



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

Date: Friday, 19 May 2017

Committee:
North Planning Committee

Date: Tuesday, 30 May 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

Roy Aldcroft
Clare Aspinall
Gerald Dakin
Pauline Dee
Rob Gittins
Roger Hughes
Vince Hunt (Vice Chairman)
Simon Jones
Paul Milner
Peggy Mullock
Paul Wynn (Chairman)

Substitute Members of the Committee

Mark Jones
Ann Hartley
Julian Dean
Joyce Barrow

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 (Pages 1 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 25th April 2017, attached, marked 2.

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 24th May 2017.

4 Disclosable Pecuniary Interests

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

5 Land North West of The Talbot Hotel, Newcastle Road, Market Drayton, TF9 1HW (16/05408/FUL) (Pages 5 - 32)

Erection of 5No dwellings and formation of vehicular and pedestrian access.

6 Smithy Cottage, Sandford, Whitchurch, Shropshire, SY13 2AW (16/03556/FUL) (Pages 33 - 56)

Application under Section 73a of the Town and Country Planning Act 1990 for the permanent retention of two poly tunnels to house free range egg laying birds.

7 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, 27th June 2017 in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

North Planning Committee

30th May 2017

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 25 April 2017

In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

2.00 - 2.30 pm

Responsible Officer: Emily Marshall

Email: emily.marshall@shropshire.gov.uk Tel: 01743 257717

Present

Councillor Arthur Walpole (Chairman)

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

88 Apologies for Absence

There were no apologies for absence.

89 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 28th March 2017 be approved as a correct record and signed by the Chairman.

90 Public Question Time

There were no public questions or petitions received.

91 Disclosable Pecuniary Interests

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

Councillor Vince Hunt declared his interest in relation to planning application 17/00985, change of use of highway to mixed use – highway and outdoor market as he was a member of Oswestry Town Council. Councillor Hunt stated that he would leave the room during consideration of the application.

92 Lidl, 70 Victoria Road, Oswestry - 16/05872/ADV

The Principal Planning Officer introduced the application and reported an amendment to the description of the proposal contained within the report which should have read, to erect and display 3 no. store billboard advertisement signs and 1 no. free standing billboard.

Having considered the submitted plans, members unanimously expressed their support for the Officer's recommendation. The Committee felt that the three store billboard advertisement signs were acceptable, however the free standing billboard was disproportionately large in relation to its setting and was out of keeping with the surrounding residential area.

RESOLVED:

That planning permission is part approved and part refused subject to the conditions set out in Appendix 1 and the following reason for refusal:

The proposed free standing billboard advertisement is not considered to be acceptable when considered against the relevant considerations for advertisement consent Core Strategy policy CS6 and SAMDev policy MD2 as this advertisement board is considered to be of a scale which is visually harmful and prominent on the skyline and street scene.

93 Bailey Street and New Street, Oswestry - 17/00985/FUL

In accordance with his declaration made at minute 91, Councillor Hunt left the meeting during consideration of this application.

The Principal Planning Officer introduced the application for the change of use of highway to mixed use – highway and outdoor market and reported that Shropshire Council's Highways Team had confirmed that they had no objection to the proposals.

Having considered the submitted plans Members unanimously expressed their support for the proposals which would help the local economy and footfall within the town centre as a whole.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1.

94 Ifton Heath Former Primary School, Overton Road, Ifton Heath, St Martins - 17/01284/VAR

The Principal Planning Officer introduced the application for the variation of Condition No. 1 attached to permission 15/00537/FUL to allow for the family to remain on site for a further temporary period of twelve months. Members' attention was drawn to the information contained within the Schedule of Additional letters.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Steve Davenport as local ward councillor, made a brief statement in support of the application and then left the table, took no part in the debate and did not vote on this item.

Having considered the submitted plans the Committee unanimously expressed their support for the Officer's recommendation. Members of the Committee stressed the need to find a more permanent site for the family and the suggestion was put forward

that part of the site be annexed off and set aside as a permanent site for the family. Officers were requested to take this suggestion back to the appropriate Officers.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1.

95 Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Northern area as at 25th April 2017 be noted.

96 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 30th May 2017, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

It was announced that this was the Chairman, Councillor Arthur Walpole’s last North Planning Committee as he was not standing for re-election in May. Members and Officers thanked Councillor Walpole for his service to the Committee and wished him all the best for the future.

Signed (Chairman)

Date:

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Committee and Date

North Planning Committee

30th May 2017

Item

5

Public

Development Management Report

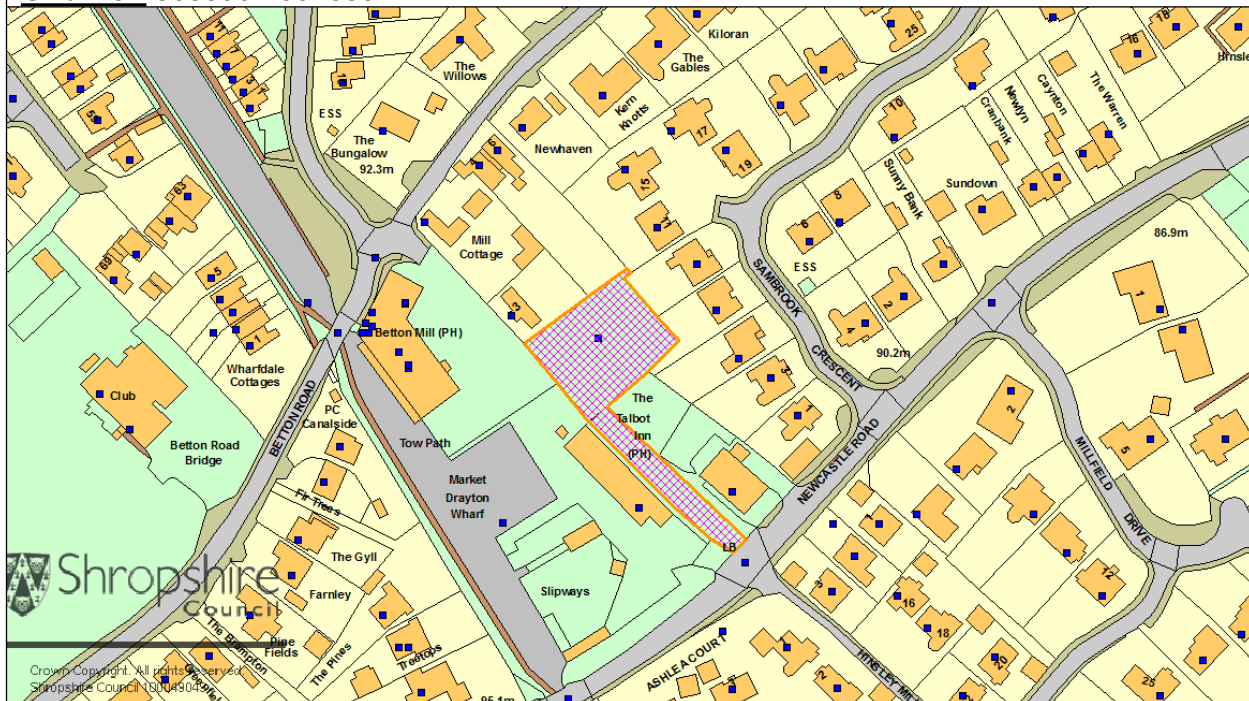
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 16/05408/FUL	Parish: Market Drayton Town
Proposal: Erection of 5No dwellings and formation of vehicular and pedestrian access	
Site Address: Proposed Residential Development Land NW Of The Talbot Hotel Newcastle Road Market Drayton Shropshire	
Applicant: Meynell Developments Limited	
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk

Grid Ref: 368396 - 334685



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

Recommended Reason for Approval

REPORT**1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the erection of 5 dwellings on land to the North West of the Talbot Hotel. The proposal includes the creation of associated parking and access.

