment sites in rural areas);
- MD12 – Protecting Shropshire’s natural environment;
- MD13 - Protecting Shropshire’s historic environment.

9.2.4 DEFRA’s Climate Change Plan 2010 sets out how DEFRA will deal with the challenges of climate change. It refers to anaerobic digestion and states: “Anaerobic Digestion can reduce methane emissions from manures and slurries, whilst at the same time producing renewable energy in the form of biogas and digestate that can be used as fertiliser. The Anaerobic Digestion Implementation Plan published by DEFRA in March 2010, provides a framework for joint action by Government and Industry to drive a major increase in the use of anaerobic digestion.”

10. RELEVANT PLANNING AND SITE HISTORY:

- NS/08/02077/ENQ Enquiry regarding development of land REC
- NS/78/00100/FUL Erection of agricultural workers dwelling. GRANT
- PREAPP/13/00485 Erection of a 1 mw Anaerobic digestion plant and associated

- infrastructure PREAIP 11th November 2013
- 14/01398/MAW Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works GRANT 19th December 2014
 - 15/00835/DIS Discharge of Condition 1 (a and b) and Condition 5 of Planning Permission 14/01398/MAW for the installation of Anaerobic Digester plant consisting of control building, feedstock / reception building, 30 m diameter digester, 30 m diameter digestate store, feedstock clamps and all associated works DISPAR 20th April 2015
 - 15/02229/DIS Discharge of Conditions 15 (Complaints procedure), 17 (specifications and surface treatments), 21 (drainage), 22 (Secondary containment), 23 (surface water) , 24 (External lighting) and 26 (Landscaping) of planning permission 14/01398/MAW. DISAPP 15th October 2015
 - 15/02293/AMP A non-material amendment to previously granted 14/01398/MAW to amend the Site layout . GRANT 1st June 2015
 - 16/00919/VAR Variation of Condition No.s 2 , 3 and 8 attached to Planning Permission 14/01398/MAW dated 19th December 2014 for installation of an anaerobic digestion plant WDN 15th September 2016
 - PREAPP/16/00395 Proposed demolition of Broughall Fields Farmhouse and erection of replacement dwelling PREAIP 13th September 2016 16/04784/VAR Variation of conditions 2, 3 and 8 attached to 14/01398/MAW dated 19/12/2014 (for installation of an anaerobic digestion plant) to alter the site layout and increase the quantity of feedstock accepted at the site. PDE
 - NS/02/00318/FUL Erection of 11 KV overhead line supported on wooden poles APPRVD 27th June 2002

11. ADDITIONAL INFORMATION

11.1 Policies material to the determination of the application

In determining the Local Planning Authority gave consideration to the policies listed in section 10 of this report.

11.2 Link to application documents:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OF7EAQTDHP000>

List of Background Papers: Planning application reference 14/01398/MAW and associated location plan and documents

Cabinet Member (Portfolio Holder) Cllr M. Price

Local Member: Cllr Gerald Dakin (Whithurch South)

Appendices: Appendix 1 – Conditions

APPENDIX 1

Conditions

COMMENCEMENT OF DEVELOPMENT

- 1a. The development to which this planning permission relates shall be deemed to have been implemented on the date of this permission.
- b. Not less than seven days prior notice shall be given in writing of the intended date for the commencement of anaerobic digestion operations at the site, hereby referred to as the "Commissioning Date".

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a), to define and provide appropriate advance notice for commencement of the use hereby approved (1b).

DEFINITION OF SITE AND DEVELOPMENT

2. This planning permission shall only relate to the area edged red on the approved block plan (drawing number SA22500/03) hereinafter referred to as "the Site".

Reason: To define the area to which this planning permission relates.

3. Except as otherwise provided in the conditions attached to this permission the operations and uses hereby permitted shall be carried out strictly in accordance with the approved scheme comprising the application form dated 17th October 2016 and the accompanying plans and documents and plans.

Reason: To define the permitted development.

5. Construction operations shall occur in accordance with the Construction Management Plan approved under permission reference 15/0835/DIS.

Reason: In the interests of highway safety, residential and general amenity.

6. The site access and internal circulation areas shall be cleaned as necessary with a tractor mounted brush or other similar device in order to prevent the trafficking of mud onto the public highway.

Reason: In the interests of highway safety.

USE OF THE FACILITY AND CONTROL OF TONNAGES

7. The principal uses of the Site shall be restricted to:
 - i. The anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;
 - ii. Generation of electricity and heat and other ancillary operations associated with the above activities.

Reason: To define the type and sources of materials permitted to be managed and handled at the Site in accordance with the approved scheme, in the interests of general amenity and to protect surface and groundwater from pollution.

- 8a. The maximum tonnage of materials imported to the Site in any calendar year shall not exceed 44,000 tonnes. For the avoidance of doubt a calendar year shall comprise the period between 1st January and 31st December.
- b. The Site operator shall maintain a record of the tonnage of materials including energy crops and agricultural wastes delivered to the Site and the numbers of associated HGVs and tractor and trailer loads. The record shall be made available to the Local Planning Authority upon prior written request. A report of the total tonnage of waste imported to the Site in each successive calendar year shall also be provided to the Local Planning Authority in writing within one month of the year end.

Reason: To ensure that the development remains within the general levels of activity specified in the planning application in the interests of highway safety and general amenity whilst having regard to the fact that different potential feedstocks may have different calorific values (8a). To facilitate monitoring of tonnages imported to the anaerobic digestion facility by the Local Planning Authority (8b).

Note: The operator should employ traffic management measures to reduce the impact of Site traffic during peak times such as harvesting. Consideration should be given to:

- *Control of dispatch of vehicles from the Site to reduce the possibility of tractor and trailer units associated with the Site meeting on narrower parts of the public highway;*
- *Reducing the need where possible to harvest different crops within the farm unit at a similar time;*
- *Controlling the importation of poultry manure so that it is not coincident with harvesting or digestate spreading wherever possible;*
- *Ensuring drivers of AD tractors & trailers adhere to appropriate speed limits and safeguards whilst negotiating the local highway network;*
- *Providing identification markings so that vehicles using the Site can be readily identified.*

ACCESS

9. Before any feedstock deliveries commence in connection with the operation of the Anaerobic Digester and associated facilities, the access works to the A525 indicated on Drawing No. GC-SA-100: Rev E and including the permanent closure of the existing field access to the southwest, the ducting works and the removal of any redundant signal equipment/apparatus, shall be substantially completed in accordance with full engineering details which shall first be submitted to, and approved in writing by, the local Planning Authority.

Reason: In the interests of Highway Safety.

Note:

This planning permission does not authorise the applicant to:

- *construct any means of access over the publicly maintained highway (footway or verge) or*
- *carry out any works within the publicly maintained highway, or*

- *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or*
- *undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway*

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

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

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

STORAGE

10. The storage of feedstock materials at the Site in connection with the anaerobic digestion process hereby approved shall not take place other than in the approved feedstock reception areas which are shown on the approved plans.

Reason: To ensure that storage of feedstocks for the anaerobic digester can be adequately accommodated within the overall Site layout and in the interests of general and visual amenity.

NOISE

11. Noise from the operation of plant in the engine room (together with noise from system pumps, and from any other associated plant) shall be attenuated to achieve a calculated level which does not exceed 5 decibels (dB(A)) above the night time background noise level outside the nearest noise sensitive property.

Reason: To protect the amenity of the occupiers of nearby properties.

- 12a. The following noise attenuation measures shall be applied during operation of the site:
- All vehicles and mechanical plant employed at the Site shall be fitted with effective exhaust silencers which shall be maintained in good efficient working order.
 - Machines in intermittent use shall be shut down or throttled down in the intervening periods when not in use or throttled down to a minimum.
 - All ancillary plant such as generators, compressors and pumps shall be positioned so as to cause minimum noise disturbance;
- b. All fixed and mobile plant based at and operating within the Site shall be fitted with attenuated reversing alarms. Details of the types of reversing alarm proposed to be fitted to vehicles / plant under the terms of this condition shall be submitted for the approval in writing of the Local Planning Authority prior to the Commissioning Date.

Reason: To minimise the possibility of adverse noise impact from Site operations at the closest receptor locations, including properties adjacent to the access from the public highway.

13. All yard surfaces and circulation areas within the Site shall be swept as necessary to remove mud / debris and water shall be applied to such areas as appropriate during dry conditions in order to prevent the generation of dust.

Reason: To reduce the impact on local amenities and air quality of dust arising from Site operations.

PEST / VERMIN CONTROL

- 14a. No delivery of waste to the Site shall occur until a detailed scheme for the control of pests and vermin has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall in particular provide for:
- i. Measures to reduce the attractiveness of the Site to pests and vermin, including maintenance of secure feedstock storage areas;
 - ii. An inspection regime with prompt implementation of appropriate control measures in the event that a pest control problem becomes apparent, with details to be provided to the Local Planning Authority upon implementation of the measures.
- b. Following approval of the scheme required by Condition 14a the Site shall thereafter be managed in accordance with the approved scheme.

Reason: To ensure that appropriate measures are in place to control the possible effects of pests and vermin.

AMENITY COMPLAINTS PROCEDURE

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

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

HOURS OF OPERATION

- 16a. With the exception of use of the generator and normal continuous running of the anaerobic digestion process no operations hereby permitted shall be undertaken at the Site, except during the following hours:

Mondays to Fridays	07.00 to 21.00 hours
Saturdays:	07.00 to 21.00 hours

Sundays / Bank Holidays 08.30 to 18.30 hours

- b. Notwithstanding Condition 16a, provision shall apply for extended working for not more than 10 periods in any calendar year in order to cater for exceptional circumstances. During periods of extended working no operations hereby permitted shall be undertaken at the Site, except within the hours specified in Condition 16a above and during the following hours:

Mondays to Fridays	05.00 to 23.00 hours
Saturdays:	05.00 to 23.00 hours
Sundays / Bank Holidays	06.30 to 20.00 hours

Records of extended working under this condition shall be maintained and shall be provided to the Local Planning Authority upon request.

- c. Construction activities shall be restricted to within the following times:

Monday to Friday: 07:30- 18:00,
Saturdays: 08:00 - 13:00.
No construction shall occur on Sundays or bank holidays.

- d. Vehicle movements and deliveries during construction shall be restricted to the following times:

Monday to Friday: 07:30- 18:00,
Saturdays: 08:00 - 13:00.
No construction shall occur on Sundays or Bank Holidays.

Reason: To ensure that operational times at the Site are controlled in order to reduce the impact of the development on the local area and amenities (16a, c, d) whilst making appropriate provision for extended working to cater for exceptional circumstances (16b).

Note: Wherever possible, the Local Planning Authority should be notified in advance of any proposed periods of extended working under the terms of Condition 16b.

BUILDINGS, STRUCTURES AND PLANT

17. Detailed specifications and surface treatments including cladding colour (BS reference) of the anaerobic digester units and associated buildings and structures shall be submitted for the approval of the Local Planning Authority within 3 months of the date of this permission. The structures and associated surface treatments shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory standard of construction and in the interests of visual amenity.

18. All buildings, hard surfaces and fencing within and on the boundaries of the Site shall be maintained in an orderly state and fit for purpose, including maintenance of even, pothole free running surfaces in circulation areas for vehicles and plant.

Reason: To ensure that the Site is maintained to an acceptable standard in the interests of health and safety and general amenity.

19. Not more than two digester tanks shall be constructed and used at the site under the terms of this permission.

Reason: For the avoidance of doubt and to define the permission.

GENERAL PERMITTED DEVELOPMENT ORDER

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings, demountable structures, fixed plant, or structures of the nature of buildings or fixed plant, and no fence or soil mound, in addition to those shown on the approved plans listed in condition 3 above, shall be erected at the Site unless approval in writing for their details and specification has first been obtained from the Local Planning Authority.

Reason: To maintain control over the appearance of the site and ensure that the development is in accordance with the permitted details.

POLLUTION CONTROL AND DRAINAGE

21. systems; the re-routing of drainage and the existing underground culverted Prior to the first operation of development, details of the decommissioning of existing field drainage watercourse, as shown on drawing no. SA13299/03 rev A, shall be submitted to and agreed in writing by the Local Planning Authority. There shall be no watercourses or land drainage systems within 10 metres of the site installation boundary. Thereafter the works shall be carried out and maintained in accordance with the approved plans.

Reason: To decommission the existing underground drainage system (to re-route and install a new drainage system) and divert the piped watercourse, to prevent pollution of controlled waters.

22. Within 3 months of the date if this permission a scheme confirming details of secondary containment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for the following:

- i. containment of any accidental spills / leaks based on 110% containment of the tank capacity including the proposed bund as shown on drawing no. MB470002 dated September 2013.
- ii. Compliance with the CIRIA 164 standard including ensuring that no surface water soakaway or drainage pipework breaches the bund;
- iii. Measures for dealing with minor spillages;
- iv. Measures for dealing with a catastrophic tank spillage event.

The containment measures shall be implemented in accordance with the approved scheme prior to the bringing into use of the Anaerobic Digester facility.

Reason: To prevent pollution of the water environment.

Note: As required by the Environmental Permit, all storage and process tanks should be located on an impermeable surface (a hydraulic permeability of not greater than 1×10^{-9} m/s) with sealed construction joints within the bunded area.

- 23a. A drainage scheme shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The scheme required by this condition shall include the following details:
- i. Confirmation of measures for dealing with surface water run-off from the site including surface water soakaways for clean water only which are designed to either cater for the 1 in 100 year + 20% storm event, or cater for the 1 in 10 year storm event, (in which case a flood conveyance drawing for exceedence flows should also be submitted);
 - ii. Measures to intercept surface water prior to flowing on to the public highway;
 - iii. Confirmation that the finished floor level of buildings within the site is set above any known flood level;
 - iv. Confirmation of detailed measures for dealing with contaminated surface water runoff from the site in accordance with the principles set out in the Flood Risk Assessment, including provision to isolate, store and manage such drainage in order to prevent groundwater pollution.
 - v. Details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed.
- b. Following its approval, the drainage measures shall be implemented in accordance with the approved details prior to the Commissioning Date.

Reason: To ensure that disposal of surface water is undertaken in a sustainable manner which also reduces flood risk.

Notes:

- i. *The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 20% for climate change. Flood water should not affect other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for the approval in writing of the Local Planning Authority prior to the Commencement Date. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.*
- ii. *If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval under the scheme required by Condition 22a. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 20% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
- iii. *All concrete areas where feedstock and digestate are handled should have a system in place to allow for water that may be contaminated to be diverted away from the clean water disposal route in to the dirty water system.*
- iv. *Any contaminated/dirty wash water should be collected via impermeable surfaces and disposed of to an appropriate system. The applicant should incorporate measures to prevent the transmission of oils, fuel, or other hazardous materials from entering the AD process. For example, a separate sealed drainage system for areas*

likely to be contaminated with any wheel washing or oils etc. should be installed, perhaps with a sump system for disposal elsewhere in the absence of a mains foul sewer connection.

- v. *As part of the sustainable urban drainage scheme ('SUDS'), the applicant is encouraged to employ the following measures:*
- *Permeable surfacing on any new driveway, parking area/ paved area;*
 - *Rainwater harvesting system;*
 - *Greywater recycling system;*
 - *Green roofs;*
 - *Water Butts.*

LIGHTING

- 24a. Within 3 months of the date of this permission updated external lighting details shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following details:
- i. Hours of use of external lighting,
 - ii. The exact location and nature of any lights;
 - iii. The specification including height any fixed or mobile structures;
 - iv. The intensity of the lights;
 - v. The identification of areas to be illuminated and any measures to prevent light spilling on to areas outside the Site;
 - vi. Measures such as shrouding to minimise disturbance through glare.
- b. Following approval of the lighting scheme required under condition 24a external lighting shall be installed in accordance with the approved details.

Reason: To ensure a satisfactory standard of lighting for the development, balancing health and safety and security requirements with the visual amenity and ecological considerations and to minimise disturbance to bats, a European Protected Species.

Notes:

- i. *The submitted scheme shall also be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.*
- ii. *In order to reduce the likelihood of complaints regard should be had to the following considerations when considering the design of lighting schemes:*
 - *What is the minimum lighting level required and what areas require lighting.*
 - *Where could light produced have the potential to impact upon others? By considering which areas may be most sensitive to light it may be possible to reduce the need for lighting in these areas and in turn remove the likelihood of any complaint being received*
 - *Sky glow should be minimized. As a result it is recommended that no light is emitted above horizontal and ideally all lighting should be angled below 90 degrees from vertical.*
 - *Glare should be minimised by giving careful thought to the positioning and orientation of lighting as well as the need for baffling and appropriate light fittings*

- *Light spill should be reduced wherever possible. It is this aspect that is most likely to give rise to complaints. In order to reduce light spill the use of double asymmetric light fittings is suggested. They should be appropriately angled to stop light spilling onto/into other properties*
- *Where lighting is not required all of the time, e.g. security lighting, floodlighting of a sports field, it is recommended that sensors are used with an appropriate cut off time or that lighting is on a timer to ensure that lights go off once activities have finished*
- *The lowest Wattage lighting should be used in order to reduce glare and light spill.*

25. Within 3 months of the date of this permission updated details of the proposed fire protection measures to be put in place at the Site shall be submitted to and approved in writing by the Local Planning Authority and the Site shall thereafter be operated in accordance with the approved scheme.

Reason: In the interests of fire prevention..

LANDSCAPING AND AFTERCARE

- 26a. Within 3 months of the date of this permission a detailed landscaping scheme to supplement the details provided in plan reference WBG1PP01 shall be submitted for the approval in writing of the Local Planning Authority. The approved scheme shall be implemented within the first available planting season following the approval of the scheme in writing by the Authority and shall include:

i. Details and specification of planting including the species, specification, origin, method and density of planting, with provision for use of a high percentage of native species and provision of species rich hedgerow;

ii. Details of protection measures and procedures for addition of soil ameliorants.

- b. All existing hedgerows, shrubs and trees on the margins of the Site which are not allocated for removal as part of the development and all new planting at the Site shall be retained and protected from damage for the duration of the operations hereby approved.

Reason: To local amenities by reducing the visual impact of the proposal and in the interests of ecology.

27. All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including cultivation and weeding. Any trees or plants that are removed, die or become seriously damaged or defective within the aftercare period, 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.

- 28a. Prior to the bringing into use of the anaerobic digester facility details of three woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter

be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

- b. Prior to the bringing into use of the anaerobic digester facility six woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be installed on the site.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species (29a) and besting opportunities for wild birds (29b) in the interests of biodiversity (Core Strategy Policy CS17).

Notes:

- i. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and a licenced bat ecologist should be contacted for advice.*
- ii. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. Operations shall be managed to avoid the need to commence work affecting vegetation in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.*

ANNUAL REVIEW

- 29a. An annual review meeting involving the operator to the Local Planning Authority shall be held in order to review the performance of the Site over the previous calendar year in relation to the requirements of conditions attached to this Planning Permission. The meeting shall be held no later than 3 months after the year end.
- b. The annual review meeting shall also assess the potential for utilizing additional heat from the CHP unit with provision for taking appropriate further action in the event that identified trigger levels are reached.

Reason: To provide a suitable mechanism for the ongoing review of Site operations.

CESSATION OF USE

- 30a. Not less than 2 weeks prior notice in writing shall be provided to the Local Planning Authority of the permanent cessation date for the operations hereby approved, or for any temporary cessation of operations for in excess of one month.

- b. Not less than 6 months prior to the planned date for any permanent decommissioning of the development hereby approved the operator shall submit proposals for decommissioning of the development within an agreed timescale for the approval of the Local Planning Authority. Such plans shall make provision for leaving the site in a condition suitable for future development, with provision to remove all buildings, hardstandings and structures which are not required in connection with the Site's subsequent afteruse.

Reason: To ensure that the Site is left in a tidy condition capable of a beneficial afteruse in the event of any permanent decommissioning of the development hereby approved.

RETENTION OF APPROVED DOCUMENTS

31. A copy of this planning permission and any schemes permitted under its terms and conditions shall be retained at the Site and be available for inspection by staff at the Site and officers of the Local Planning Authority.

Reason: To ensure staff on Site are aware of planning controls to be complied with.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant sought and was provided with formal pre-application advice by the authority. Further information has since been submitted in response to comments received during the planning consultation process. The submitted scheme, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions and legal agreement.

Habitat Regulation Assessment (HRA) Screening Matrix & Appropriate Assessment Statement

Application name and reference number:

14/01398/MAW

Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works - Broughall Fields Farm Ash Road Whitchurch, Shropshire

Date of completion for the HRA screening matrix:

19th May 2014

HRA screening matrix completed by:

Alison Slade

Planning Ecologist

Shropshire Council

01743 252578

Alison.Slade@Shropshire.gov.uk

Table 1: Details of project or plan

Name of plan or project	Anaerobic Digestion plant at Broughall Fields Farm Ash Road Whitchurch
Name and description of Natura 2000 site	<p>Brown Moss SAC and Ramsar site, part of the Midland Meres and Mosses Phase 1.</p> <p>Brown Moss SAC (32.02ha) is a series of pools set in heathland and woodland. The site is of special importance for the marsh, swamp and fen communities associated with the pools which occupy hollows in the sand and gravel substrate.</p> <p>Criterion 1a. A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog.</p> <p>Ramsar criteria:</p> <p>Criterion 2a. Supports a number of rare species of plants associated with wetlands. The site contains the nationally scarce sixstamened waterwort <i>Elatine hexandra</i>, needle spike-rush <i>Eleocharis acicularis</i>, cowbane <i>Cicuta virosa</i>, marsh fern <i>Thelypteris palustris</i> and elongated sedge <i>Carex elongate</i>.</p> <p>Criterion 2a. Contains an assemblage of invertebrates, including the following rare wetland species. 3 species considered to be endangered in Britain, the caddis fly <i>Hagenella clathrata</i>, the fly <i>Limnophila fasciata</i> and the spider <i>Cararita limnaea</i>. Other wetland Red Data Book species are; the beetles <i>Lathrobium rufipenne</i> and <i>Donacia aquatica</i>, the flies <i>Prionocera pubescens</i> and <i>Gonomyia abbreviata</i> and the spider <i>Sitticus floricola</i>.</p>
Description of the plan or project	<p>Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works.</p> <p>Substrate from different feed stocks is mixed in a fermentation tank or biogas digester. Methane is produced from the anaerobic process. The gas is dried and vented into a gas engine connected to a generator to produce electricity.</p>

	Liquid digestate will be stored in a tank.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement

The application site is approximately 1km to the north west of Brown Moss SAC/Ramsar site. It is outside the surface water catchment area for the European site. The application includes an Environmental Supporting Statement and Odour Risk Assessment, which describe the means by which air emissions (and odours) will be controlled. The prevailing winds are from the west and southwest, so generally away from Brown Moss.

NE states in their letter dated 30th April 2014 that emissions resulting from the anaerobic digestion process are unlikely to have a significant effect beyond 500 metres from the application site and that Brown Moss is around twice this distance from the site.

The Significance test

The proposed works in application 14/01398/MAW Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works - Broughall Fields Farm Ash Road Whitchurch, Shropshire will not have a likely significant effect on the Brown Moss SAC and Midland Meres and Mires Phase 1 Ramsar site due to no pathways for an effect. An Appropriate Assessment is not required.

The Integrity test

The proposed works in application No: 14/01398/MAW Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works - Broughall Fields Farm Ash Road Whitchurch, Shropshire will not have an impact on the integrity of the Brown Moss SAC and Midland Meres and Mires Phase 1 Ramsar site due to no pathways for an effect. An Appropriate Assessment is not required.

Conclusions

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

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Committee and Date
 North Planning Committee
 28th March 2017

Item
10
 Public

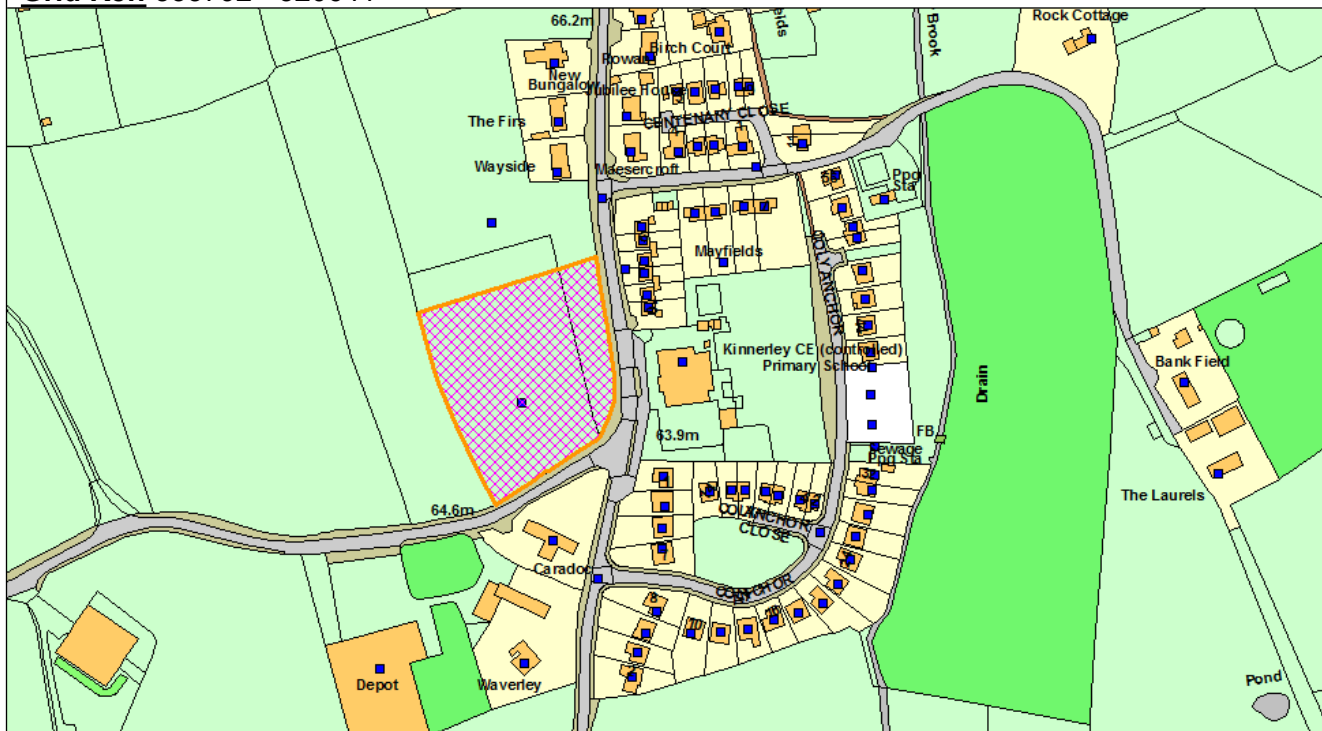
Development Management Report

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

Summary of Application

Application Number: 16/04719/FUL	Parish:	Kinnerley
Proposal: Erection of residential development of 18 no. dwellings; formation of vehicular access		
Site Address: Proposed Residential Development Opposite School Kinnerley Shropshire		
Applicant: Milford Investments Ltd		
Case Officer: Mark Perry	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 333792 - 320641



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant signing a S106 to secure 2 affordable dwellings.

ADDENDUM REPORT FOLLOWING MEMBERS 'MINDED TO REFUSE' RESOLUTION

- 1.0 Purpose of the Report
- 1.1 This application was previously considered by the Northern Area Planning Committee at its meeting on the 28th February 2017. Members at that meeting were minded to refuse the application, the minutes of the meeting record the proposed reason for refusal as:

'That Members are minded to refuse the application against the officer's recommendation due to concerns relating to overdevelopment of the site which would have a negative impact on community cohesion. In accordance with paragraph 17.4 of the Local Protocol for Councillors and Officers dealing with Regulatory matters the application stands deferred to a future meeting'
- 1.2 This report seeks to provide members with further information on the application as a result of further discussions with the applicant following the February meeting and advice on the risks associated with refusing the application for the above reason. The original report presented to members in February 2017 is attached to this report for information.
- 1.3 The risk of refusing any planning application is that the applicant appeals the decision. This is a risk in that a Planning Inspector deciding an appeal may overturn the Councils decision and allow the proposal. There are costs associated with defending an appeal against refusal but there are also risks of the Council being required to pay the appellants costs of an appeal. Costs can be awarded if the Council is considered to have behaved unreasonably, in not allowing the application or in its conduct in defending an appeal, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The purpose of the costs regime is stated to include encouraging local planning authorities to properly exercise their development management responsibilities, and to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case. All involved in the appeal process should behave in a reasonable way including presentation of full and detailed evidence to support their case.
- 1.4 This report is before members on the basis that the above reason for refusal was considered by officers, at the February committee meeting, to not be defensible if challenged at appeal. The report below seeks to advise members on the merits and further explain the application.
- 1.5 Officers have given further consideration to the member recommendation and as a consequence have been in further discussions with the applicant's agent, who has indicated that in consideration of scale, mass, landscape impact and viability grounds that they are unable to significantly amend the scheme considering the

development as proposed the most appropriate for the site concerned in relationship to the surrounding environment and village.

2.0 Addendum Report

2.1 As such Officers wish to bring to members attention and further emphasis that the housing figure for the site, as set out in SAMDev, for 12 dwellings is not a maximum number but a figure to give a guide for what is likely to be an acceptable number of dwellings on the site. It is not possible to give a precise limit of the number of dwellings as this would depend upon the nature of the development being proposed with regard to the size of the dwellings, the size of their gardens and the layout of the site, as well as taking into account constraints such as trees or hedgerows, this can only be fully considered at the planning stage when a scheme has been drawn up.

2.2 Planning Officers acknowledged that the number of houses proposed is 6 more than the housing guideline, however this on its own is not considered by Officers, to be a sustainable reason for refusal. It would be necessary to demonstrate that there would be harm caused as a consequence of the number of dwellings being proposed.

2.3 As referenced in the main committee report, Kinnerley is part of a community cluster with Maesbrook, Dovaston and Knockin Heath. The cluster has a housing guideline of around 50 dwellings over the plan period. There have been 30 housing completions, 38 commitments (which includes all the allocated sites (including the 12 dwellings in the housing guideline for this site) and 9 allocations that do not yet have permission. Therefore housing guideline across the whole cluster is currently exceeded by 18 dwellings assuming the remaining allocations do come forward for development this will increase to 27 dwellings above the housing guideline. It is considered by Officers that this is not be such an excessive figure, which is spread across four villages, where it would result in unsustainable development that would stretch infrastructure and community goodwill towards breaking point.