1.2 During the course of the application amended plans have been submitted for consideration following discussions with Officers and to respond to comments received. The latest plans will be considered as part of the application. The amendments include a reduction in the number of dwellings from 6 to 5.

2.0 SITE LOCATION/DESCRIPTION

2.1 The land that has been submitted for the application lies to the rear of the public house which has been left overgrown and fenced off from the car park for a considerable time. At the time of the case officer's visit the land had been dug over and stripped of all vegetation. A fence had been constructed along the boundary to the site and along the means of access to separate the remaining car park space from the residential development.

2.2 To the west lie business premises relating to the canal and to the north and east lie residential properties. An area of land behind the public house has been retained with the premises to provide parking facilities to enable the business to continue.

2.3 The western boundary of the application site adjoins the boundary for the neighbouring Market Drayton Canal Basin Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Member has requested that if this application were to be recommended for approval that it be presented to the Committee for determination. This is due to the objections from the Town Council and the number of representations received from the community opposing the scheme.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online**4.1 Consultee Comments****4.1.1 Town Council:**

Received 03.04.17

To object to this planning application on the grounds that it will look out of character in the area and over development, access issues with the humpback bridge being so close and the statement from The Canal and River Trust comments that the planning permission should not be granted for the following reasons:

- It has not been demonstrated that a satisfactory residential environment can be achieved without prejudicing the continued unfettered operation of the adjacent

boatyard contrary to Policies CS16 & 17 of the Shropshire Core Strategy and SAMDev Policies MD11 & S11.

- There is insufficient information to determine that the use of the existing access for residential vehicular and pedestrian traffic will not affect the continued and safe use of the access to the boatyard contrary to Policies VS6 & 9 of the Shropshire Core Strategy and SAMDev Policy MD3.

Received 08.02.17

To object to this planning application on the grounds that it will look out of character in the area and over development, access issues with the humpback bridge being so close and the statement from The Canal and River Trust comments that the planning permission should not be granted for the following reasons:

- It has not been demonstrated that a satisfactory residential environment can be achieved without prejudicing the continued unfettered operation of the adjacent boatyard contrary to Policies CS16 & 17 of the Shropshire Core Strategy and SAMDev Policies MD11 & S11.

- There is insufficient information to determine that the use of the existing access for residential vehicular and pedestrian traffic will not affect the continued and safe use of the access to the boatyard contrary to Policies VS6 & 9 of the Shropshire Core Strategy and SAMDev Policy MD3.

Received 21.12.16

To object to this planning application on the grounds that it will look out of character in the area and over developed. There is a possible protection order for the area by the canal, this needs to be checked. Soil samples need to be taken as the ground may be contaminated and access issues with the humpback bridge being so close.

4.1.2 **Affordable Housing**

If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.

4.1.3 **Archaeology**

We have no comments to make on this application with respect to archaeological matters.

4.1.4 **Historic Environment – Conservation:** No objection

Received 05.04.17

-Additional information has now been submitted to support the application including height comparison plans, and an additional assessment of the impact on the character of the adjacent conservation area, and the Talbot Inn, a non-designated heritage asset.

-In addition, following negotiation and discussion with the applicant/agent, the design of the proposed terrace has been amended to slightly stagger the units, to slightly break up the continuous mass of the terrace.

-We do still have some reservations with the density of the proposed terrace, although the context of the surrounding site and pattern/density of existing development is acknowledged. It is felt that providing high quality materials and finishes can be utilised which are reflective of the local vernacular, and appropriate hard and soft landscaping is introduced and maintained, we are generally satisfied that the potential harm to the setting of the adjacent conservation area can to an extent be reduced and mitigated. In addition, staggering the terrace slightly will reduce its prominence within views from the south, reducing the impact on the setting of the Talbot Inn, a non-designated heritage asset.

-If consent is minded to be approved, we would recommend the following conditions, to ensure appropriate materials, finished and landscaping are utilised, and the proposed development makes a positive contribution to the character of the area:

Received 10.02.17

Background:

The boundary of the Market Drayton Canal Basin conservation area runs immediately to the west of the site, which includes two listed structures (a grade II listed pill box and grade II listed Canal Bridge) as well as a number of non-designated heritage assets associated with the canal wharf. The Talbot Inn is situated to the south of the site, an attractive and substantial early to mid C19 public house, which is considered a non-designated heritage asset (as defined within annex 2 of the NPPF). The site is bounded by later C20 housing to the east, and earlier, C19 dwellings to the north.

Detail:

-A Heritage Impact Assessment has been submitted with the application in order to satisfy the requirements of para 128 of the NPPF. Although the development site is located within the wider setting of both listed structures, we would broadly concur with this assessment.

-The assessment also considers the impact on the adjacent conservation area (although noted that the assessment is based on a now superseded proposal for a terrace of 6 dwellings orientated east-west, whilst the current proposal is for a terrace of 5 dwellings of an increased height orientated north-south). The assessment concludes that the development will not cause harm to the character or setting of the conservation area.

-The assessment does not identify or assess the impact of the development on the setting of the Talbot Inn to the south of the site, which is considered a non-designated heritage asset, which forms part of a cohesive historic group with the adjacent canal wharf.

- There are concerns with the layout and scale of development proposed. Care needs to be taken to ensure that any new development makes a positive contribution to the character of the area, and does not introduce an overbearing density and scale of development which harms the character of the conservation area.

- We do have concerns with the scheme as proposed, and in particular the height and massing of the single 2.5 storey terrace of 5 dwellings. The development as proposed

will introduce an overbearing form and appear out of character with the pattern of development within the immediate area. Therefore has potential to cause harm to the character and setting of the adjacent conservation area.

- In order to more fully assess the impact of the proposal, a height comparison plan/streetscape plan should be provided.

-In order to reduce the impact of the development, revisions could be made to the layout/design of the proposal to break up the terrace into smaller units orientated differently on the site-.

-The architectural detailing of the dwellings proposed is considered to be generally acceptable, although finer materials/finishes/detailing should be subject to condition. In addition, as previously noted concerns are raised with the height of the units.

Recommendation:

Whilst in principle development of the site may be acceptable, currently there are concerns that the proposal may be overbearing in scale and form which has potential to harm the character and setting of the adjacent conservation area. In addition, further information is required to assess the impact on the nearby Talbot Inn, a non-designated heritage asset.

4.1.5 Public Protection

Received 31.01.17

I would be happy for a condition to be placed as there will be mitigation available should any noise issues be highlighted. A noise assessment taking into consideration internal amenity of rooms is all that will be required, no need for external area consideration as highlighted by the JMI.

Received 30.01.17

The houses now all face the general direction of the boat yard. As a result a noise assessment will be required to be carried out to state the noise climate in the area and ensure that a glazing specification is provided with suitable noise protection to the proposed properties.

Received 03.01.17

Having considered the potential for noise following concerns it is noted that there are residential properties already in close proximity to the canal boat yard. Having checked there have been no complaints made to the Council in relation to noise emanating from the boat yard. Although there is the potential for noise to impact on proposed residential dwellings the facade closest to the boat yard has no openings into habitable rooms and therefore noise ingress will be reduced. In addition, existing dwellings are likely to see a betterment in noise environment due to the proposed dwellings acting as a barrier.

Therefore a noise assessment is not required.

Received 13.12.16

Having considered the position of the housing in relation to the public house I do

not consider that noise is likely to be an issue specifically as the beer garden area will be significantly reduced in size to allow for car parking for pub patrons and moved as far as possible from the proposed houses.

It is noted that there may be noise from the nearby wharf and boat yard activities. However the elevation of the proposed housing facing the boatyard does not have any openings and is therefore protected from the majority of noise.

4.1.10 Canal and River Trust: Object

Received 29.03.17

The Trust has reviewed the amended information. The additional information submitted does not appear to include any detail to address the concerns raised previously. The Trust are concerned that no formal noise assessment has been carried out and therefore it cannot be established with any degree of certainty that the proposed residential use will be compatible with the existing boatyard. In addition, no further detail has been provided in relation to the proposed access to the site to demonstrate that the proposals would not compromise the existing access to the boatyard.

The Trust would therefore reiterate the concerns raised in our previous responses dated 22nd December 2016 and 6th February 2017 which have not been addressed by the amended plans.

Received 06.02.17

The Trust has reviewed the application. The Trust advises that **planning permission should not be granted** for the following reasons:

- It has not been demonstrated that a satisfactory residential environment can be achieved without prejudicing the continued unfettered operation of the adjacent boatyard
- There is insufficient information to determine that the use of the existing access for residential vehicular and pedestrian traffic will not affect the continued and safe use of the access to the boatyard

Impact on the operation of the boat yard

The Trust are concerned that no noise assessment has been carried out and therefore it cannot be established with any degree of certainty that the proposed residential use will be compatible with the existing boatyard.

The amended plans have altered the orientation of the proposed dwellings though no noise assessment has been undertaken. The front elevations of the dwellings now face directly on to the boundary with the boat yard. This results in sensitive, habitable room windows directly overlooking the boatyard which will increase the impact of any noise from the boatyard to residential amenities.

Received 22.12.16

The Trust advises that **planning permission should not be granted** for the following reasons:

- *It has not been demonstrated that a satisfactory residential environment can be achieved without prejudicing the continued unfettered operation of the adjacent boatyard*
- *There is insufficient information to determine that the use of the existing access for residential vehicular and pedestrian traffic will not affect the continued and safe use of the access to the boatyard*

Impact on the operation of the boat yard

The application site is located directly adjacent to an existing boatyard and the proposed dwellings will be within close proximity to the site boundary.

The Trust is concerned that no noise assessment has been carried out and therefore it cannot be established with any degree of certainty that the proposed residential use will be compatible with the existing boatyard.

The approval of residential dwellings in this location should not hinder the continued operation of the boatyard or be likely to result in future noise complaints in relation to the lawful activities being carried out at the boat yard.

The proposed access to the dwellings is shown to be from Newcastle Road. This access effectively merges with that of the boatyard and will also continue to be utilised by the public house. There could be conflict between these uses and the visibility splay shown towards the canal bridge also appears to be hindered by substantial trees. The use of this access by pedestrian traffic to the proposed dwellings could also lead to increased potential for conflicts.

It should be ensured that the access is appropriate and the boatyard access is not compromised or any future development / operation hindered by the use of this access by residential traffic.

Impact on the heritage, character and appearance of the waterway corridor

Whilst the site is outside the Market Drayton Basin Conservation Area the western site boundary adjoins the conservation area boundary and the proposed dwellings will be visible from within it. On the existing boundary are a number of mature trees and the proposals indicate these are to be retained.

The proposed dwellings will be side on to the western boundary with a blank gable end. The retention of existing landscaping will aid in softening the appearance of the

dwellings and their retention should be secured by condition.

The heritage information in the Design & Access statement is brief and it is inconclusive. The buildings surrounding the wharf, whilst some unlisted, all form part of the historic interest of the site and its use as a busy wharf in Market Drayton in the 19th and early 20th centuries including the warehouse, wharfingers cottages, and pub. Any new development should be viewed in this context.

Impact on the Natural Environment of the Waterway

The waterways have a rich biodiversity, with many areas benefitting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways and it is therefore important that this is considered and any impacts suitably mitigated.

Considering the adjacent boatyard, it is considered that there may be potential for contamination on the site from previous historical uses. Any contamination of the site should be thoroughly investigated and any necessary mitigation/ remediation details submitted for assessment.

Lighting can have an adverse impact on sensitive ecology and protected species along the canal corridor.

4.1.6 **Inland Waterways:** - Objection

Received 01.03.17

- The proposed residential development does not appear to be compatible with the existing boat yard. From our experience in other areas, such issues as noise could possibly cause conflict.
- Boaters, walkers and other visitors attracted by the waterway use the Talbot Inn as a lunch stop and are then encouraged to walk into town. Building on the car park would make it substantially more difficult for the inn to be viable, which would inevitably lead to proposals to close it permanently. The closure of the Inn would have a significant detrimental effect on Market Drayton's tourism trade.

Received 03.04.17

I refer to our earlier letter expressing our concerns regarding the proposed development.

IWA has reviewed the revised proposals submitted by the developers but these do not address our previous concerns regarding potential conflicts with the existing boatyard business over issues such as noise. Therefore we maintain our objection to the proposed development.

4.1.7 **Highways:** no objection - subject to the development being constructed in accordance with the approved details.

Observations/comments:

The application is seeking permission for the erection of 5 dwellings to rear of The Talbot Hotel on land that previously comprised part of the public house car park and beer garden.

Further additional comments and set of revised drawings have been submitted on 21.03.2017 following the third Highway Advice Note dated 16.02.2017. It is also noted that additional information contained within the agent's email of 07.02.2017 is now available to view; which was not the case at the time of the writing of the Highway Advice Note of 16.02.2017.

The proposed details of the residential development of the site have been revised during the consultation period. The number of properties have been reduced, the layout of the site repositioned and improved parking and turning facilities for the new houses have now been indicated.

One of the important elements as result of the development was whether the remaining parking provision for the public house is satisfactory to accommodate the parking demand of the public house and not lead to unwarranted parking on the adjoining Class III road. Further information on this was requested in the Highway Advice Notes. The agent's email of 07.02.2017 appears to have now indicated a status quo in terms of the parking provision.

The termination of the lateral boundary fence as shown on the site plan provides the full width of the access to be used by both the public house and the new dwellings. In reality this provides a mutual benefit for both parties enabling the easy entry and exit of vehicles. It is noted that the revised site drawings published on 21.03.2017 have now however removed the blue line and the adjoining land in the applicant's control casting doubt on the availability of the width of the access as originally submitted and also the validity of the application.

4.1.8 Drainage – No objection

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

4.1.9 Trees

As part of the final design process for this scheme it will be necessary for a qualified Arboriculturalist to undertake an Arboricultural Implications Assessment (AIA), prepared in accordance with BS 5837: 2012 to identify, evaluate and possibly mitigate the extent of direct and indirect impacts on existing trees. This will include identifying the requirements for tree works (either felling or pruning) to

facilitate construction of the scheme and temporary protective fencing to protect all trees to be retained during the construction works.

4.1.10 **Ecology:** No objection

Habitats

Habitats on the site consist of improved grassland, hardstanding, tall ruderals, scattered scrub, semi-mature trees and a fence.

The landscaping scheme should include native species of local provenance.

Bats

‘If there is due to be any loss of any of the trees on site that is covered with ivy, it would be recommended that a site supervision during tree removal should be conducted by a licenced bat ecologist.’

The site may be used by foraging and commuting bats.

Bat boxes should be erected on the site to enhance the roosting opportunities available for bats.

New lighting on the site should be sensitive to bats and follow the Bat Conservation Trust’s guidance.