2.4 On this particular site the applicant is proposing 18 dwellings comprising 4 x 2-bed, 12 x 3-bed and 2 x 4-bed dwellings. This is considered a very good mix of housing units in relationship to scale and size in relationship to the local village neighbourhood. The applicant in order not to exceed suggested housing numbers for the site could have proposed a scheme of 12 dwellings, and in order to make the scheme financially viable it would likely require the dwellings to be much larger in scale and mass with a greater proportion of 4 or 5 bedroom properties. This in all likely-hood for the site as a whole, would have included as many if not more bedrooms and as such potentially as many car movements. The applicant, (as appears to be the case in many rural areas), has identified that there is a greater demand for small properties in this area and that these are dwelling types most likely to sell. The demand for smaller dwellings is reflected in the Kinnerley Neighbourhood Plan which specifically comments on the need for smaller houses, to which this plan indicates that 4/5 bedroom should only be built if there is a community need.

2.5 Based on the Kinnerley Neighbourhood Plan it is evident that there is need for smaller dwellings of the type being proposed in this scheme. Whilst the Parish

Council feel that the figure of 12 dwellings should not be exceeded it is very unlikely that a scheme of 12 dwelling would come forward with such a high ratio of 2 and 3 bed dwellings. In addition providing 12 dwellings would only attract one on site affordable dwelling rather than the two being proposed in relationship to this application. This also considered a substantial material consideration in support of the application.

- 2.6 Officers consider the scheme proposes a mix of appropriate dwellings sizes with a suitable mix of garden sizes. None of the dwellings, it is considered, would have unacceptably small gardens. Plot 15 and 16 have the smallest curtilages with the rear gardens measuring around 46 sqm; the off street parking for these two dwellings is proposed on the opposite side of the shared driveway so does not use up the garden area. All of the plots are considered, by Officers, to have garden sizes that are appropriate and proportional to the size of the dwellings being proposed.
- 2.7 The scheme as proposed has a clear and distinctive character, which is considered by Officers to enhance the appearance of this part of the village. The linked dwellings along the edge of the pavement will provide an attractive street scene creating a sense of place. It is considered that reducing the number of dwellings would substantially change the attractive character and appearance of the development.
- 2.8 As such Officers believe that the scheme as proposed is of an appropriate design and scale with appropriate levels of amenity space provided for each dwelling. The scheme also reflects the desire for smaller dwellings as set out in the Kinnerley Neighbourhood Plan and avoids the larger 4/5 dwellings as specifically discouraged by the Plan. The number of dwellings being proposed also make the provision of two affordable dwellings a viable option.

Report follows as presented to Committee on February 28th 2017.

1.0 THE PROPOSAL

- 1.1 The proposal is a full application for the erection of 18 dwellings to include the creation of a new vehicular access with provision of car parking spaces and formation of pedestrian access to School Road. The scheme proposes a mix of 2, 3 and 4 bedroom dwellings, detached and semi-detached. All are two storeys although some have their first floor accommodation set into the roof.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a plot of agricultural grazing land located adjacent to the highway through Kinnerley and the Kinnerley/ Melverley road, and lies opposite the primary school. It has thick hedgerows to the west, north and eastern boundaries and some mature trees, and has a gentle slope downhill to the South.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The comments of the Parish Council are contrary to the recommendation from officers. The Council scheme of delegation therefore requires discussion with the local member Chair and Vice Chair. Following these discussions with the Principal

Planning Officer the relevant members confirmed that the Parish Council's concerns about the development are material planning considerations and warrant consideration by the planning committee.

4.0 Community Representations

- Consultee Comments

4.1 Parish Council - Kinnerley Parish Council maintains its support for development of this site but upholds its objection to eighteen houses.

The Parish Council appreciates that the size of the site means that additional houses are achievable and would accept an increase in the number of houses but it maintains its position that eighteen houses is too many. In SAMDev the site was designated as being acceptable for twelve houses by Shropshire Council and this is supported in the Kinnerley Parish Neighbourhood Plan. The housing stock in Kinnerley Village has already significantly been increased over and above the levels planned in SAMDev which means a proportionate increase in car and other vehicle movements on the narrow country lanes leading into and out of the village.

Support therefore cannot be given for eighteen new houses due to the cumulative effect of additional residents and traffic which will affect the residential amenity of the existing residents and create extra traffic on the rural roads. Existing road safety concerns will consequently be worsened particularly around the area of the school.

4.2 Highways - No objection subject to conditions and informatives

4.3 Drainage- The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

4.4 Affordable Housing- The affordable housing proforma shows a slight over provision of 2 dwellings on site. It is noted that these will be 2 bedroomed properties at plots 15 and 16, which will meet some of the identified need in the area.

4.5 Trees- no objection subject to conditions to ensure protection of the trees on the site.

4.6 Archaeology- The site is deemed to have low-moderate archaeological potential. A programme of archaeological should be conditioned.

4.7 Police- The applicant should aim to achieve the Secured By Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment.

4.8 Conservation- The site is not within the newly designated conservation area nor is it considered to have the potential to impact on any other designated or non-designated heritage assets.

5.0 THE MAIN ISSUES

Principle of development
Design, scale and character
Highways
Ecology
Trees
Archaeology
Other issues

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. Paragraph 12 of the NPPF states 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'*.
- 6.1.2 The application site is approximately four fifths of the site that is allocated for housing in SAMDev (KYN002). The area allocated does extend beyond the application site up to the boundary hedge to the north of the application site which includes a series of mature trees.
- 6.1.3 The settlement of Kinnerley is part of a community cluster along with Maesbrook, Dovaston and Knockin Heath which will provide growth of around 50 dwellings during the plan period. The allocation site, within which the application site sits, is shown in SAMDev as providing 12 dwellings, the development guidelines also details, "the retention of the existing hedges; vehicular access via Argoed Road only; and the provision of parking spaces to help address existing parking issues at the school".
- 6.1.4 SAMDev also states that development proposals will be expected to demonstrate that they have taken account of the adopted guidance from the Community Led Neighbourhood Plan for Kinnerley.
- 6.1.5 Prior to the adoption of SAMDev the applicant did obtain outline planning permission for the erection of 12 dwellings on the site with all matters except access reserved for later approval (14/00581/OUT). This was approved on the 2nd March 2015 and remains an extant permission until March 2018. The outline planning permission specified 12 dwellings in the description and therefore as this scheme proposes more it was necessary for a new full application to be submitted rather than a reserved matters application.
- 6.1.6 It is acknowledged that both the Kinnerley Neighbourhood Plan and SAMDev give the allocated site a provision of 12 dwellings. This in turn contributed to the development guideline for the number of dwellings in the cluster. As stated in paragraph 3.21 of SAMDev the guideline is not a maximum figure but development beyond it by too great a degree could result in unsustainable development. Policy MD3 recognises that housing guideline is a "significant policy consideration" and it

also sets out considerations to which regard will be had in determining applications which would result in the provision of more dwellings than indicated by the guideline for a settlement. This includes, the benefits arising from the development; and the impacts of the development, including the cumulative impacts of a number of developments in a settlement; and the presumption in favour of sustainable development.

6.1.7 The principle of a residential development on the site has already been established by the previous outline planning consent and the site's allocation in SAMdev. Consideration must now be given to the extra six dwellings that are proposed as part of this new full planning application, in addition to the normal Development Management considerations.

6.2 **Design, scale and character**

6.2.1 When the previously approved outline planning permission was considered it included an indicative layout showing the 12 dwellings. This indicative scheme showed all of the dwellings in very substantial plots with the smallest dwellings shown as having an internal floor area of around 125 sqm. The provision of 12 dwellings would represent a very low density of development on the site.

6.2.2 This new scheme is for the erection of 18 dwellings and comprises a mix of 4 x 2-bed, 12 x 3-bed and 2 x 4-bed dwellings, ranging from 62 sqm to 157 sqm. Eight of the dwellings are proposed to be 100 sqm or smaller. The Kinnerley Neighbourhood Plan specifically identifies a need for smaller dwellings. It states that Kinnerley Parish Design Statement and the results of the Neighbourhood Plan Consultation, the following policies are established, which:

i) propose to address the need for smaller housing to restore the balance over the period 2012 – 2026, acknowledging the fall in average household size over the last 20-30 year period.

ii) propose that larger 4/5 bedroom houses should be built only on an infill site and only if the developer can demonstrate a particular community need.

6.2.3 The previous outline planning permission for 12 dwellings would likely deliver larger and more expensive dwelling in spacious plots in order to make the scheme viable financially. The applicant has advised that in order to deliver more smaller dwellings, which in this case also includes 2 dormer bungalows on plots 4 and 9, it is necessary to increase the number of dwellings on the site as a whole. As part of the planning consideration and increase in density still needs to be at a level that is appropriate for the site, and its surroundings.

6.2.4 The proposed scheme shows that the dwellings would be accessed by a single vehicular access from Argoed Road, but there would also be a secondary pedestrian access onto School Road. As required by policy S14.2(vii) the scheme also incorporates the provision of a parking area to help address the existing parking issues at the school. This parking area would be sited in the north eastern corner of the site and would provide 10 parking spaces with access provided directly to School Road.

6.2.5 The layout proposes a mix of dwelling types and sizes which are of a style and character that make a positive contribution to the area. Some of the dwellings have

the character of agricultural barns with the two dwellings to the north and south of the site of a more traditional farmhouse type character. The rest of the dwellings are generally smaller with dropped eaves, exposed rafter feet, dormer windows and detailing to the eaves. The dwellings on the eastern side of the estate road (plots 12 to 17) are linked together by open fronted car ports. The car ports help to tie the buildings together and create a strong street scene. The provision of car ports allows occupiers vehicles to be more discreetly parked than they would be on driveways to the front of dwellings. This row of dwellings also follows the curved line of the pavement around to the two corners on the estate road.

- 6.2.6 The dwellings that would be most visible from and closest to the main road would be plots 9 and 18. Plot 9 would be a dormer bungalow and plot 18 a smaller barn type dwellings with lowered eaves. Both dwellings would be accessed from within the estate but both have been designed so that they have attractive elevations facing towards the rest of the village.
- 6.2.7 The proposed development is for six more dwellings than the outline permission consented and the figure quoted in SAMDev. The appropriate amount of housing for a site can only be fully considered once the type and scale of the dwellings is known. All of the dwellings shown on the submitted plan are considered to have good sized gardens and all of the properties have at least 2 off street parking spaces. It is considered by Officers that the provision of 18 dwellings, of the type and size proposed, would not result in the over development of the site and would provide a good mix of dwelling types and sizes, in particular the provision of smaller dwellings.
- 6.2.8 It is considered by Officers that the number and type of dwellings proposed would enhance the character and appearance of the site and this part of the village.

6.3 **Highways**

- 6.3.1 As referred to above there would be a single vehicular access to the site plus the access to the parking area. A new pedestrian pavement would be provided around the road facing sides of the site providing safe pedestrian access for future occupiers and those parking in the proposed school parking area.
- 6.3.2 In order to provide an acceptable level of visibility at the junction into the proposed estate and at the junction between Argoed Lane and School Road it has been necessary to remove some small sections of hedgerow. These hedges will then be replanted back behind the required visibility splays. The junction of Argoed Road and School Road already has restricted visibility for emerging vehicles; as such improving the available visibility will benefit not just those living in the proposed development but also the wider community who may also use this section of road.
- 6.3.3 Following consultation with the Council's Highways Department there have been no objections raised subject to addition of appropriate conditions. Conditions will be imposed to secure the provision of a 1.8m footway and a formal pedestrian crossing point between the site and the primary school.
- 6.3.4 The Parish Council have expressed concerns about the increase from 12 to 18 dwellings and the increase in vehicle movements on the lanes leading into and out of the village and the impact that this will have on road safety around the school.

No concerns have been raised by the Highways Officer subject to ensuring that the necessary improvements, referred to above, are made.

6.4 **Ecology**

6.4.1 The scheme included the submission of an ecology report and this has been assessed by the Planning Ecologist who has recommended a number of conditions and informatives ensuring that the development is carried out in accordance with the ecological recommendations.

6.5 **Affordable Housing**

6.5.1 The proposed scheme is for 18 dwellings and therefore it is liable to make a contribution towards the provision of affordable housing. The policy requirement, as set out in the Type and Affordability of Housing SPD, requires a 10% affordable housing provision which would equate to 1.8 dwellings. This would be made up of one affordable dwelling provided on site plus a financial contribution equivalent to 0.8n of a dwelling. The applicant has chosen to provide two on site affordable dwellings, this is a slight over provision against the policy requirement. As affordable housing is only required on developments of more than 5 dwellings, given the size of Kinnerley there is unlikely to be many future occasions where developments would be required to provide affordable housing on site. Other than the allocated sites most development would be for single infill plots or for very small numbers of dwellings.

6.5.2 The applicant has identified that plots 15 and 16 would be provided as affordable dwellings and these are two small 2-bed properties. The applicant would be required to enter into a S106 legal agreement in order to secure the affordable dwellings.

6.6 **Trees**

6.6.1 The application site contains a number of mature trees, the most significant of which is located in the hedgerow in between the school parking area and plot 8, with other smaller trees in the north western and southern corners of the site. The applicant has submitted an arboricultural impact assessment which has been considered by the Tree Officer. The Tree Officer is satisfied that it has been adequately demonstrated that the development has made provision to retain the significant trees on the site and that they would be appropriately integrated into the scheme. The Impact assessment also set out how the trees will be protected during the construction phase of the development to ensure their long term future.

6.7 **Archaeology**

6.7.1 The Council's archaeologist has commented that the site is deemed to have low-moderated archaeological potential because to a number of cropmark archaeological sites within 500m of the site. It is considered appropriate for a condition to be imposed requiring a programme of archaeological work to be carried out.

7.0 **CONCLUSION**

7.1 The proposed residential development of the site for 18 dwellings is considered acceptable in principle given its sustainable location and designation as an allocated site. It is considered by Officers that the figure of 12 dwellings set out in the Kinnerley Neighbourhood Plan and SAMDev should not be seen as an upper

limit for the site but as a development guideline. A scheme of 18 dwellings needs to be considered on its individual merits. The development proposed includes a significant number of smaller dwellings providing a wide mix of dwellings helping to meet the housing need locally which include 2 affordable dwelling. The provision of smaller dwellings is encouraged by the Kinnerley Neighbourhood Plan. The scheme is not considered to represent the over development of the site and the likely extra traffic generated is not considered to impact upon the safety of highway users.

- 7.2 The proposed scheme includes sensitively designed dwellings of varying styles and have been laid out to respect the existing trees and hedgerow in the locality. It is considered by Officers that the proposed development complies with policies CS4, CS6, S11 and CS17 of the Core Strategy and policies MD3 and S14.2(viii) of SAMDev.

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 1970.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
Planning Policy Guidance
National Planning Policy Framework

Core Strategy and Saved Policies:
Type and Affordability of Housing SPD
CS4- Community Hubs and Clusters
CS6- Sustainable Design and Development Principles
CS11- Type and Affordability of Housing
CS17- Environmental Networks

MD3- Delivery of Housing Development
MD12- Natural Environment
S14.2(vii)- Kinnerley, Maesbrook, Dovaston and Knockin Heath

Relevant planning history:

14/00581/OUT Outline application for the erection of 12 dwellings to include alterations to vehicular access with provision of car parking spaces and formation of new pedestrian access to School Road GRANT 2nd March 2015

11. ADDITIONAL INFORMATION

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. 1. Work shall be carried out strictly in accordance with the Survey for Badger Sett report prepared by Greenscape Environmental Ltd (July 2016) attached as an appendix to this planning permission. This includes development works to cease two hours before sunset. Within 90 days prior to the commencement of development the approved badger reasonable avoidance measures secured through Condition 1 shall be reviewed by an ecological consultant and, where necessary, amended and updated. The review shall be informed by further ecological survey commissioned to i) establish if there have been any changes in presence and/or abundance of badgers and their setts, and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for the implementation, will be submitted to and approved by writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure the protection of Badgers protected by the Protection of Badgers Act 1992.