Reptiles

The tall ruderals and scrub provide potential habitat for reptiles.

Areas of long and overgrown vegetation should be removed in stages to allow animals time to move away from the area.

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

Birds

The trees and scrub provide potential nesting opportunities for birds.

Vegetation removal should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check should be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

Bird boxes should be erected on the site to enhance the nesting opportunities available for birds.

Other species

There are records of water voles along the canal to the west of the site but the adjacent boat yard acts as a barrier to dispersal and so water voles are unlikely to be present.

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

4.2 **Public Comments**

4.2.1 72 letters of representation have been received from 35 different addresses. The following concerns have been raised:

Principle

- The property is listed as a Community Asset and therefore should not be split nor developed to allow the public house to be viable and provide a facility for the area.
- Insufficient notice is being taken of the views of local residents and businesses.
- Development must not be granted because of its impact on the ACV.
- There is no right for development to be approved and they cannot get compensation for a refusal.
- Too many dwellings are proposed
- This is not an appropriate site for starter homes.
- Starter homes are not required in Market Drayton,.
- Better locations for housing development are available.
- Developing this site will lead to the redevelopment and loss of the public house
- The land is not brownfield but garden land and therefore development is contrary to government policy.
- The land is not identified in SAMDev for housing
- Shropshire Council has a 5 year housing land supply therefore no additional housing is required.

Impact on Public House

- The Public House must not be demolished.
- Development will impact on the potential viability of the public house.
- The loss of the car park will affect its viability
- There are discrepancies in the information in relation to existing and proposed parking spaces for the public house.
- The loss of the public house will have an effect on tourism in the area.
- Insufficient parking has been retained with the public house.
- 7 public houses in Market Drayton have closed in the last 10 years.

Design

- Does not reflect the character of the area.
- The development is cramped and the site overdeveloped.
- Insufficient amenity space has been provided to the dwellings.
- Look cheap in comparison to existing development.
- It should be reduced to one or two bungalows at the most.

Impact on Conservation Area

- It does not complement the conservation Area.

Residential

- The light and noise from the dwellings will have a detrimental impact on neighbouring residents.
- Neighbouring drainage systems drain into this land
- Noise assessments should be provided to protect existing residents from the noise of construction works
- Development will cause a loss of light to neighbouring properties
- Noise from additional vehicles will be unacceptable
- The development will cause unacceptable levels of air pollution
- Additional streetlighting and car headlights will cause light pollution.
- Loss of privacy and light to neighbouring properties.
- Development of this site will disrupt residential amenities.
- Parking adjacent to a neighbouring property could cause a fire risk with an existing oil tank.

Effect on Tourism

- There is little to encourage tourists in the area. To close the public house will reduce this more.
- There are no other facilities within close proximity of the canal.
- Developing tourism for the town will broaden the employment base. The canal would enable this but the proposed dwellings would not.

Contaminated Land

- There are drainage systems on the land which will cause contamination if disturbed.
- Soakaways from neighbouring properties extend on to the land
- Ground surveys should be provided to determine what is under the ground.
- Potential that land was used for the burial of foot and mouth infected animals
- Air vents to the septic tank that serves the public house have been covered over. This will lead to problems in the future.

Highways

- The development does not comply with the Vehicular Access Standards (The Planning Service August 1999 or PPS 3 (2005))
- Increased traffic and additional access will cause highway issues
- Vehicles speed along this road
- Children in these dwellings will be at risk on the main road
- Insufficient visibility for pedestrians to cross the road.
- Insufficient visibility as trees obscure the view shown on the submitted plan.
- No guarantee that the visibility splays can be maintained as they are not in the ownership of the developer
- Parking has not been given enough consideration
- Insufficient number of parking spaces
- Bin collection will cause problems for traffic
- Access to the public house will affect its viability
- Access is too narrow for emergency vehicles and will not allow cars to pass
- Access to the neighbouring businesses must be maintained at all times.

- As existing businesses may expand this could lead to more traffic
- Parking provision retained for the public house is insufficient. Errors have been made on the submitted plan including omitting a third weeping willow.
- Construction traffic will cause more problems for the highway.
- Insufficient parking has been provided for the occupiers and their visitors
- The applicants have created the vehicular access prior to the application being determined.
- There is no public footpath on the Talbot side of Newcastle Road towards town.
- The lack of parking with the public house will result in parking on neighbouring streets.
- Additional traffic could cause damage to Listed monuments in the area.

Ecology

- Light and noise from the dwelling will affect wildlife.
- No account has been taken of existing wildlife on the site.

Drainage

- There are drainage systems used by the existing dwellings which use this land as part of the system. Protection of these should be ensured.
- Development would contravene Building Regulations as the dwellings would be too close to Septic Tanks.

Other Matters

- Out of date location plans have been provided
- Inaccuracies in the red line edging on the various plans.
- Works have been carried out on the site when PD rights were none existent due to the property being registered as an ACV
- Will these be sold as buy-to-let or people who will reside in them
- Comments include that land has been incorporated that is not within the ownership of the applicant.
- Loss of value to existing dwellings.
- Recycling Centre at the Public House will be lost.

4.2.2 A petition has also been received containing 266 signatures. The matters raised include the following:

- The pub should remain as an important asset to the area.
- The small car park left to the public house will not attract customers
- It is a scheme where pubs are being sold off to developers without taking into account the feelings of local community.
- Too many pubs are being lost to housing.
- The pub could thrive again in the right hands
- The public house is within walking distance of many residents and boat users.
- This is the only canalside pub in Market Drayton
- The land should be retained with the public house as there is other more suitable land for development in Market Drayton.
- Public Houses should not be asset stripped for private gain.
- The public house could encourage new business to the town
- There is enough new building being undertaken in the town

- The proposal is overdevelopment of the site.
- The design is not in keeping with the surrounding properties.
- The road is busy and will be dangerous for additional pedestrians.
- Further bin collections will be dangerous
- Heritage in the area should be retained.
- The development does not respect the historic character of the town.

5.0 THE MAIN ISSUES

- ☐ Principle of Development
- ☐ Design, Scale and Character
- ☐ Impact on Residential Amenity
- ☐ Impact on Existing Public House
- ☐ Impact on Conservation Area
- ☐ Contaminated Land
- ☐ Impact on Canal and Associated Businesses
- ☐ Highways
- ☐ Drainage
- ☐ Trees
- ☐ Ecology
- ☐ Other matters

6.0 OFFICER APPRAISAL

6.1 Policy & principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 Some comments made in connection with the application state that the site is not a housing development site as identified in SAMDev and that as the council has a five year housing land supply that the site does not need to be developed. Comments have also been made that the site is garden and Government guidance is that this type of land should not be developed.
- 6.1.3 Market Drayton is identified in policy CS3 of the Shropshire Core Strategy as a Market Town where substantial development will be undertaken which balances housing and business development. It is also a requirement of the policy that development should enhance the town's infrastructure and facilities. Within SAMDev Policy S11 further expands on Policy CS3. This indicates that a housing guideline of 1200 new dwellings should be provided within the town and that this will be achieved not only through the allocated housing sites but also through windfall sites. The policy S11 also refers to new development recognising the importance of safeguarding and where possible enhancing the landscape and historic character and amenity value of the Shropshire Union Canal.

- 6.1.4 The land that is the subject of this application was once part of the Talbot Hotel. The houses are to be constructed on a parcel of land which has not been used for many years. It had been fenced off from the car park and left to become overgrown. This land lies within the development boundary for Market Drayton and so should be considered a potential windfall site for development to help maintain the five year housing land supply required by national planning policy.
- 6.1.5 In regard to building on garden land this is clearly set out in the NPPF that it is residential gardens the policies refer to. In addition it does not prevent any development of domestic gardens merely that they should be appropriate developments which would not cause harm to the local area. As this is land associated with the Public House it cannot be described as a residential garden land and therefore the policy is not applicable.
- 6.1.5 Therefore in principle it is suggested that the site is appropriate for some form of residential development and would be in accordance with the NPPF and policies CS3 and S11 of the Shropshire LDF.
- 6.1.6 Other issues relating to specific matters such as highways, design etc will be discussed in more detail further in this report.
- 6.2 **Affordable Housing**
- 6.2.1 Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre date the Court of Appeal decision and subsequent changes to the NPPG, meaning that on balance and at this moment in time, National Policy prevails and consideration will be made in light of the above details.
- 6.3 **Design, Scale and Character**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.3.2 In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.
- 6.3.3 A number of concerns have been raised that the development proposed is inappropriate for this location. This includes the amount of development and its design.
- 6.3.4 Newcastle Road and its environs encompasses many different designs and sizes of dwellings as the area has developed over time. These do include the more historic buildings alongside the canal as well as The Talbot Hotel to the much more modern dwellings opposite the Talbot Hotel and along Sambrook Crescent.

Along the canal there is also a combination of styles of development again the more historic to the more modern. As such there is no particular vernacular design for this area of Market Drayton.

- 6.3.4 Initially the proposal was for six dwellings constructed with their rear elevations facing the north western boundary. This was considered unacceptable as it was overdevelopment of the site, the dwellings would directly overlook the adjacent property at a distance that was too close, and insufficient turning space for cars. As a consequence the number of dwellings was reduced to five with frontages facing the south western boundary.
- 6.3.5 The design of the proposed dwellings has been kept relatively simple so that they will not detract from the older buildings nearby. The five dwellings will be constructed as a staggered terrace comprising 3 x 2 bedroom and 2 x 3 bedroom properties. The 3 bedroom properties will have bedrooms created in the roofspace and light provided with dormer windows. The ground floors will be similar in layout providing open plan living/dining/kitchen area on the ground floor and 2 bedrooms on the first floor. Plot 5 will have the benefit of a small office on the first floor. Externally no materials for the cladding of the buildings have been provided. Therefore should planning permission be granted it is recommended that a condition be included for these to be submitted for approval by the Local Planning Authority.
- 6.3.6 There are gardens to be provided to the rear of each dwelling with a minimum length of approximately 11.5 metres. To the front there will be a small strip of land to provide appropriate access with parking and turning space to the front. A bin store is proposed to the side of plot 5.
- 6.3.7 While this may seem cramped particularly when compared to the neighbouring property at 3 Betton Road, as detailed above there is no specific vernacular style in this area and therefore they will not look out of place. Furthermore there has been development carried out further along the Canal at Waterside Close which is similar in its density. This does not detract from the historic character of the area. In terms of floor space the two bedroom dwellings are approximately 73 square metres with plot 2 having approximately 99 square metres of floor space and plot 5 measuring approximately 122 square metres. Each proposed dwelling will have approximately 60 square metres of rear garden space. As each plot is different this is only an approximate figure.
- 6.4 **Impact on Residential Amenity**
- 6.4.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.4.2 A number of concerns have been raised that the proposed development will have a detrimental impact on residential amenities of the area. This is in terms of loss of light, loss of privacy and noise and light pollution from the dwellings.
- 6.4.3 At its closest, Plot 1 will be approximately 1.4 metres from the north western boundary of the site. There will at least 11.5 metres from the rear wall of the proposed dwellings to the fence line of the dwellings to the rear.

- 6.4.4 The distances to the rear walls of the dwellings on Sambrook Crescent extend to at least 24 metres which is in excess of the advisory guideline of 21 metres uninterrupted views of the habitable room windows. In regard to overlooking to 3 Betton Road the houses are set forward enough, approximately 3 metres from the rear wall of the property so as to make it extremely difficult for people to directly overlook.
- 6.4.5 In terms of loss of light the distances from the dwellings on Sambrook Crescent would minimise any loss of light. Although located to the south east of 3 Betton Road it is not likely that the development would cause a loss of light to all the garden for the whole of the day and therefore this is thought by Officers to be to an acceptable level.
- 6.4.6 With regard to light and noise pollution there may be some during the construction works and therefore if planning permission is granted it is recommended that the hours of operation of the site be restricted. However once occupied this would be no more that would be expected from any other dwelling in the area. It could possibly be less given that these are smaller to many in the area and therefore fewer potential occupiers in each unit.
- 6.4.7 For the future occupiers of the dwellings, it is appreciated that the boatyard is in close proximity and any future purchaser would need to be aware of this. However the Council's Public Protection Officer has agreed that a condition can be imposed on any planning permission requiring a noise assessment to be undertaken and the appropriate mitigation measures put in place. This may be the inclusion of appropriate glazing to the windows on the front elevation. Noise to the rear gardens will be limited by the barrier of the dwellings.
- 6.4.8 Concerns have been expressed that the drainage to neighbouring properties may be affected by the development. This is a civil matter between the landowner/developer/ neighbour. If there are legal rights to the drainage this is a matter that would override any planning permission granted. As such it is not possible for the Local Planning Authority to intervene in this matter.
- 6.4.9 Reference has been made by a neighbour that the development could cause a fire risk with their oil tank. It is possible to build close to oil tanks as they are by their very nature located close to residential properties. However if the neighbour considers more protection is required for the oil tank it should be taken up with the developer.
- 6.5 **Impact on Public House**
- 6.5.1 A large proportion of the comments raised relate to the loss of the public house as a result of the development. This ranges both in terms of the demolition of the building, the loss of the public house as it may change its use, or that the new housing development will cause the public house to never re-open as it will cause the premises to be unviable.
- 6.5.2 The Talbot Hotel is included on the Register of Community Assets and while the Planning Officers are aware of this, it does not stop planning permission being granted. Whether it is possible to implement that consent in the future is a matter

for the developer. However the Agent has made it known that the public house, part of the car park and a part of the existing access has been sold to another party. Whether or not this is in breach of the Regulations relating to Community Assets is a matter for the Community Rights Section of the Council and not the Planning Authority.

- 6.5.3 As detailed earlier in this report the land that is being built upon was left as unkempt land separated from the car park by a fence. A new boundary fence has been constructed around the site to the point level with the rear elevation of The Talbot which now splits the access in to two and removed some of the parking spaces that were available along the boundary line to the south west. It is recognised by Officers that there has been a reduction in the number of parking spaces. However the Council has no adopted policy on parking provision and therefore cannot insist on the number of spaces to be provided. In addition as the land is no longer in the ownership of the applicant he cannot impose how the car park is laid out in the future. The plans provided indicate the possible number of parking spaces that could be provided. This issue will be dealt with further in the Highways Section of this report.
- 6.5.4 In terms of the operations of the public house there are other dwellings off Sambrook Crescent which are closer to the public house than the proposed development. Therefore the potential for complaints regarding the use of the public house are more likely from these than the future occupiers of the new dwellings.
- 6.5.5 From the evidence available to Officers there is no justification to suggest that the construction of the new dwellings will prevent the public house from re-opening. If an application is submitted for its demolition or change of use the matter will be considered in regard to the adopted planning policies at that time.
- 6.6 **Impact on the Conservation Area**
- 6.6.1 In relation to the design of the development concerns have been raised that the proposal is inappropriate in its design and does not enhance the historic character of the area or the Conservation Area.
- 6.6.2 Policies CS17 and MD13 of the Shropshire LDF require consideration to be given to the impact of development on the historic environment. Also development has to be considered against national policies and guidance: National Planning Policy Framework (NPPF), published March 2012, and also with part 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.6.3 The site lies adjacent to but outside the Market Drayton Canal Basin Conservation Area. It is noted that the site is also adjacent to non-designated heritage assets and therefore the application has been referred to the Council's Historic Environment Team.
- 6.6.4 No objection has been raised to the final layout as the staggered terrace reduces the visual impact of the building. However it will be necessary to ensure that high quality materials and finishes are utilised with appropriate hard and soft landscaping. Overall the design helps to lessen its impact on the adjacent conservation area and the setting for the Talbot Inn. If planning is granted the

Historic Environment officer has recommended that a number of conditions be included to ensure that not only the right materials are used but also details such as joinery and landscaping are carefully considered to enhance the proposal.