4. The programme of archaeological work for the development approved by this permission shall be carried out in complete accordance with the specification (Written Scheme of Investigation) by Castlering Archaeology dated 2 June 2016.

Reason: The development site is known to hold archaeological interest.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree

surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

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

c) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

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

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

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

6. Prior to the commencement of the development full engineering details of the proposed vehicular accesses and minimum 1.8 metre footways along Argoed Road and School Road as indicated on the Proposed Site Plan (Revision C) and including surface water drainage arrangements, shall be submitted to, and approved in writing by, the Local Planning Authority. The access and footway works shall be fully implemented in accordance with the approved details before any of the dwellings are first occupied.

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

7. Prior to the commencement of the development full engineering details of an uncontrolled pedestrian crossing point to School Road, between the development site and primary school in conjunction with the footway works required under Condition 1 above, shall

be submitted to, and approved in writing by, the Local Planning Authority. The crossing point works shall be fully implemented in accordance with the approved details before any of the dwellings are first occupied.

Reason: In the interests of pedestrian safety.

8. Prior to the commencement of the development the land between the visibility splay lines and Highway at the new access road junction onto Argoed Road and to the north of the Argoed Road/ School Road junction, as shown on the Proposed Site Plan (Revision C) shall be cleared with any boundary fence, hedge, wall or other means of enclosure set back behind the visibility splay lines and the land within the visibility splay lines maintained at all times free from any obstruction exceeding 225mm above the level of the adjacent carriageway.

Reason: In the interests of highway safety

9. 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.

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

10. 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.

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

11. The car port for plots 13, 14 and 17 as shown on the approved plans shall remain open fronted for the lifetime of the development.

Reason: To ensure an adequate provision of off street parking.

12. The car parking area indicated on the Proposed Site Plan (Revision C) shall be surfaced in a bound material and drained before any of the dwellings are first occupied and shall thereafter be retained free of any impediment to its designated use.

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

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

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

14. A minimum of two 2F Schwegler Bat Box (General Purpose) or similar woodcrete bat box suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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



<u>Committee and Date</u>
North Planning Committee
28 th March 2017

<u>Item</u>
11
Public

Development Management Report

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

SCHEDULE OF APPEALS AS AT COMMITTEE 28th March 2017

Appeals Lodged

LPA reference	16/03362/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Michael Bigg, Gillian Bigg, Ruth Kitts and Brainerd Kitts
Proposal	Outline application (all matters reserved) for the erection of 8 dwellings
Location	Land off Cottage Lane, St Martins, Oswestry, SY11 3BL
Date of appeal	27/02/2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals determined

LPA reference	16/01719/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs J Davies
Proposal	Demolition of existing 3 bedroom 2 storey cottage and construction of 3 bedroom replacement dwelling with associated works
Location	Highfawr Cottage Racecourse Road Oswestry
Date of appeal	30/11/2016
Appeal method	Written Representations
Date site visit	
Date of appeal decision	07/03/2017
Costs awarded	
Appeal decision	Dismissed

LPA reference	14/03428/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr K,J&P Broomhall & Mrs H Beasley
Proposal	Outline application for the erection of 50No dwellings (to include access)
Location	Proposed Residential Development Land Between Aston Road And Church Lane Wem
Date of appeal	16/03/2016
Appeal method	Hearing
Date site visit	
Date of appeal decision	13/03/2017
Costs awarded	
Appeal decision	Dismissed

LPA reference	15/02262/REF
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	J, B and E Warner – C/O The Planning Group
Proposal	Outline application (all matters reserved) for residential development
Location	Land Adjacent Tawnylea Prescott Road Prescott Baschurch Shrewsbury
Date of appeal	04.06.15
Appeal method	Hearing
Date site visit	
Date of appeal decision	16.03.17
Costs awarded	
Appeal decision	Dismissed

LPA reference	14/04972/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	J,B and E Warner- C/O The Planning Group
Proposal	Outline application (all matters reserved) for residential development - Phase 2
Location	Land Opposite Prescott Lodge Cottage Prescott Road Prescott Baschurch Shropshire
Date of appeal	04.06.15
Appeal method	Hearing
Date site visit	
Date of appeal decision	16.03.17
Costs awarded	
Appeal decision	Dismissed

Appeal Decision

Site visit made on 24 January 2017

by **R C Kirby BA(Hons) DipTP MRTPI**

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

Decision date: 07 March 2017

Appeal Ref: APP/L3245/W/16/3160940

High Fawr Cottage, Old Racecourse Road, Oswestry, Shropshire SY10 7PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs J Davies against the decision of Shropshire Council.
 - The application Ref 16/01719/FUL, dated 18 April 2016, was refused by notice dated 20 June 2016.
 - The development proposed is demolition of existing 3 bedroom 2 storey cottage and construction of 3 bedroom replacement dwelling with associated works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area, having particular regard to the scale and external appearance of the new dwelling.

Reasons

3. The appeal site comprises a detached, extended 2 storey property, with numerous low-rise outbuildings. It is surrounded by open countryside with an area of woodland to the side and is accessed by a long driveway from the B4580. Whilst set back from the road, it is in an elevated position and glimpses of the property from the road can be observed. The area within the vicinity of the site is characterised by similar isolated, cottage style properties surrounded by open fields.
4. There is no dispute between the parties that the site is located within the open countryside for planning policy purposes. Policy MD7a of the Site Allocations and Management of Development Plan (SAMDev Plan) relates to management of housing development in the countryside. In respect of replacement dwellings the policy requires the dwelling to be replaced to be a permanent structure with an established continuing residential use. Furthermore, the replacement dwelling should not be materially larger than the dwelling that it is intended to replace, and should occupy the same footprint, unless it can be demonstrated why this should not be the case. This is to limit the tendency towards the provision of larger dwellings in the countryside and to maintain a mix of dwelling types. The supporting text to the policy also states that the control of replacement of dwellings in the countryside needs to be considered

- in conjunction with the visual, heritage loss and other impacts associated with proposals.
5. The Council's Type and Affordability of Housing Supplementary Planning Document (SPD) provides further guidance in respect of replacement dwellings and advises that it is important to maintain and provide an appropriate stock of smaller, lower cost, market dwellings. With this objective in mind, the SPD states that the size of any replacement dwellings in the countryside should be controlled. It states that regard will be had to the visual impact of the replacement dwelling and the need to ensure the development is sympathetic to the character and appearance of the original building and the area taking account of the bulk, scale, height and external appearance of the resultant dwelling.
 6. Policy CS6 of the Shropshire Local Development Framework Adopted Core Strategy (CS) requires, amongst other matters, for development to protect, restore, conserve and enhance the natural, built and historic environment and is appropriate in scale, density and design and takes account of the local context and character, and those features which contribute to local character. SAMDev Plan Policy MD2 has similar objectives.
 7. The appellant has drawn my attention to a number of policies which she considers are of relevance to the appeal proposal. CS Policy CS5 relates to the countryside and the Green Belt and amongst other matters allows for development proposals on appropriate sites which maintain and enhance countryside vitality and character and where they improve the sustainability of rural communities by bringing local economic and community benefits. CS Policy CS17 requires development to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and contribute to local distinctiveness. SAMDev Plan Policy MD3 is also considered of relevance and this policy recognises the importance of, and supports the provision of residential development on windfall sites, both within the settlements and the open countryside.
 8. There is no dispute between the parties that the dwelling upon the site is a permanent structure with established continuing residential use. The proposal would be sited on a similar footprint to the existing and the Council has not raised this as a matter for concern. On the basis of the evidence before me, there is no dispute that the principle of a new dwelling upon the site is acceptable.
 9. The existing dwelling has a floor space of 80 square metres; the new dwelling would have a floor space of 136 square metres. This equates to a 70% increase in size. The proposed ridge height would be 7.6 metres, compared to the existing dwelling's ridge height of 6.5 metres. The drawings show that the length and width of the new dwelling would be much larger than the existing. Taking these matters into account, this would represent a material increase in the size of the dwelling when compared with the existing situation. The new dwelling would appear much larger in scale, height and bulk when compared with the more modest proportions of the existing dwelling. If I take the existing outbuildings into consideration as suggested by the appellant, the increase in floor space would reduce to 23%. However, the resultant dwelling would be of a significantly greater scale, height and bulk to the existing situation. Its external appearance would be significantly different to the

- modest proportions of the existing dwelling and the low-rise detached outbuildings. The resultant dwelling would be materially larger than the existing situation in both scenarios.
10. Furthermore, the new dwelling's scale and external appearance with continuous ridge height, would be incongruous with the established character of the area. It would result in a significantly greater built intrusion into this area of countryside compared to the existing situation. The proposed and existing landscaping in the vicinity of the site would not mitigate this impact.
 11. The appellant submits that the existing dwelling on the site does not comprise a smaller, lower cost dwelling because of the site's location and the land associated with it. In order to make the dwelling habitable, expensive renovation works would be required. Whilst I have not been provided with a valuation of the existing property or details of the costs to renovate the property, I have no reason to doubt the appellant in respect of these matters.
 12. However, the purpose of SAMDev Plan Policy MD7a is to restrict the size of replacement dwellings to protect the character and appearance of the area, as well as limiting the provision of larger dwellings in the countryside and maintaining a mix of dwelling types. For the reasons given, the new dwelling would be materially larger than the existing situation and would result in harm to the character and appearance of the area. The appellant's submissions do not justify the proposal, or outweigh the harm that I have identified.
 13. I have had regard to the appellant's assertion that the proposal would comply with paragraph 60 of the National Planning Policy Framework (the Framework). Whilst this advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes, it also advises that it is proper for planning policies and decisions to seek to promote local distinctiveness. For the reasons given, the proposal would not promote local distinctiveness.
 14. There is reference to a possible fall-back position in relation to the construction of an extension to High Fawr Cottage under permitted development rights. However, in the absence of any detailed information upon this issue it has limited weight in my overall Decision.
 15. The appellant has drawn my attention to a replacement dwelling in the locality that the Council granted planning permission for (Ref 12/03031/FUL). It is asserted that this was 84% larger than the original dwelling. I have not been provided with detailed drawings of this case and as such I am unable to determine whether or not it is directly comparable to that before me. In any event, each application and appeal should be determined on its individual merits and this is the approach that I have taken in my consideration of this appeal.
 16. In light of the foregoing I conclude that the proposal would result in a dwelling in this area of countryside that would be materially larger than the existing property. The scale and external appearance of the proposal would result in an incongruous development which would be visually intrusive and harmful to the character and appearance of this area of countryside. This would conflict with the objectives of SAMDev Plan Policies MD7a and MD2, and CS Policies CS5, CS6 and CS17 which together seek development that respects, maintains and enhances the character of the countryside, the built environment and the local context. The proposal would also not comply with the guidance in the SPD in

relation to the need to ensure the development is sympathetic to the character and appearance of the original building and the area taking account of the bulk, scale, height and external appearance of the resultant dwelling.

Other Matters

17. The appellant considers that the proposal complies with Policy MD3 of the SAMDev Plan. This policy allows for windfall sites to be developed on the basis that the proposal comprises sustainable housing development.
18. Sustainable development is identified by paragraph 7 of the Framework as having 3 dimensions: economic, social and environmental. There would be likely to be economic and social benefits associated with the proposal including the provision of construction jobs, and the support the intended future occupiers of the dwelling would give to local services and facilities. However, given the nature of the proposal for 1 dwelling, and that support for local services would be unlikely to be materially different to that which has existed in respect of the existing property on the site, such benefits would be limited.
19. For the reasons given, harm would be caused to the character and appearance of the area. This harm would be significant and would result in conflict with the environmental role of sustainability which seeks to protect and enhance our natural, built and historic environment.
20. Paragraph 8 of the Framework makes it clear that the three roles of sustainability should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. In light of my findings above, this would not be achieved in this case. I therefore conclude that the proposal would not comprise sustainable development. This would result in conflict with the Framework and the development plan. The proposal would not comprise sustainable housing development under SAMDev Plan Policy MD3.

Conclusion

21. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR

Appeal Decision

Hearing held on 15 June 2016 and 20 September 2016

Site visit made on 15 June 2016

by I Radcliffe BSc(Hons) MCIEH DMS

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

Decision date: 13th March 2017

Appeal Ref: APP/L3245/W/16/3141633

Land north of Aston Road, Wem, Shropshire

- 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 Messers K & P Broomhall against the decision of Shropshire Council.
 - The application Ref 14/03428/OUT, dated 25 July 2014, was refused by notice dated 5 October 2015.
 - The development proposed is the erection of 75 dwellings to include means of access.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis and I have taken the illustrative plans that have been submitted into account insofar as they are relevant to my consideration of the principle of the development on the appeal site.
3. After the application was made, in discussion with the Council, the appellant agreed to reduce the size of the site and the number of houses proposed from 75 to 50. The proposed access onto Church Lane was also deleted leaving access to be provided from Aston Road. As a result, the description of the development that appears on the decision notice is 'the erection of 50 dwellings (to include access)'. I am content that this amended description adequately describes the proposal and I shall use it in the determination of this appeal.
4. Following the closure of the hearing on 15 June 2016 the Council forwarded a copy of its Full Objectively Assessed Housing Need Report published on 4 July. The hearing was re-opened on 20 September 2016 to consider this document.

Main Issues

5. The main issues in this appeal are;
 - whether the location of the proposed development would be in accordance with the development plan;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on agricultural land;

- the accessibility of services and effect of the proposal on the free flow of traffic; and,
- the contribution that the proposal would make to housing land supply and the social, economic and environmental benefits that would arise from the proposal.

Reasons

Location of development

6. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework ('the Framework') is an important material consideration. A core planning principle of the Framework is that decision taking should be genuinely plan led, empowering local people to shape their surroundings.
7. The development plan for the area consists of the Shropshire Core Strategy (adopted in 2011) and the Shropshire Site Allocations and Management of Development (SAMDev) Plan (adopted in 2015).
8. In order to further sustainability objectives, and in the interests of protecting the countryside, policy CS1 of the Core Strategy sets a development strategy for Shropshire. Its settlement hierarchy has Shrewsbury as the single largest settlement at the top with market towns, such as Wem, and other key centres, in the second tier. In the third tier are community hubs and clusters in rural areas. Policy CS3 explains that market towns, such as Wem, provide services and facilities to their rural hinterlands. As a result, the policy explains they provide a focus for development within settlement development boundaries and on allocated sites. Similarly, policy CS4 supports new development in community hubs and clusters. Outside of such settlements is the open countryside where new development is strictly controlled by policy CS5 of the Core Strategy.
9. The appeal site is located adjacent to, but outside, the settlement development boundary for Wem and is not an allocated site. As a consequence, for planning policy purposes it lies within the open countryside where policy CS5 of the Core Strategy strictly controls development. Policy MD.7a of the SAMDev Plan details how, in practice, policy CS5 is applied to housing. New market housing outside of Shrewsbury, the market towns, key centres and community hubs and clusters is strictly controlled by this policy. Suitably designed and located exception site dwellings and residential conversions are considered to be acceptable where they meet evidenced local housing needs and other relevant policy requirements.
10. As part of detailing how the Core Strategy will be delivered, the SAMDev Plan also contains settlement housing guidelines. These guidelines reflect detailed consideration by the Council and the community on what level of development is sustainable and appropriate. In relation to policy S17 of the SAMDev, which relates to Wem, it is clear given the amount of housing that has been built and with the sites allocated for housing, that this guideline of approximately 500 dwellings, halfway through the plan period, has almost been met. In such circumstances, it is evident to me that, read as a whole, policy MD3 of the SAMDev which relates to housing delivery only supports further housing within the settlement development boundary and not outside it.