6.7 **Contaminated Land**

6.7.1 Many concerns have been raised regarding the issue of contaminated land. Most relate to existing drainage systems that are located on the land and others that the site was used for the burial during foot and mouth outbreak.

6.7.2 The application has been referred to the Council's Public Protection Officer. No concerns regarding contaminated land have been raised. The site is too close to residential properties to have been used for the burial of infected livestock, indeed it would have now been so long ago that any potential contamination would no longer be present.

6.7.3 In terms of drainage systems, it is dependent on the developer to deal with these matters direct with any user of the drainage system. It is not a matter that the Local Planning Authority can be party to as it is a civil matter between the landowner and the users. If there are legal restrictions which prevent the systems from being interfered with, these would override any planning permission that may be granted.

6.8 **Impact on Canal and Associated Businesses**

6.8.1 Comments have been received that the development of this site for housing will have a detrimental impact on the Canal, the existing boat yards and tourism in the area. Noise from the boat yards will be a nuisance to future occupiers and the loss of the public house will deter people from stopping in Market Drayton. Also it is alleged that the development will prevent future enhancements to the canal and expansion of existing businesses.

6.8.2 This site is separate land from the canal basin and in separate ownership. As such its role in any future development of the canal or tourism is limited. The application does not affect the ability of the public house to operate nor the ability of people from the canal walking to the premises as they do now. It would still be a public house in the locality with some, although more limited parking available than previously available.

6.8.3 Given the concerns expressed the application has been referred to the Public Protection Officer. No noise assessment has been requested as the applicants have agreed to install appropriate glazing to the front elevation windows to limit noise from the neighbouring businesses. The rear gardens would be no more affected by them than the existing gardens of dwellings on Sambrook Crescent or Betton Road.

6.8.4 As there are no applications under consideration for the development of the canalside it is not possible to assess the potential implications. However, any such application would be referred to the Public Protection Officer as with this one for comment, and their findings acted upon. Should planning permission be granted a condition is recommended for inclusion requiring the appropriate glazing to be installed.

6.9 Highways and Parking

- 6.9.1 A large number of comments have been received regarding the highway and parking implications of the proposed development. These include highway safety, the safety of pedestrians, the access arrangements to the site and bin collection.
- 6.9.2 The existing access where it meets the highway will remain as it currently is with no alterations proposed. . This access currently serves the public house and the boatyard. The separation to create an access for the residential development is defined by the new fence located at a position level with the rear elevation of the public house
- 6.9.3 An indicative plan has been provided by the applicant to demonstrate that it would be possible to create 18 parking spaces at the rear of the public house. However as this is no longer in the applicants control, it is up to the new owner to determine how they wish to lay the car park out. There is no adopted policy to indicate how many parking spaces need to be provided and while it may not accommodate coaches and mini-buses, not all public houses do.
- 6.9.4 As stated previously the actual access onto the highway is not changing and therefore would not prevent larger vehicles from accessing the neighbouring boatyard as they currently do. The public house could be open during the day now and in the future and using the access to the public house and the new houses would not change this. The bins would have to be collected and provision for this has been made at the end of the driveway as close as possible to the highway without causing any obstruction. Comments regarding visibility are difficult to sustain as for the public house to remain as such and the boatyard to remain operational, both would need to ensure appropriate visibility splays for themselves and as such would maintain it for the housing development.
- 6.9.5 It is appreciated that there is less visibility from the bridge and that crossing the road may at times be difficult. However this is no more a risk to the occupiers of the dwellings than pedestrians accessing the public house or the boatyard.
- 6.9.6 No objection to the proposal has been raised by the Council's Highways Development Control Officer following the receipt of additional information and plans. The proposal provides adequate parking spaces and turning space for the new dwellings. They also confirm that the lateral boundary fence finishing where it does at the rear of the public house allows both the new dwelling and the public house to have full use of the existing access point .
- 6.9.7 Whether sufficient parking has been allocated to the public house is a subjective matter as there are no defined principles as to what is or is not acceptable. However, there is some parking provided and as the land has now been sold separate from the public house it is unlikely that the land will be brought back to one unit. If it did, there is still a possibility that the land would be developed for housing and use the existing access and land from the car park to achieve this.
- 6.9.8 It has been noted that representations have been made referring to PPS3. This policy is no longer current as it has been superseded by the NPPF. In addition the Manual for Streets is also the current guidance from Government in relation to highway design.

6.10 Drainage

- 6.10.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.10.2 No objection to the proposed development has been raised by the Council's Drainage Engineer. However to ensure an appropriate scheme is installed a condition should be imposed requiring full details to be submitted for approval by the Local Planning Authority prior to its installation if planning permission is granted.
- 6.10.3 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

6.11 Trees

- 6.11.1 The council's Tree Officer has requested that an Arboricultural Impact Assessment be undertaken to protect any remaining trees on or adjacent to the site. When the site was visited by the Case Officer it was noted that the land had been stripped and virtually all trees removed. However some do remain along the boundary with the boatyard. Therefore in order to protect these remaining trees and hedgerow, should planning permission be granted a condition should be included requiring such a survey to be undertaken with the necessary mitigation and protection identified.

6.12. Ecology

- 6.12.1 Policies CS17 and MD12 of the Shropshire LDF require consideration to be taken of the natural environment when determining planning applications.
- 6.12.2 Comments have been received from local residents in relation to the presence of wildlife on the site.
- 6.12.3 An Ecology survey has been submitted with the application and this together with the details of the development has been assessed by the Council's Ecologists.
- 6.12.4 They have raised no objection to the proposal subject to the inclusion of the recommended conditions and informatives should planning permission be granted. This will include new bat and bird boxes to be installed together with a restriction in terms of external lighting to protect bats.

6.13 Other Matters

- 6.13.1 An issue has been raised that part of the application site is not in the ownership of the applicant. It has been confirmed that the location plan is a copy of the title plan for the property and the red line edging accurately follows the boundary. The Agent has also signed a legal certificate on behalf of the applicant identifying that the ownership is correct. In the circumstances it is not possible for the Local Planning Authority to contradict the ownership is with the applicant.

7.0 CONCLUSION

- 7.1 The proposal is for development within the recognised development boundary for Market Drayton where some windfall developments would be permitted. The land

has now become severed from the public house and it is unlikely that the two will be brought back as one unit. The Public House is currently closed, but the new owners could re-open this without an issue nor be affected by the new development. While the concerns expressed are appreciated on balance it is the recommendation of officers that planning permission be granted with the recommended conditions and informatives included. The design is simple and the finishing details will ensure that it is of a high quality. Parking to both the public house and the new development can be achieved and the Highways Development Control Officer has raised no objections in terms of visibility or highway safety.