11. Based upon the submitted evidence, at the halfway point through the plan period of the Core Strategy, in terms of housing completions and commitments, the Council is on target to achieve the development plan's housing requirement. In the rural areas, only half the amount of housing that the Core Strategy seeks to deliver is provided for in the settlement guidelines of the SAMDev Plan. The view of the appellants is that this means that the settlement guideline figures will have to be exceeded and windfall development allowed on sites such as the appeal site. However, community hubs and clusters form an important tier of rural settlements where the development plan supports new rural housing. Most new housing in such settlements will occur on unallocated sites of five or fewer dwellings and so will constitute windfall development. The SAMDev Inspector found that based upon historical performance reliance on such windfall development to deliver housing to the extent proposed in the SAMDev Plan was proportionate and justified.
12. The appellants have produced data that calls into question progress in delivering new housing in the North Eastern Spatial Zone of the county where Wem is located. However, I note that the information supplied relates to housing completions and does not include housing commitments, such as permissions, that have yet to be implemented. As a result, I am not persuaded that it has been demonstrated there is a material problem with delivery in this part of the county. Consequently, I have no good reason to disagree with the SAMDev Plan Inspector, that reliance on windfall development in community hubs and clusters is likely to deliver the windfall housing in rural areas sought by the development plan.
13. For this reason, and given that the housing guideline figure for Wem has almost been met halfway through the plan period, I find that there is little justification in policy terms for the development of the appeal site for predominantly open market housing.
14. Both the Council and appellant have submitted a number of appeal decisions in support of their interpretation of whether the location of the proposed development would comply with the development plan. It is an established planning principle that each application is determined on its merits. For example, some of the decisions referred to pre-date adoption of the SAMDev Plan, whilst others do not. The Inspectors in these decisions would have exercised their judgement based upon the evidence before them. Similarly, I have used my judgement in respect of the evidence that is before me. Consequently, the appeal decisions referred to have not altered my findings in relation to this issue.
15. Taking all these matters into account, I therefore conclude that the location of the proposed development would be contrary to policy CS5 of the Core Strategy and policies MD3 and MD7a of the SAMDev Plan.

Character and appearance

16. A core planning principle of the Framework is that the intrinsic character and beauty of the countryside should be recognised in both plan making and decision taking. The approach of the development plan, which is to deliver new housing, other than in certain specified instances, within settlement development boundaries, is consistent with this approach.
17. The appeal site is an agricultural field next to Wem's development boundary. The countryside on the eastern side of Wem where the appeal site is located

is characterised by an attractive gently undulating landscape of large fields bounded by hedgerows. On the approach along Aston Road from the east, the openness and green character of the appeal site is readily apparent. As such, it makes a positive contribution in landscape terms to the character and appearance of the countryside area and to Wem's rural setting.

18. The indicative layout shows how the site could be developed for housing, with part of the field kept as public open space. Nevertheless, the introduction of an internal access road and dwellings would urbanise the vast majority of the site whatever final layout was decided upon. The loss of the open undeveloped nature of the field to built development would have a significant adverse effect on the character and appearance of the countryside, landscape and the rural setting of Wem. This harm could not be overcome at reserved matters stage by landscaping and good design.

Agricultural land

19. The proposed scheme would result in the loss of 2.67 hectares of grade 2 and 3 of agricultural land to development. Land within grade 1, 2 and 3a is defined in the glossary to the Framework as being the best and most versatile agricultural land. In preference to the development of this type of land the use of land of poorer quality is encouraged by paragraph 112 of the Framework. This government policy though relates to proposals involving the development of significant amounts of such land. It was common ground between the parties at the hearing, that the proposal did not involve such quantities of land. I agree with that position. In accordance with the Framework, I have therefore taken into account the economic and other benefits of agricultural land of this grade as part of the assessment as to whether or not the proposal would constitute sustainable development.

Accessibility and the railway crossing

20. The Framework seeks to give people a choice of sustainable transport options and the location of the proposed development needs to be assessed in this regard. The appeal site is located slightly less than 500m by road from the train station with bus stops a similar distance or less away. The town centre and the services and facilities that it has to offer lies approximately 1km to the west of the appeal site. The primary school is a similar distance away and the secondary school, on the opposite side of the town, is approximately 2km away. The services and facilities of Wem are, therefore, within a reasonable walking or cycling distance of the appeal site.
21. The vast majority of housing in the town is located on the western side of the railway line. As part of the process of preparing the SAMDev Plan, the appeal site was assessed as a potential site for the allocation of housing. One of the factors that counted against it was its location on the eastern side of the railway line, which is the opposite side to where the services and facilities described are located, and the regular delays and traffic congestion associated with the operation of the level crossing. Indeed, as policy S17 of the SAMDev notes, the town's allocated housing sites are located on the western side of the town due to such concerns and in order to limit the potential for further cross town traffic. On the basis of what I have read and heard, since the operation of the level crossing was automated delays have become longer.
22. In terms of ease of travel therefore, the appeal site is less than ideally located. In my judgement, in planning terms, the location of a significant number of new houses on this side of the railway line would not improve the

way that the town functions. This is a consideration that counts against the development.

23. An Inspector in allowing an appeal¹ for housing on land to the north of the site found its location to be relatively accessible. However, in his reasoning there is no consideration of the effects of the level crossing on accessibility. In addition, there were other matters, such as the limited weight he attached to local policies, the brownfield status of the site and the smaller number of houses proposed, which means that the circumstances of that appeal are materially different. As a result, reference to that decision has not altered my findings in relation to this issue.
24. In terms of congestion, it is accepted that the traffic generated by the proposed scheme would not add to congestion at the crossing to the extent that could not be dealt with by better traffic management secured through the submitted planning obligation. Nevertheless, this does not alter my findings regarding the less than ideal ease of access to the services and facilities in the town from the appeal site.

Highway safety

25. The highway authority has no objection to the proposed site access subject to the provision of 2.4m x 60m visibility splays. I saw no reason why such splays could not be provided and I have no reason to disagree with those conclusions.

Housing land supply

26. Paragraph 47 of the Framework advises that Local Planning Authorities should have sufficient deliverable sites to provide five years of housing against their housing requirements. The final position of the Council when the hearing was re-opened in September is that it has a housing land supply of 5.97 years, up from the figure of 5.53 years in June. However, the appellants disagree for two reasons. Firstly, in their view, the housing requirement contained in the Core Strategy is based upon the now revoked West Midlands Regional Spatial Strategy which predates the Core Strategy adopted in 2011 and is not up to date. Secondly, they consider that the full, objective assessment of housing needs (FOAHN) report published by the Council in 2016 as part of its development plan review is flawed and that it significantly underestimates the level of housing need. It is the appellants' view that the true FOAHN exceeds the Core Strategy housing requirement to the extent that a five year housing land supply does not exist.
27. I agree that given that the housing requirement is based upon the figures from the revoked the West Midlands Regional Spatial Strategy it may well not be an accurate current objective assessment of housing need. As a result, it is necessary to consider if there is a more reliable up to date assessment of such need.
28. The FOAHN is based upon the most recent DCLG household projections for Shropshire, which are that by the end of the next twenty years, there will be an additional 17,000 households in the county. Adjusting this figure for employment trends, market signals and other local issues, the FOAHN states that, as a result, there is a need for 25,178 new homes to be delivered during this period. On the basis that the Core Strategy's housing requirement of

¹ Ref APP/L3245/W/15/3029727

27,500 over the plan period 2006 to 2026 exceeds the FOAHN, the position of the Council is that its housing requirement is up to date and should be used as the basis for calculating the housing land supply.

29. The appellants are critical of the FOAHN because in their view it fails to adequately address demographic projections, market signals, employment trends and affordable housing. As a result, their position is that the FOAHN correctly calculated would clearly exceed the housing requirement in the Core Strategy to the extent that a five year housing supply could not be demonstrated.
30. The proper forum in the plan led system for a full analysis of the FOAHN is the formal consultation and examination process of the development plan. However, as a recent court case² makes clear in circumstances such as the ones that apply in this appeal, an Inspector is required to make judgements based on the evidence as to the current objective assessment of housing needs and housing supply, even though this will not involve the kind of detailed analysis that would take place in the examination of the development plan. It follows that the Inspector's assessment will not be authoritative and binding in relation to other cases. It is on this basis that I have proceeded.

Demographic projections, including migration and students

31. The demographic projections are based upon the most recent sub national household projections (SNHPs) relating to the period 2012-2037 published by the Department for Communities and Local Government in February 2015.
32. The appellants are critical of the Council's household projections based on these projections. However, this is the most up to date information available and in the absence of robust alternative data I am not persuaded that the effect for example of migration trends, including students, has not been adequately catered for in these projections.

Adjustments for market signals

Rate of development

33. PPG³ identifies the rate of development as an example of one of the market signals that should be taken into account. It advises that if, over a meaningful period, the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under delivery of a plan. The relevant period identified by the Council in its FOAHN report is 1996 to 2015. During this period when assessed cumulatively against the actual supply the number of dwellings delivered was 2,904 less than the housing requirement.
34. My attention has been drawn to technical advice provided by the Planning Advisory Service⁴. It advises that 'under-supply' and 'under-delivery' relate to house building that was less than the demand or need. In Shropshire, the housing requirement has historically been set some way above housing need contained within SNHPs, rather than at or below it. As a result, it is argued by the Council that when measured against housing need and demand (as opposed to being measured against the housing requirement) undersupply has not necessarily occurred, with planning constraining supply to the extent

² Shropshire Council v SSCLG [2016] EWHC 2733 (Admin)

³ ID 2a-019-20140306

⁴ Paragraph 7.4, Planning Advisory Service best practice guide – Objectively Assessed Need and Housing Targets

that the figure of 2,904 suggests. However, PPG is clear that where the actual supply is less than the housing requirement it should be increased as necessary to address the likelihood of under delivery of a plan. As a consequence, the argument of the Council has not altered my assessment of this issue and an uplift of 2,904 dwellings in relation to the rate of development is therefore necessary.

Housing affordability

35. On the basis of an assessment carried over a recent ten year period (2004 to 2014) the Council has found that affordability has improved. The appellants' position, based upon a longer time period of 20 years, is that affordability has worsened. In my judgement, the ten year period used by the Council, which covers the economic cycle of growth, recession and recovery, is sufficiently recent and of sufficient length to assess long term housing affordability. On the basis of analysis of data from this ten year period, I find that no adjustment in the FOAHN in relation to housing affordability is necessary.

Signals of market stress (concealed households, homelessness & temporary housing)

36. Whilst less than in the majority of comparator Local Authorities, the information available is that there has been a notable rise in concealed households in the county. This indicates that post 2012 rates may have risen at a rate not allowed for in the SNHP projections. In relation to homelessness, rates have improved since 2009 and so an adjustment to the 2012 SNHP on the evidence available is unnecessary. With regard to temporary accommodation, the evidence contained in the FOAHN is that rates are not worsening. I therefore find that an adjustment to the 2012 SNHP is also unnecessary.
37. The Council has incorporated an upwards adjustment within the FOAHN of 478 dwellings to address concealed households. Other than in relation to the past rate of housing delivery, which I have dealt with above, I consider that no further increase to the Council's published FOAHN figure is required to reflect market signals.

Jobs growth

38. The Council's estimates of future jobs growth are based upon data produced by Oxford Economics. The estimates take into account a variety of factors including past trends, commuting and increased economic activity for older workers due to later retirement ages. This company is one of a number of respected economic consultancies that work in this field. Reference has been made to other consultancies whose data predicts higher job growth. In the appellant's view higher rates of jobs growth should therefore be assumed. However, the Council has checked the data from Oxford Economics internally against its own sources of information and is confident that its projections are realistic. On the basis of what I read and heard I have no good reason to disagree that Oxford Economics data is a respectable basis for assessing jobs growth, or that the Council's assessment of the factors influencing jobs growth is reasonable. As a result, no adjustment in the FOAHN in relation to jobs growth is necessary.

Affordable housing

39. Turning to affordable housing, the FOAHN has identified that, with a current need for 4,016 homes and a future projected need of 20,780 homes, the total

need for affordable housing between 2016 and 2036 is some 24,796 dwellings. The view of the Council is that there is an allowance for affordable housing within the FOAHN figure of 25,178. Any further increase, the Council believes, would be a policy decision that would occur when establishing the housing requirement as part of any revision of the development plan. In contrast, the appellant contends that the FOAHN figure should be increased to address the issue of affordable housing and refers to two High Court judgements in support of its case⁵. In my assessment, having read the relevant paragraph of PPG and these judgements, the Council's approach, which recognises that through the grant of planning permission for open market housing affordable housing will also normally be provided, is the correct approach. Any further provision would be addressed in setting the housing requirement and would be a 'policy on' decision. Consequently, I have no basis to put forward an adjustment in the FOAHN in relation to affordable housing.

Conclusion on the FOAHN and housing land supply

40. Other than in relation to taking into account the rate of development, which PPG identifies as a market signal that should be taken into account, I have found the FOAHN to be robust. Adjusting the FOAHN figure upwards to address this market signal would result in a figure of 28,082 dwellings (1,404 dwellings per annum (dpa) over twenty years). This exceeds the Core Strategy housing requirement of 27,500⁶ by 582 dwellings over the plan period. However, whether this was addressed in line with the phased approach of the Core Strategy over five years to 2021, the remaining plan period of the Core Strategy to 2026, or dealt with over the same period as the FOAHN (2016 – 2036), the Council would still, on the evidence that is before me, be able to demonstrate a housing land supply of between 5.53 - 5.97 years.

Social, economic and environmental benefits

41. The housing scheme would help address housing need, although there is currently no material shortfall in the required supply. As either 10% of the properties on site would be affordable housing, or a contribution would be paid for a similar amount of off site provision, the scheme would have social benefits.
42. In terms of the economy, new development would create employment and support growth during the construction period. The increase in the population would also boost the spending power of the local economy to some extent. Funds raised through the Community Infrastructure Levy would also predominantly be spent locally.
43. Environmentally, ecological measures such as the provision of bird / bat boxes and additional planting, would be of some environmental benefit.

Overall Conclusions: The Planning Balance

44. 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.