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. BackgroundRelevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

Settlement: S11 - Market Drayton

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

16/05408/FUL Erection of 5No dwellings and formation of vehicular and pedestrian access
PDE

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 R.Macey
Local Member Cllr Roy Aldcroft
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

5. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

6. No Development approved by this permission shall commence until there has been submitted and approved by the Local Planning Authority a scheme of landscaping and these works shall be carried out as approved. The submitted plans shall include:

Means of enclosure, hard surfacing materials, , planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, implementation timetable.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, and to protect the special character of the heritage assets.

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

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

8. Prior to any works commencing on site an Arboricultural Implications Assessment (AIA), prepared in accordance with BS 5837: 2012 to identify, evaluate and possibly mitigate the extent of direct and indirect impacts on existing tree and submitted in writing for approval by the Local Planning Authority. This will include identifying the requirements for tree works (either felling or pruning) to facilitate construction of the scheme and temporary protective fencing to protect all trees to be retained during the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

9. No development shall take place until a noise assessment shall be submitted in writing to the Local Planning Authority for approval. The approved scheme for noise attenuation shall be fully completed prior to the first occupation of the building and shall thereafter be retained and maintained.

Reason: To protect the amenities of occupiers of nearby properties from potential noise nuisance. The information is required prior to the commencement of the development to ensure that the noise insulation is installed in the development from the commencement for the reasons give above.

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

10. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

11. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset.

12. Prior to first occupation / use of the buildings, details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species
- A minimum of 2 artificial nests of either integrated brick design or external box design, suitable for swifts.
- A minimum of 2 artificial nests of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).

The boxes shall be sited in accordance with the latest guidance and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 118 of the NPPF.

13. The development hereby permitted shall not be brought into use until the areas shown on the approved overall site plan published on 21.03.2017 for bin collection, parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

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

14. The boundary fence on the lateral boundary between the site access drive and the public house shall terminate in line with the rear building line of the public house as shown on the site plan published on 21.03.2017. It shall thereafter be maintained and retained.

Reason: In the interests of highway safety.

15. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

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

16. 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 development relating to schedule 2 part 1 class A, B and C shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

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Committee and Date

North Planning Committee

30th May 2017

Item

6

Public

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 16/03556/FUL	Parish: Prees
Proposal: Application under Section 73a of the Town and Country Planning Act 1990 for the permanent retention of two poly tunnels to house free range egg laying birds	
Site Address: Smithy Cottage Sandford Whitchurch Shropshire SY13 2AW	
Applicant: Mr R Haynes	
Case Officer: Jane Preece	email: planningdmne@shropshire.gov.uk

Grid Ref: 358179 - 334029



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Recommendation:- That permission be granted, subject to no objections from Natural England to SC Ecology's completed HRA matrix and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks consent for the permanent retention of two poly tunnels to house free range egg laying birds.
- 1.2 Under a previous planning application (reference 13/00822/FUL) a three year temporary consent for the polytunnels was granted on 27th June 2013, thereby expiring on 27th June 2016. The reason the previous approval was limited to a temporary period was specified as: *'To enable the Local Planning Authority to assess the impact of, and give further consideration to the polytunnels and their use and associated traffic generation at the expiration of this permission having regard to the circumstances existing at that time.'*
- 1.3 Only one of the polytunnels was erected and this remains in place, hence the current planning application.
- 1.4 The application is a re-submission of an earlier application (reference 16/00146/FUL) which was refused on the 15th June 2016. for the following reason: *'Insufficient information has been submitted with the application in relation to total amount of birds that are to be accommodated on the applicants property as a whole and how the poultry enterprise is to be operated and managed in its entirety (including the measures in place for waste disposal, feed storage and pest control together with information on all traffic types, numbers and movements associated with the poultry enterprise use) to enable the full implications and impacts of the application to be properly assessed and to satisfactorily demonstrate to the Local Planning Authority that the proposed development will not have a significant adverse impact upon the residential and general amenities of the surrounding area or local highway conditions. Therefore, it is considered that the proposal does not meet with the requirements of adopted policy MD7b of the Site Allocations and management of Development Plan 2015; adopted policies CS5, CS6 and CS13 of the Shropshire Core Strategy 2011 or the National Planning Policy Framework.'*
- 1.5 In order to address the above additional information has been provided by the applicant with this current application. Information provided includes:

The poultry enterprise is managed and run by the family who live on site.

Number of birds on site: The polytunnels are to house free range hens and are to be rotated in use for this purpose, ie only one tunnel would be in use at any one time to accommodate 500 birds. However, there will be an overlap in the rotation of the use of the tunnels when the birds reach the end of their commercial life *'ensure smooth shed turnaround'*. End of lay birds will be removed once every 12 months and new birds collected once every 12 months. The overlap in use will be for 2 months, when the maximum bird flock size will be 1000 birds

Waste Disposal: The applicant states that waste from all sheds will not be stored on site and that arrangements in place to remove waste off site at the point of emptying. These arrangements involve a local farmer who has land adjacent placing trailers on the boundary. The applicant will tip all waste into the trailers, which will then removed across the land.

The applicant also has two existing sheds on his land, one alongside the garden boundary with 1 Sandford and one further east (referred to as the middle shed). The shed alongside the boundary was holding 70 birds which lay blue shelled eggs as a trial. The plan is to now place these birds in the middle shed, moving them away from neighbours.

Feed Storage: The applicant reiterates that he does not store any of my feed on site as he works to a method of JIT process. All feed is inside hoppers in the poultry housing or in tubs stored within his van and is automated to the birds through either an auger or chain drive.

Pest Control: The applicant states that all sheds have in place pest control and is labelled up and marked out on a shed plan which is approved and audited by the Animal & Plant Health Agency. A plan showing the pest control placement within the polytunnels is attached to the revised supporting documentation received on 20th February 2017.

Working times: The application states that he requires flexibility to allow vehicle movements in between 07:30 to 21:30 7 days a week each year and daily working times of 07:30 to 22:30 7 days a week. Bird removal will be required after dusk.

Traffic information: The proposal originally included for HGV use. This information has subsequently been revised and updated, as detailed and discussed later in this report.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The site lies in the open countryside at Sandford and within the parish of Prees. Sandford comprises a cluster of roadside development along the A41 and west of the point where the A41 becomes a dual carriageway.

2.2 Smithy Cottage sits on the southern side of the A41 and is neighboured by Number 1 Sandford to the west and Numbers 2 and 3 Sandford and Sandford Farm to the east. Smithy Cottage comprises a detached dwelling, outbuildings and several acres of land. The land lies to the rear (south and south west) of Smithy Cottage and its neighbours and is bounded along the south western boundary by a watercourse. The land is defined into three parcels which ascend in size, described by the applicant as top field, middle field and bottom field. A polytunnel has been erected on the middle field and it proposed to site a second one directly in line with the first. The authorised use of the site is that of agricultural and, in addition to one polytunnel, the middle field is also in partial use for the open storage of various agricultural implements, equipment, machinery etc.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Councillor request and Parish Council objection.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 SUDS – (25.8.16) Informative: A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/.

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

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

4.1.2 **SC Public Protection – Re-consultation comments:** (8.12.16) Have considered latest information and confirm that have no objections to this development on any grounds having reviewed any potential for noise, odour, pest activity, impacts on water supplies, bio aerosols and air quality. As a result, have no conditions to recommend.

Original comments: (23.8.16) Having considered the proposed application have no objections.

4.1.3 **SC Ecology – Re-consultation comments:** (11.1.17) - **Recommendation:** Please include conditions and informatives on the decision notice.