⁵ Satnam Millenium Limited v Warrington Borough Council [2015] EWHC 370 (Admin), Borough of Kings Lynn and West Norfolk v SCLG [2015] EWHC 2464 (Admin)

⁶ 1,190 dpa 2006-2011, 1,390 dpa 2011-2021, 1,530 dpa 2021-2026

45. In this case, the proposal would be contrary to policy CS5 of the Core Strategy and policies MD3 and MD7a of the SAMDev Plan in that it would be a housing development in the open countryside, outside the settlement development boundary of Wem. Whilst the Core Strategy predates the publication of the Framework, it is sufficiently consistent with it for me not to reduce the amount of weight that I attach to it and its policies. It has also not been shown that the Council has less than a five year supply of housing land. Consequently, the policies mentioned, which are relevant to the supply of housing, are not out of date and the tilted planning balance in paragraph 14 of the Framework does not apply.
46. I attach some weight to the economic and social benefits of additional housing, including affordable housing, and the environmental improvements that would increase biodiversity identified in the preceding section. The loss of agricultural land to development would not have a significant adverse economic effect. However, this has to be balanced against the demonstrable harm that would be caused to the countryside and landscape through the loss to development of over two hectares of pleasant attractive open countryside to development.
47. Having considered all the matters raised, I conclude that the proposal would not accord with the development plan as a whole and that the collective benefits of the proposed development are of insufficient weight to indicate that the proposal should be determined other than in accordance with the development plan. As a consequence, I therefore find that the proposal cannot be considered to be a sustainable development. The appeal should therefore be dismissed.
48. As I noted as a procedural matter, at the request of the Council the appellant has submitted a properly completed 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

Appeal Decisions

Hearing opened on 3 December 2015

Site visits made on 11 January & 22 November 2016

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 15 March 2017

Appeal A: APP/L3245/W/15/3009694

Land west of Prescott Road, Baschurch, Shrewsbury, SY4 2DR

- 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 J, B, E & W Warner against the decision of Shropshire Council.
 - The application Ref 14/04972/OUT, dated 4 November 2014, was refused by notice dated 4 February 2015.
 - The development proposed is residential development.
-

Appeal B: APP/L3245/W/15/3009717

Land west of Prescott Road, Baschurch, Shrewsbury, SY4 2DR

- 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 J, B, E & W Warner against the decision of Shropshire Council.
 - The application Ref 14/05239/OUT, dated 19 November 2014, was refused by notice dated 19 January 2015.
 - The development proposed is residential development.
-

Decisions

1. Appeal A is dismissed and appeal B is dismissed.

Application for costs

2. An application for costs was made by the Appellants against the Council in respect of appeal B¹. This application is the subject of a separate Decision.

Procedural matters

3. The hearing was conducted over two days: 3 December 2015 and 8 November 2016. It was originally closed at the end of the first day. However certain additional documentation was subsequently submitted, in particular concerning housing land. On the first day of the hearing the Appellants' representatives had accepted that there was a five years housing land supply, and then, in the light of appeal decision ref 3011886², the challenge to the housing land position was withdrawn. More recently, following appeal decision ref 3065796, the Appellants have re-stated their dispute on this matter³. The Council has also published a *Full Objectively Assessed Housing Need Report* (FOAHN, Document L12), which post-dates the documentation concerning housing land which had

¹ A costs application by the Appellants in respect of appeal A was withdrawn at the hearing.

² Appendix 9 in Document L11.

³ Appendix 1 in Document A15.

been submitted for the first day of the hearing. Consequently the hearing was re-opened to enable consideration of the positions of the main parties on housing land in the light of the FOAHNR.

4. The sites of appeals A and B are referred to respectively on the application forms as Tawnylea and land adjacent Tawnylea, Prescott Road, Baschurch. Site B is contained within site A. Both appeal sites form part of a larger area of land within the Appellants' ownership, which is situated to the west of Prescott Road. They are separated from established built development on Prescott Road, including the house known as Tawnylea, by a new housing scheme which was under construction at the date of my second visit, and the appeal sites are not adjacent to or at Tawnylea. At the hearing the main parties agreed that both sites are more accurately described as land west of Prescott Road, Baschurch, and I have identified them accordingly in the appeal details above.
5. As set out above there are two appeals on the land west of Prescott Road. They differ only in the size of the site, with site B being contained within site A. I have considered each appeal on its individual merits. However, to avoid duplication, I have dealt with the two schemes together, except where indicated otherwise.
6. Both planning applications were submitted in outline form, with all matters of detail reserved for subsequent consideration.
7. Reason for refusal No 1 in respect of both proposals refers to Policies H4 and H5 from the North Shropshire Local Plan. On 17 December 2015, the Council adopted the Site Allocations and Management of Development (SAMDev) Plan. Policies H4 and H5 in the North Shropshire Local Plan have now been replaced by Policies MD1 and MD3 in the SAMDev Plan. The main parties have been given an opportunity to comment on policies in the adopted SAMDev Plan⁴.
8. The Appellants submitted separate planning obligations in the form of unilateral undertakings in respect of schemes A and B (Documents 3a and 3b). Both obligations are concerned with the provision of affordable housing.

Main Issues

9. I consider that the main issues in these appeals are:
 - (i) Whether the proposals would be consistent with policies relevant to the location of housing development.
 - (ii) Whether the proposals would represent sustainable forms of housing development.
 - (iii) The effect of housing land supply on the overall planning balance.

Background

10. The appeal sites are set back from Prescott Road. Outline planning permission was granted to the Appellants for residential development on the intervening land in May 2014 (Document O7). Development on this land is referred to in their representations as phase I, with phase II comprising the appeal sites. The phase I land was subsequently sold to Shingler Homes who received

⁴ The Appellant's comments are in Document A10, and the Council's comments are in Document L12.

reserved matters approval in February 2016 for 30 dwellings⁵, and the scheme was under construction at the date of my second site visit. Following the grant of outline planning permission for phase I, outline planning permission was refused in September 2014 for a previous proposal for phase II on a larger parcel of land (the second reason for refusal refers to 40 additional dwellings). Appeal site A is smaller than the phase I site: although all matters, including layout, are reserved, the application form refers to 15 dwellings. Site B also abuts the western edge of phase I, but it does not extend as far back into the existing field. The application form refers to 8 dwellings.

Planning policies

11. The Development Plan includes the Shropshire Local Development Framework Core Strategy and the SAMDev Plan. In the Core Strategy, Policy CS1 sets out a strategic approach. During the plan period of 2006-2026, 27,500 new homes are to be provided, of which 9,000 will be affordable housing. In the rural areas, development will be located predominantly in community hubs and clusters. Policy CS4 is concerned with community hubs and clusters. Settlements categorised as community hubs and clusters are identified in the SAMDev Plan: Baschurch is identified as a community hub under Policy MD1. Policy CS4 seeks to focus investment in the rural area into community hubs and clusters, where development should be of a scale appropriate to the settlement. Development should not be allowed outside community hubs and clusters unless it complies with Policy CS5 – Countryside and Green Belt. That policy stipulates that new development will be strictly controlled in the countryside in accordance with national planning policies. 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. Policy CS6 sets out a series of sustainable development and design principles. Amongst other matters, development likely to generate significant amounts of traffic should be in locations where opportunities for walking, cycling and the use of public transport can be maximised. Additionally all development should at least protect the natural, built and historic environment. The availability of housing land is to be kept under review to maintain a continuous supply of sites to deliver the overall housing target. The explanation to Policy CS10 sets out the intended delivery of new housing in four time bands. For the first five years of the plan period annual delivery of 1,190 dwellings is intended, increasing to 1,390 dwellings per year in the period from 2011 to 2021. Policy CS11 is concerned with the type and affordability of housing. Open market housing development should contribute to the provision of affordable housing, having regard to the current target rate. Provision is expected to be made on site for schemes involving 5 or more dwellings.
12. The SAMDev Plan addresses the scale and distribution of development in Policy MD1. Sustainable development is supported in Shrewsbury, the market towns and key centres, community hubs and community clusters. Policy MD3 is concerned with the delivery of housing development. It refers to settlement housing guidelines as a significant policy consideration. Where development would result in the number of dwellings exceeding the guideline, decisions should have regard to the increase in relation to the guideline, and the benefits and impacts of the proposal, amongst other considerations. Where a guideline

⁵ The reserved matters approval and the approved site plan are Documents O10 and O4 respectively.

appears unlikely to be met, additional sites outside the settlement development boundaries which accord with the settlement policy may be acceptable, subject to the same considerations.

13. Managing housing development in the countryside is the subject of Policy MD7a. The policy makes it clear that new market housing should be strictly controlled outside Shrewsbury, the market towns and key centres, community hubs and community clusters. Policy S16.2 deals specifically with community hub and cluster settlements. Part S16.2(i) of the policy concerns Baschurch, which has a housing guideline of around 150-200 additional dwellings over the period to 2026. The additional housing is to be delivered through the development of four allocated sites, with a combined capacity of 135 dwellings, infilling, groups of houses and conversions on suitable sites within the development boundary. Inset map 12 for Baschurch (Document O3) shows the development boundary, within which are the four allocated housing sites. The boundary runs around the established development to the north-east corner of the phase one site, but that scheme and the appeal sites lie outside the boundary.

Reasons

Policies relevant to the location of housing development

14. Policy CS4 of the Core Strategy draws a clear distinction between development in community hubs and clusters, and development outside these settlements in the rest of the rural area. Baschurch is a community hub. Both of the appeal sites lie within a large field, which itself forms part of the open land around the built-up area of the settlement. The development boundary on the inset map is drawn around the established built-up area and also includes four allocated housing sites which extend outwards from the settlement: the two appeal sites are not included in any of these allocations in Policy S16.2(i) of the SAMDev Plan. As the appeal sites are beyond the built-up area, and they have not been brought within the development boundary as allocations, I find that they are outside the community hub of Baschurch. Policy CS4 seeks to focus investment into community hubs and clusters, and explains that proposals outside these settlements should be assessed against Policy CS5.
15. Policy CS5 refers to national planning policies which protect the countryside. It also provides for development on appropriate sites which maintains and enhances countryside vitality and character and improves the sustainability of rural communities. Particular support is given to certain forms of development, but the two housing schemes do not fall within any of these specified categories. Insofar as national policy is concerned, one of the core planning principles in the National Planning Policy Framework (NPPF) includes recognition of the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. The sites comprise part of a large field to the south of Baschurch. Although they contain no particularly distinctive features, they form part of the pleasant rural landscape around the settlement. Each proposal would involve a limited loss of open land, and this encroachment of built development into the countryside, causing harm to the character of the area, carries moderate weight.
16. The Appellants argue that the developments would provide additional support for local facilities and services. For its part, the Council contended at the hearing that Baschurch already provided a critical mass of support, although I

note that in the reports on the applications, it acknowledged that, in addition to economic benefits arising from the construction activity, occupiers of the proposed housing may use local facilities and services. A local resident maintained that the existing range of facilities and services is well-supported by the local population, and suggested that a school is over-subscribed and that there are parking problems at a doctor's practice and a convenience store because of the level of usage. However there is no detailed evidence about the adequacy of support for facilities and services in Baschurch.

17. The facilities and services in Baschurch include a primary and a secondary school, several shops, two public houses, a village hall, and a surgery. Baschurch is described in the Council's report on the planning application for the phase I scheme (Document O6) as a large village, and this view has not been disputed by the Appellant. Much of the existing built development comprises housing, and planning permission has been given for 147 dwellings within the development boundary since 2012⁶. That figure excludes the phase I site and other sites outside the boundary where there are planning permissions with a combined capacity of 123 dwellings. I do not doubt that occupants of the housing proposed on the appeal sites would use local services and buy a proportion of their goods in Baschurch. However, the larger of the current schemes only envisages 15 dwellings, and, bearing in mind other development proposals, these economic and community benefits from the appeal schemes would be limited.
18. The Core Strategy policies must be read with those in the recently adopted SAMDev Plan. Policy MD1 supports sustainable development within community hubs, but I have found that the appeal sites are outside the community hub of Baschurch. Policy 16.2(i) explains that the housing guideline for the settlement is to be met by sites within the development boundary, and it does not, therefore, support either proposal. Notwithstanding the support in Policy CS5 for development which maintains countryside vitality and improves the sustainability of rural communities, Policy MD7a of the SAMDev Plan makes it clear that new market housing is to be strictly controlled outside community hubs. Although the planning obligations make provision for affordable housing, both schemes would principally involve the construction of market housing⁷. Policy MD3 of the SAMDev Plan sets out the circumstances where sites outside a development boundary may be acceptable. In the first instance the housing guideline should appear unlikely to be met. However the evidence before me indicates that the guideline for Baschurch, which is a range of 150-200 dwellings, is likely to be met. Planning permission has been granted for 147 dwellings (above, para 17). That number is close to the guideline range for provision by 2026, the end of the plan period. There is no reason to think that no further sites will come forward within the remaining nine years of the plan period up to 2026. Development of the appeal site would not be consistent with the approach to housing delivery expressed in Policy MD3.
19. The appeal site is outside the development boundary of Baschurch. Although the limited economic and community benefits align with Policy CS5 of the Core Strategy, there would be conflict with a provision of that policy since the proposal would not maintain the character of the countryside. The more

⁶ Document L3 includes a schedule of planning permissions for housing in Baschurch since 2012. The schedule identifies whether sites are within or outside the development boundary.

⁷ The planning applications give indicative figures for affordable housing as two units in proposal A and one unit in proposal B.

recently-adopted SAMDev Plan specifically addresses the circumstances in which housing may be acceptable outside a development boundary in Policy MD3. Taking into account the housing guideline in Policy S16.2(i) and the strict control of market housing in Policy MD7a, the proposals do not comply with the locational approach to housing development in the SAMDev Plan. I conclude that, taken overall, the proposed developments are not consistent with policies relevant to the location of housing.

Sustainable housing development

Relationship to facilities and services

20. Baschurch has a good range of local facilities and services, a point acknowledged by the Council in its report on the phase I planning application. In addition, bus services to Oswestry and Shrewsbury, where the range of facilities and services is greater, are available on Prescott Road. Insofar as local facilities and services are concerned, the surgery is on Prescott Road at the southern end of the settlement, close to the position of the access to the phase 1 site and the appeal sites⁸. Most local facilities and services are further away at the northern end of the settlement. The Appellants have measured distances between several facilities and the access point to the phase I site⁹, and they calculate that the appeal sites would be about 70m further back. Adding in that additional distance the Spar convenience store would be about 1.1km from the nearest point of the appeal sites, a public house about 1.2km, and the primary school about 1.3km. For its part the Council has calculated the distance from the appeal sites to the facilities and services at the northern end of Baschurch as about 1.6km¹⁰. There is no layout before me for either of the appeal sites, but the distance from the intended point of access to the northern end of each site is about 150m. Even allowing for the slightly greater distance to facilities and services put forward by the Council, important local facilities would be within 2km of the houses on each site. Journeys of this distance could reasonably be undertaken on foot or by cycle. The Council argued that the appeal sites are materially further than the phase I site from local facilities and services. However, there would be little difference between the distance from dwellings at the northern end of phase I (which would be furthest from the access onto Prescott Road) and that from dwellings on the southern part of sites A and B. I am satisfied that the appeal sites are in a location from where alternative modes of transport could be used to gain access to facilities and services.

Economic considerations

21. I have already referred to the support from the occupants of the appeal sites for local facilities and services, which would only be of limited economic benefit (above, paras 16-17). Construction activity would provide employment and a requirement for the provision of goods and services, but as this would be for a temporary period for schemes of about 15 or 8 dwellings, the benefit would again be limited. The Appellant argues that Community Infrastructure Levy (CIL) contributions and new homes bonus payments should be taken into account. However the purpose of the former is to mitigate effects of new

⁸ Access to the appeal sites would be gained through the phase I site. Within phase I shows an internal road extends to the southern part of the boundary of the phase I site with the appeal sites.

⁹ Paragraph 5.5 of the appeal statement for appeal A (in Document A1), and paragraph 5.1 of the appeal statement for appeal B (in Document A2).

¹⁰ The Council gives a distance of about 1 mile in its reports on the applications, which equates to about 1.6km.

development. Additional facilities and services funded by CIL payments would be likely to be used by the existing community, but I consider this to be a limited social benefit rather than a positive economic consequence of the appeal proposals. Although each scheme would give rise to new homes bonus payments, paragraph 21b-011 of Planning Practice Guidance advises that it would not be appropriate to make decisions based on the potential for development to make money for a local authority, and I do not give weight to this consequence of the proposals.

22. It is common ground between the main parties that both appeal sites comprise grade 2 agricultural land, and that this quality of agricultural land extends around Baschurch. The NPPF includes land in grade 2 within the definition of the best and most versatile agricultural land. Paragraph 112 of the NPPF makes it clear that the economic and other benefits of the best and most versatile land should be taken into account, and that where significant development of agricultural land is necessary, poorer quality land should be preferred to that of a higher quality. Site A, which is larger than site B, is only about 5,953m² in size. Each of the appeal sites is a small parcel, and neither proposal would involve significant development of agricultural land. Development of sites A or B would represent only a modest loss of the best and most versatile agricultural land around Baschurch, and I do not consider that the appeal proposals would materially reduce the benefits of such land to agricultural production.

Social considerations

23. I have found that the opportunity for existing residents to use additional infrastructure would represent a limited social benefit. The housing guideline for Baschurch is around 150-200 additional dwellings. This figure is not a ceiling, and paragraph 47 of the NPPF refers to the importance of boosting significantly the supply of housing. Each of the schemes would make a modest contribution to the provision of additional housing in the Baschurch area, and to augmenting the supply of housing land in Shropshire as a whole. This is a factor which merits moderate weight.
24. There is a considerable need for affordable housing in Shropshire: of the 27,500 new homes to be provided during the plan period in accordance with Policy CS1 of the Core Strategy, 9,000 should be in the form of affordable housing. From 2011 affordable housing should be provided at the current target rate, and the planning obligation for each of the schemes makes provision for affordable housing on this basis. The Written Ministerial Statement of November 2014 *Small-scale developers* post-dates the Core Strategy and explains that affordable housing should not be sought on sites of 10 units or less. Proposal B, with an indicative capacity of eight dwellings, falls below this threshold, but at the hearing the main parties agreed that affordable housing should be provided as part of both schemes, and the Appellants have not sought to withdraw the unilateral undertaking in respect of this appeal. There is a considerable need for affordable housing, and the proposals would be consistent with the Development Plan in this regard. I find that the statutory tests are met, and accordingly the planning obligations are material considerations in the appeal decisions. The provision of affordable housing is an important factor in support of the appeal proposals.

Environmental considerations

25. I consider that the proposals would cause some harm to the character of the countryside (above, para 15), and as a result of this adverse effect on the natural environment there would be conflict with Policy CS6 of the Core Strategy. At the southern part of the settlement is Prescott Conservation Area. The boundary of the conservation area abuts the north-east side of the phase I site which lies between this heritage asset and the appeal sites. The NPPF defines the setting of a heritage asset as the surroundings in which the asset is experienced. There may be glimpses of some buildings in the conservation area from the appeal sites, and I consider that they form part of the setting of the conservation area. However, given the presence of modern housing on the intervening phase I site, residential development on either site A or site B would not detract from the setting of Prescott Conservation Area.
26. A phase 1 & 2 environmental survey undertaken for the Appellants identified two ponds with populations of great crested newts, which are a European protected species, in the vicinity of the appeal sites¹¹. Pond 2 is about 70m to the north of the sites, whilst pond 4 is about 200m to the east on the opposite side of Prescott Road which is a main route through Baschurch. Only the northern part of the sites is within the 100m zone of influence of pond 2. Moreover the sites lack features suitable for hibernation or refuges for newts. Whilst movement of newts across the sites cannot be discounted, a further report concludes that harm can be avoided by the use of measures such as backfilling trenches before nightfall or leaving ramps for newts to exit, raising stored materials, and leaving machinery on hardstanding¹². It is recommended that these measures should be included in a method statement, and it is common ground between the main parties that mitigation measures to safeguard great crested newts could be the subject of conditions, a view which I share. Moreover planting is proposed to enhance conditions around the edge of the sites for great crested newts and to improve biodiversity. In consequence, I consider that the proposed developments would provide a moderate benefit to the local population of this protected species and to biodiversity.

Housing land supply

27. The Council's Five Year Housing Land Statement has a base date of 1 April 2016 (Document L13). It calculates a supply of housing land sufficient for 5.97 years¹³, which would comply with the requirement in paragraph 47 of the NPPF to provide five years' worth of housing. The housing requirement is derived from the Core Strategy: Policy CS10 provides for the phased release of land in five year bands. The overall housing figure of about 27,500 new homes during the plan period of 2006-2026, which is specified in Policy CS1, is taken from work on the former Regional Spatial Strategy for the West Midlands (RSS). The Appellants pointed out that the RSS development strategy involved focussing growth on the metropolitan urban areas with some additional growth to settlements of significant development, one of which was Shrewsbury. Development elsewhere was to be restricted to local needs. The Council

¹¹ Phase 1 & 2 Environmental Survey by Greenspace Environmental Ltd, June 2014, submitted with the planning applications.

¹² Great crested newt risk assessment and method statement by Greenspace Environmental Ltd, December 2015 (Document A8).

¹³ The calculation of housing land supply in Shropshire is set out in section 5 of Document L13.

contended that there was no evidence that this approach excluded in-migration as the Appellants had suggested, and also pointed to the allowance for growth in Shrewsbury and an increase from 25,700 to 27,500 homes to support the delivery of affordable housing as evidence that the figure exceeded local need. It may well be the case that the RSS did not put forward a constrained housing figure for Shropshire. However the Council acknowledged at the hearing that it is a figure which reflects policy considerations, in other words a policy-on figure. Paragraph 47 of the NPPF makes it clear that in the first instance the full objectively assessed need for market and affordable housing should be identified, that is a policy-off figure.

28. I note that paragraph 3-030 of PPG says that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five years housing supply. It also points out that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.
29. In 2015, the report on the examination into the SAMDev Plan (Document L4) found that there was a five years supply of housing land, having regard to the Core Strategy housing requirement. The Inspector acknowledged that the Core Strategy figure of about 27,500 homes was derived from the RSS, but she explained that the purpose of the SAMDev Plan is to provide policies and allocate sites to meet the requirements of the Core Strategy. Accordingly her conclusion on housing land does not indicate that the Core Strategy housing figure provides an appropriate point from which to assess housing land in the case of this appeal.
30. Given both the derivation of the Core Strategy housing figure from the RSS and the policy-on approach which it embodies, I have reservations about taking Policy CS1 as the starting point for the purpose of assessing housing land supply in this appeal. Paragraph 3-030 of PPG acknowledges that it may not be appropriate to give considerable weight to the housing requirement figures in adopted Local Plans if significant new evidence comes to light. In July last year, the Council published a Full Objectively Assessed Housing Need Report (FOAHNR- Document L12). The main purpose of the FOAHNR is to form part of the evidence base for the partial review of the Local Plan. It is intended to provide a policy-off position on housing need between 2016 and 2036, and it represents the most up-to-date evidence available on housing need in Shropshire. Accordingly the FOAHNR merits consideration for the purpose of assessing housing land supply, and the Appellants acknowledged that it is a significant document involving new evidence. Although they have not undertaken an alternative assessment, the Appellants made a detailed critique of the FOAHNR (Document A15), and I consider the main points raised below.

Demographic projections

31. Paragraph 2a-015 of PPG explains that household projections published by the Department for Communities & Local Government (DCLG) should be the starting point for establishing housing need. It acknowledges that it may be appropriate to make adjustments to reflect factors not captured by past trends, and makes specific reference to the under-supply and worsening affordability of housing, both of which may suppress household formation rates. Calculation of the FOAHN for Shropshire took as its starting point the DCLG's 2012-based sub-national household projections, in line with PPG. At the time the report

was produced, these were the most up-to-date projections available, and the Appellants acknowledge that they are statistically robust. However they argue that the FOAHNR has failed to adjust household formation rates to allow for under-delivery of housing and worsening affordability. I address these matters below (paras 32-34). In support of their argument for an adjustment to household formation rates, the Appellants draw comparison between household figures used in the FOAHNR and higher figures for 2026 from the Council's Strategic Housing Market Assessment reports (SHMA) of 2014. At the time that the SHMA reports were produced, the 2012-based sub-national household projections were not available, and use was made of a mix of 2011 and 2008-based projections. The Council has explained that the 2011-based projections were an interim set and only covered the period up to 2021, and the 2008-based projections were based on old data. Consequently, I agree with the Council that the projections using the 2012-based data are a more appropriate starting point, and any adjustments should be made to the figures derived from that approach.

Past housing provision

32. Tables 8 and 9 of the FOAHNR set out housing completions in Shropshire against the requirements of the Joint Structure Plan (1996/97-2005/06) and the Core Strategy (2006/07- 2014/15) respectively. In eight of the ten years covered by the Structure Plan, and in seven of the nine years covered by the Core Strategy, completions were below the annual housing requirement. Whilst the Appellants draw attention to this situation, this is a comparison of delivery against the requirement for housing provision in the Development Plan whereas the guidance in the PPG is provided in the context of assessing need. At the hearing, both main parties agreed that the terms had distinct meanings: that need refers to the objective assessment of need, and that requirement is a policy-on figure. Accordingly, for the purpose of considering whether an adjustment should be included in the calculation of need in respect of suppressed household formation, comparison with past housing requirements is inappropriate. The 2012-based sub-national household projections indicated that the number of households in Shropshire would increase by about 20,000 over the period from 1996 to 2014, whereas over 21,000 dwellings were provided¹⁴. Although migration is taken into account in the projections, other factors such as market signals, and employment implications, are not, and I accept that the projections alone do not provide a basis for a definitive assessment as to whether an adjustment is required for past under-provision. I consider these other matters below.

Market signals

33. The change in house prices from 2004 to 2014 is recorded in the FOAHNR. In 2014, Shropshire was ranked fifth of 15 comparator authorities, and an increase of 18% occurred over this period¹⁵. The Appellants suggested that there had been a relative flattening of the house price graph over this ten years period, and argued that prices had then continued to rise to 2016¹⁶. There was disagreement between the main parties about the consistency of the data put forward for the period from 2014, and the extent of the increase in prices since then. The FOAHNR records median house price data, and the Council put

¹⁴ Document L12, paragraph 5.26.

¹⁵ Document L12, table 11.

¹⁶ Document A15, paragraph 5.8.

forward a median price of £184,000 for 2016 (quarter 1), appreciably lower than the £194,500 advanced by the Appellants for this period. At the hearing they argued that the average house price had increased further to £199,053 by August 2016. Even if the higher figures put forward by the Appellants are accepted, the 32.7% rate of increase from 2004-2016 is markedly less than the national rate of 42.4%. Taking account also of the divergence of views on recent prices, I am not persuaded that the evidence before me on this market signal points to the need for an adjustment in the housing need number.

34. The FOAHN records that Shropshire has a high affordability ratio¹⁷. It is ranked third of 13 local authorities in this part of the country. Both main parties have submitted details which show the affordability ratio rising from over 4 in 1997 to almost 8 in 2015. That increase over a period of 18 years masks a rise to 9 in 2007, and a gradual fall thereafter. This improvement commenced prior to the recession, and the FOAHNR points out that it indicates that affordability levels have not significantly suppressed household formation rates in recent years. I consider that the evidence before me supports this conclusion, and that it is not necessary to make an adjustment due to this market signal.
35. The Appellants also contend that a range of other factors point to the need for an adjustment to be made to the housing need calculation. An increase of 28.4% in over-occupation between 2001 and 2011 is recorded in the FOAHNR (table 13). In addressing the response to market signals, PPG makes it clear that comparisons should be made with longer term trends in the housing market area, similar demographic and economic areas, and nationally (para 2a-020). I note that for this factor Shropshire is ranked fifth of the 15 comparator authorities used in the report. Significantly, however, the percentage change is less than the average in the West Midlands or in England as a whole. Over the same period, under-occupation increased by 10%, a rate of change which was not exceeded by any of the comparator authorities and which was double that at both regional and national level¹⁸. The FOAHNR does make an adjustment of 478 dwellings in respect of concealed households, and I agree with the Council that it is likely that concealed households contribute to over-occupation. Having regard to all the circumstances, I do not consider that a further adjustment is required, in addition to that in respect of concealed households.
36. With a rate of 1.81 households per 1,000 accepted as homeless, Shropshire ranks fifth of 13 comparator authorities for 2014/15. However, despite an increase in that year, the trend from 2010/11 has been of a declining rate, and the level in Shropshire is clearly below that for England¹⁹. A similar situation obtains in respect of temporary accommodation. Shropshire ranks fourth in the same group of authorities with 0.59 households per 1,000 placed in temporary accommodation in 2014/15. However the rate is markedly less than that for England, and the number of households affected has been broadly consistent from 2009/10 – 2014/15, factors which do not point to an upward adjustment of housing need²⁰.
37. PPG (paragraph 2a-019) suggests that the rate of development may be relevant as a market signal. It refers to the comparison of actual and planned

¹⁷ Document L12, table 33 and paragraphs D.31-D.34.

¹⁸ Document L12, table 35.

¹⁹ Document L12, table 13 & figure 23.

²⁰ Document L12, tables 13 & 38.

supply, the latter responding to the housing requirement as opposed to need. The FOAHNR acknowledges that there has been under-delivery in this regard over a number of years (above, para 32), and it is common ground that in consequence a 20% buffer should be applied to the five years housing requirement in accordance with paragraph 47 of the NPPF. The purpose of both an adjustment in the calculation of housing need and application of the buffer is to address the prospect of under-delivery. I note that completion rates have been increasing since 2011/12, and that in 2015/16 completions exceeded the annual requirement²¹. In this improving situation, I do not consider that it is necessary to make an adjustment to the calculation of need in addition to application of a 20% buffer.

38. The Appellants draw attention to the register of households on the Shropshire Housepoint system, as an indicator of affordable housing need. Although such an indicator is not identified in the PPG, the list at paragraph 2a-019 is not exclusive. However I have reservations about this particular indicator. The system is not restricted to households seeking affordable housing. Moreover, although there was an apparent increase of over 5,000 households between November 2013 and July 2015, the Council explained that the register is reviewed periodically, a circumstance which calls into question the comparability of registrations across this period.

Affordable housing

39. Paragraph 47 of the NPPF refers to local plans meeting the full objectively assessed needs for market and affordable housing, as far as is consistent with the policies therein. The starting point for the FOAHNR is the 2012-based sub-national household projections, and the Council points out that these are based on past trends relating to both open-market and affordable housing. At the hearing the Appellants acknowledged that the projections used by the Council include an element of affordable housing. As explained in chapter 2a of PPG, consideration should be given to adjustments to the projection-based estimates of needs to take account of market signals, amongst other matters. The market signals considered in the FOAHNR include over-occupation, concealed households, homelessness, and temporary accommodation. Households affected by these circumstances are also likely to be amongst those requiring affordable housing: the FOAHNR makes an adjustment in respect of concealed households (above, para 35), and an additional adjustment may involve a degree of overlap.
40. PPG addresses affordable housing need at paragraphs 2a-022 to 2a-029. Paragraph 2a-029 refers to the delivery of affordable housing in conjunction with market housing: it advises that an increase in the total housing figures included in the local plan should be considered where this could help to deliver the required number of affordable homes. Two high court judgements, *Satnam* and *Kings Lynn & West Norfolk*²², draw a distinction between adjusting the housing figures as part of the objectively assessed need to facilitate the delivery of affordable housing, and the provision for that affordable housing, which may be subject to other policy considerations. The FOAHNR includes an assessment of affordable housing needs: the Council distinguishes this exercise, which it refers to as being concerned with wider aspirations, from the incorporation of affordable housing within the calculation of the full objectively

²¹ Document L13, table 4.

²² Appendices 3 & 4 to Document A15.

assessed housing need. Need for affordable housing for an estimated 1,240 households per year is given as the outcome of the separate exercise within the FOAHNR²³. That is almost as large as the figure of 1,304 dwellings per year, which the report gives as the full objectively assessed housing need for the period 2016-2026. In *Kings Lynn & West Norfolk*, the Court held that whilst the need for affordable housing should be addressed in determining the full objectively assessed housing need, neither the NPPF nor PPG suggests that they have to be met in full as part of that assessment.

41. Referring to the report of the Local Plans Expert Group (LPEG), which includes recommended changes to chapter 2a of PPG concerning housing and economic development needs assessments²⁴, the Appellants suggest that an uplift of 10% would be appropriate. Although the LPEG's recommendations carry little weight at present, they do present a considered view of how affordable housing could be addressed when determining the full objectively assessed housing need. Bearing in mind the extent of affordable housing need recorded in the FOAHNR, I consider that it would be appropriate to apply a 10% uplift in the housing need calculation.

Employment

42. In accordance with paragraph 2a-018 of PPG, the FOAHNR takes account of employment considerations. The methodology used for labour force forecasts assumes that economic activity rates amongst older age bands will increase as a result of the planned rises to state pension age. This assumption is questioned by the Appellants who advocate the use of economic activity rates produced by the Office of Budget Responsibility (OBR). OBR data was tested by the Council, but was discounted as the results were not viewed as realistic in the local situation. In particular, OBR rates caused a greater reduction in workforce size than keeping participation rates at their level at the time of the 2011 census, and they also indicated a decline in participation in younger age groups, which was not expected to occur in Shropshire. There is no detailed evidence to support the Appellants' criticism of the Council's model, and I consider that alternative labour force scenarios have been realistically assessed in Appendix H of the FOAHNR.
43. The Council has used data from Oxford Economics in estimating jobs growth in Shropshire. Two other datasets are referred to in the representations, both of which forecast a higher level of jobs per year, and the Appellants suggest that it would be more appropriate to take the average of the three forecasts (600 jobs per year) than to rely on the lower Oxford figure of 465 jobs per year²⁵. However, whereas the average figure would be close to national growth rate assumptions, the trend over the past 20 years has been of a slower growth rate than that for the UK. The Appellants have not disputed the Council's evidence that an average would not reflect any of the three forecasts. Moreover, given differences in methodology between the three forecasts, I have doubts as to whether use of an average would be a robust technique.
44. The FOAHNR refers to forecasts in the number of jobs by 9,300 between 2016 and 2036 compared to a smaller increase of 5,200 in the labour force. It expects that the additional jobs will be balanced by a lower level of

²³ Document L12, table 18.

²⁴ The LPEG's recommendations on chapter 2a of PPG are at Appendix 5 to Document A15.

²⁵ Document A15, paragraphs 7.6-7.8.

unemployment, a reduction in net out-commuting, and an element of double-jobbing. The Appellants argue that commuting rates should be maintained at those shown in the 2011 census. However, since 1991, in-commuting has risen at a greater rate than out-commuting, and a reduction in net out-commuting would be consistent with these trends²⁶. Given that the FOAHNR draws on past trends, the assumption made about future commuting behaviour is not a policy-on judgement, and it is an appropriate factor to take into account in considering jobs growth.

45. The Appellants suggest that there should be a slight increase in the calculation of housing need due to jobs growth, but this is not quantified. For the above reasons I do not accept the Appellants' criticisms of the approach to employment considerations in the FOAHNR, and I do not consider that an adjustment to the housing need calculation would be appropriate.

Conclusions on housing land

46. The FOAHNR calculates that the need for housing in the period 2016-2026 is 13,039 dwellings, equating to an annual need of 1,304 dwellings. Taking account of adjustments relating to household formation rates, market signals, affordable housing and jobs growth, the Appellants put forward a minimum annual need of 2,223 dwellings per year. An alternative calculation, applying uplifts of 20% for market signals and 10% for affordable housing to the need arising from the FOAHNR gives a figure of 1,695 dwellings per year²⁷. I have considered the criticisms of the FOAHNR made by the Appellants above (paras 31-45). The FOAHNR is a detailed and thorough piece of work. Other than an uplift of 10% in respect of affordable housing, I do not find that additional adjustments (including to household formation rates in respect of past provision) are necessary. That gives an annual housing need of 1,432 dwellings during 2016-2026, calculated as set out below.

	Dwellings per year
FOANHR annualised dwelling projection	1,280
adjustment for concealed households	24
adjustment (10%) for affordable housing	128
Total	1,432

47. In their supplementary statement on housing land (Document A15), the Appellants use the level of supply from the Council's Five Year Housing Land Supply Statement of August 2016 in calculating alternative scenarios depicting the number of years for which that supply would endure²⁸. At the re-opened hearing it was confirmed that they do not dispute the level of available housing land put forward by the Council. Using the figure for housing land from the August 2016 Supply Statement (12,829 dwellings), the Appellants calculate

²⁶ Document L12, table 3.

²⁷ The Council's and the Appellant's higher position are summarised in table 4 of Document A15. In this table, the figure for the number of dwellings including migration in the LPA column should be 1,280 and not 1,230. The Appellants' alternative figure is given in figure 6 of Document A15.

²⁸ The Appellants' calculations on the extent of housing land supply are set out in figure 6 of Document A15.

that this would be sufficient for 3.25 years on the basis of an annual housing need of at least 2,223 dwellings. Their alternative scenario of an annual housing need of 1,695 dwellings would extend the duration of supply to 4.57 years.

48. The calculation of the housing land position in the August 2016 Supply Statement uses the annual requirement from the Core Strategy of 1,390 dwellings for the period 2016/17-2020/21. Given the extent of past under delivery, a 20% buffer is applied, giving a total requirement for 10,738 dwellings. On this basis the level of supply would be sufficient for 5.97 years²⁹. In its supplementary statement for the re-opened hearing (Document L11), the Council reproduced the tables concerning the calculation of its housing land position from the August 2016 Supply Statement. It also added a rider that subsequent to the publication of the Statement, it had agreed, in the context of another appeal, that the housing land supply was sufficient for 5.89 years. That change indicates that the level of supply is 12,649 dwellings.
49. The Appellants contend that the housing figure in the Core Strategy has been less than the NPPF compliant objectively assessed need since 2012 when the NPPF took effect. For that reason they suggest that the shortfall from 2012/13- 2015/16 should be derived by subtraction of completions from their adjusted figures for objectively assessed need. There are two fundamental objections to this approach. Firstly, the figures for need in the two scenarios advanced by the Appellants cover the period 2016-2026: they derive from a critique of the FOAHNR for that period. The Appellants acknowledge that they have not prepared an alternative full objectively assessed housing need, and there is no such exercise before me which covers the period from 2012-2016. It cannot be assumed that the considerations underlying a figure relating to housing need from 2016 onwards would necessarily apply in the same way to an earlier period, and retrospective use of the Appellants' figures for need is inappropriate. Secondly, the assessment of the level of housing achieved is an assessment which is properly made against the provision intended in the Development Plan.
50. Based on the foregoing, my assessment of the housing land position in Shropshire is as set out in the table below. I find that there is a five years supply of housing land in Shropshire. The information before me indicates that the level of housing land supply exceeds the five years requirement by a relatively modest amount. Whilst that does not obviate the importance of boosting supply in accordance with national policy, the existence of a five years supply means that relevant policies for the supply of housing should not be considered out-of-date, and in view of this circumstance I give no additional weight to the moderate benefit of providing housing on the appeal sites.

²⁹ The Council's calculations on the extent of housing land supply are set out in tables 8-10 of Document L13.

	Dwellings
Adjusted FOANHR annualised dwelling projection (from para 46)	1,432
Five years need 2016-2021	7,160
Under-delivery 2006/07-2015/16 ³⁰	1,998
Sub-total	9,158
20% buffer	1,832
Five years requirement	10,990
One years requirement	2,198
Supply (from para 48)	12,649
No of years supply – 5.8	

Overall conclusions

51. The appeal sites are in the countryside, outside the community hub of Baschurch. Policy CS5 of the Core Strategy provides some limited support for the proposals in this location due to their economic and community benefits, and they are consistent with the requirement to provide affordable housing in Policy CS11. However the harm to the character of the countryside would result in conflict with provisions of Policies CS5 and CS6. The proposals would not be consistent with policies in the more recently-adopted SAMDev Plan concerning the location of housing development and the circumstances in which it should take place outside development boundaries. I conclude that both proposals would conflict with the Development Plan, taken as a whole.
52. The proposals would provide certain economic, social and environmental benefits. Support for local facilities and services, construction activity, and CIL contributions are all matters which carry limited weight. I accord moderate weight to benefits for great crested newt habitat and biodiversity. The provision of additional market housing also carries moderate weight given the modest numbers of dwellings involved, and the presence of a five years supply of housing land. Affordable housing would be provided, and this is an important factor in support of the proposals. Although both appeal sites would allow access to facilities and services by alternative modes of transport to the private car, their encroachment into the countryside would cause environmental harm, a matter to which I accord moderate weight. Moreover, the provision of housing in this location would conflict with the Development Plan. I conclude that, overall, the proposals would not represent sustainable forms of development.

³⁰ The cumulative under-provision from 2006/07-2015/16 is given in table 4 of Document L13.

53. The site of the phase I development is also outside the development boundary for Baschurch. However when outline planning permission was granted, the SAMDev Plan had not been adopted, and in its reports on the application the Council acknowledged that at the time there was not a five years supply of housing land (Document O6). My attention has been drawn by the Appellants to appeal decisions granting planning permission for residential development outside development boundaries in Shropshire at Ludlow, West Felton and Broseley (Documents A7a-b & A17a). The Ludlow decision (of November 2015) refers to the development boundary in the context of the South Shropshire Local Plan, which provided for development up to 2011, and the West Felton decision (of November 2015) also pre-dates adoption of the SAMDev Plan and refers to housing policies of the Oswestry Borough Local Plan as time-expired. At Broseley, the Inspector found that the proposal would not compromise objectives of Policies CS5 and CS6 concerning the control of development in the countryside and protection of the natural environment. A fourth appeal decision granted planning permission for residential development at Cross Houses (Document A17b). Although that site is not in a settlement, it was in use as a caravan site, and the decision acknowledges that the proposal would not encroach any further into the countryside. Each proposal must be judged on its own merits, and the above circumstances distinguish those schemes from the cases before me.
54. The specific benefits identified do not justify proposals which would cause harm through encroachment into the countryside and by conflict with the up-to-date Development Plan, in particular with policies in the SAMDev Plan. The proposals do not comply with the tests therein for development in the countryside and outside the community hub. None of the suggested conditions would make the proposals acceptable in planning terms. For the reasons given above, and having regard to all matters raised, I conclude that both appeals should be dismissed.

Richard Clegg

INSPECTOR

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Principal Planning Policy Officer.

Technical Specialist Planning Officer.

INTERESTED PERSONS:

Mr G Hollis

Local resident.

THE APPELLANTS' DOCUMENTS

- A1 Statement for appeal A and appendices.
- A2 Statement for appeal B and appendices.
- A3a-b Planning obligations in respect of appeals A and B.
- A4 Email dated 14 September 2015 from Mr Parrish concerning a reserved matters application for phase I.
- A5 Shropshire Housing Land Supply Rebuttal; Berrys, 4 September 2015.
- A6 Appellants Housing Supply Summary Table; Berrys, 5 November 2015.
- A7a-b Appeal decisions refs 3001117 and 3003171 concerning residential development at Ludlow and Oswestry.
- A8 Great crested newt risk assessment and method statement; Greenspace Environmental Ltd, December 2015.
- A9 Extract from Core Strategy document EV79 – Housing Delivery Technical Background Paper.
- A10 Email dated 2 February 2016 from Mr Parrish commenting on Document O9.
- A11 Judgement in Wychavon DC v Secretary of State for Communities & Local Government and Crown House Developments Ltd [2016] EWHC 592 (Admin).
- A12 Comments from the Planning Group on Document A11.
- A13 Email dated 7 April 2016 from Mr Parrish commenting on Document L11.
- A14 Supplementary statement concerning housing proposals in Baschurch and appendix.
- A15 Supplementary statement concerning housing land and appendices.
- A16 Email dated 10 November 2016 from Mr Richards commenting on Document L3.

- A17a-b Appeal decisions refs 3006489 and 3134152 concerning residential development at Broseley and Cross Houses.
- A18 Response to the Council's statement on the Wychavon judgement in Document L9.

THE LPA'S DOCUMENTS

- L1 Letter of 26 June 2015 and attachments in respect of appeal A.
- L2 Letter of 26 June 2015 and attachments in respect of appeal B.
- L3 Email dated 10 November 2016 from Mrs Raymond and schedule of housing approvals in Baschurch since 2012.
- L4 Report on the examination into the SAMDev Plan.
- L5 Bundle of emails dated 2 December 2015 on behalf of the Council and the Appellants concerning great crested newts.
- L6 Appeal decision ref 3039099 concerning 12 dwellings at Bomere Heath.
- L7 Revised list of suggested conditions.
- L8 Email dated 19 January 2016 from Mrs Raymond concerning appeal decision ref 3011886 relating to 125 dwellings in Shrewsbury.
- L9 Email dated 7 April 2016 and statements from Mr Cowden commenting on Documents O9, A11 and Appendix 9 in Document L11.
- L10 Judgements in Suffolk Coastal DC v Hopkins Homes Ltd and Crown House Developments Ltd and in Richborough Estates Partnership LLP v Cheshire East BC [2016] EWCA Civ 168.
- L11 Supplementary statement concerning housing land.
- L12 Shropshire Council – Full Objectively Assessed Housing Need Report – 4 July 2016 and accompanying note.
- L13 Shropshire Council – Five Year Housing Land Supply Statement – 26 August 2016.
- L14 Response to Document A14.
- L15 Response to Document A15.
- L16 Judgement in Shropshire Council v Secretary of State for Communities & Local Government and BDW Trading Ltd [2016] EWHC 2733 (Admin).

OTHER DOCUMENTS

- O1 Notifications of the hearing.
- O2 Statement of common ground.
- O3 SAMDev Plan Inset Map 12 – Baschurch.
- O4 Site plan for housing on phase I of land west of Prescott Road.
- O5 Extracts from the Core Strategy.
- O6 Committee reports on residential development (outline) on land between the appeal sites and Prescott Road.
- O7 Outline planning permission for residential development on land between the appeal sites and Prescott Road.
- O8 Notification of adoption of the SAMDev Plan.
- O9 Extracts from the SAMDev Plan.
- O10 Reserved matters approval for residential development on land between the appeal sites and Prescott Road.

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