SC Ecology has produced SCAIL Modelling for the proposal, please find an excel attachment containing the SCAIL model output titled 'SmithCottage'.

Planning officer to include the Habitat Regulation Assessment screening matrix within their site report.

Natural England should be formally consulted on SC Ecology's Habitat Regulations Assessment and their comments taken into account prior to a decision being granted.

The proposed development site has low ecological potential. In order to enhance the site for biodiversity Greenscape Environmental Ltd have made recommendations in their 2016 Environmental Appraisal. The following conditions and informatives should be on the decision notice: Conditions - Provision of bat boxes; External light plan; Landscaping scheme. Informatives – Active nests of wild birds.

SCAIL Modelling

The proposed poultry unit has been assessed by SC Ecology using SCAIL modelling (at www.scail.ceh.ac.uk/). Locally designated sites within 2km, nationally designated sites within 5km and European designated sites within 10km have been assessed and have screened out below the critical load threshold agreed by Natural England and the Environment Agency.

LWS Millenheath Area – Process Contribution at the receptor edge; 0.71 NH₃ (ug m⁻³) % of critical load = 23%

SSSI Prees Heath – Process Contribution at receptor edge; 0.00388 NH₃ (ug m⁻³) % of critical load = 0%

SAC Brown Moss – Process Contribution at receptor edge; 0.0017 NH₃ (ug m⁻³) % of critical load = 0%

SAC Fenn`s| Whixall| Bettisfield| Wem and Cadney Mosses – Process Contribution at receptor edge; 0.00086 NH₃ (ug m⁻³) % of critical load = 0%

No further modelling is required.

Habitat Regulation Assessment

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

A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented.

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

Original comments (12.9.16) **Recommendation:** Additional information is required relating to ammonia emissions.

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

An Ecological Assessment – to include an extended phase 1 habitat survey of the site; a habitat map and target notes for sensitive ecological features; consideration of any European or UK protected species which might be present in the area; a desk study of historical protected species records and the presence of any designated sites within 1km of the proposed development.

SCAIL Modelling - Poultry units have the potential to impact upon designated sites within the wider environment via production of aerial emissions of ammonia and deposition of acid and nitrogen. Potential impacts upon any locally designated sites within 2km, nationally designated sites within 5km and European designated sites within 10km need to be assessed.

Habitat Regulation Assessment - A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented.

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

4.1.4 **Natural England – Re-consultation comments: (16.12.16) - Conservation of Habitats and Species Regulations 2010 (as amended) and Wildlife and Countryside Act Internationally and nationally designated sites**

The application site is within the impact risk zones for a number of International sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. International sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Brown Moss Special Area of Conservation (SAC) which is a European site. The site is also listed as part of The Midlands Meres and Mosses Phase 1 Ramsar site¹.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have

Habitats Regulations Assessment (HRA) Required

In our previous response (our ref 194204) we advised that a Habitat Regulations Assessment be undertaken by your authority as competent authority under the Habitats Regulations. It does not appear that this has been undertaken as yet however we note that an ecological appraisal has now been submitted as has detail about atmospheric emissions resulting from the proposal. This information should help you undertake your HRA.

Original comments: (12.9.16) – Conservation of Habitats and Species Regulations 2010 (as amended) and Wildlife and Countryside Act Internationally and nationally designated sites

Site is within the impact risk zones for a number of International sites (or Natura 2000 sites). Therefore has the potential to affect its interest features. International sites afford protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Site is in close proximity to the Brown Moss Special Area of Conservation (SAC) which is a European site. Site is also listed as part of The Midlands Meres and Mosses Phase 1 Ramsar site¹ and also notified at a national level as Brown Moss Site of Special Scientific Interest (SSSI) Site is also in close proximity to Prees Heath SSSI. Please see the subsequent sections for our advice relating to SSSI features.

In considering the European site interest, NE advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

Further information required - the consultation does not include a Habitats Regulations Assessment. There is currently not enough information to determine whether the likelihood of significant effects can be ruled out. Recommend you obtain an ecological assessment to help undertake a Habitats Regulations Assessment:

Objection

This application is in close proximity to a number of Sites of Special Scientific Interest (SSSI) as mentioned above. NE objects due to the lack of ecological assessment allowing the consideration of effects on the environment.

If the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, NE will be happy to consider it, and amend our position as appropriate.

If your Authority is minded to grant consent for this application contrary to the above advice, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Other advice

Would expect the LPA to assess and consider other possible impacts when determining this application:

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

NE does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application.

Recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application..

Protected Species

No ecological reports have been provided. Have not assessed for impacts on protected species. NE has published Standing Advice on protected species which should be applied in this case.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design

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

4.1.5 **SC Highways – Re-consultation comments: (7.4.17) Recommendation**

No Objection – subject to the development being carried out in accordance with the approved plans and the following conditions.

Observations/Comments:

The application is for the permanent retention of two poly-tunnels which are used to house birds for free-range egg production.

Following the previous Highway Advice Note dated 6th March 2017 clarification has been provided in terms of the business operations and confirms the sole use of the owners van for the egg-production related activities.

The latest submitted statement entitled “Working Vehicle Movements for Poultry Tunnels at Smithy Cottage Sandford, Whitchurch. SY13 2AW” is considered to be acceptable in principle and addresses the previous concerns over the potential use of HGV’s to service the site. The point concerning retail sales of birds has also been clarified.

Based upon the information contained within the above submitted statement it is considered that, subject to the following conditions being included on any approval, there are no sustainable Highway grounds upon which to base an objection: -

1. No retail sales shall take place from the site.

Reason: In the interests of highway safety.

2. No site servicing activities involving HGV’s (i.e., any vehicle with a Gross Vehicle Weight/Maximum Authorised Mass above 3.5 tonnes) shall take place either from within the site or directly from the A41 in relation to the free-range egg production which is the subject of this approval.

Reason: In the interests of highway safety.

Re-consultation comments: (6.3.17) Recommendation

Do not approve – insufficient information and access details have been submitted to assess the implications of the proposal from the highway perspective.

Observations/comments:

A further highway consultation response has been sought following the publication on 20.02.2017 of the supporting documentation (attached to the applicant’s short supporting statement previously published on 01.02.2017).

The information contained within the recently published ‘attachment’ has given a broad outline of the business operation and the associated traffic movements. It is noted that the applicant has further qualified that the running of the business will be reliant on the use of his MWB van with the daily management of the business being conducted by the family.

The highway related concern in respect of a detailed outline of how the business will operate in terms of the substitution of the use of the applicant's van for the delivery and removal of the birds previously undertaken by the HGV's, remains unclear. No clarification has been given on the locations and method of transferring the birds.

The use of the MWB van is expected to rely on a number of 'shuttle runs' to deal with the quantities of birds involved, presumably between the supplier at an agreed off site location, and with a similar process in operation for the removal of the birds at the end of the production cycle. In the absence of the previously detailed HGV movements, the quantities of birds and number of van movements should be detailed to demonstrate that this change is practicable. For clarity, the loading/unloading of HGV's outside the property on the A41 would not be supported. The applicant should therefore qualify what arrangements will be employed to facilitate the transfer of the birds on and off the site along with the operations which may previously have required HGV use.

In addition confirmation from a planning point of view as to whether or not the removal of the birds from the site to 'private owners' constitutes retail sales is also requested.

Additional Comments/Background:

Previous Highway Advice Note dated 16.02.2017

Re-consultation comments: (16.2.17) **Recommendation**

Do not approve – insufficient information has been submitted to assess the implications of the proposal from the highway perspective.

Observations/comments:

Following the Highway Advice Note of 12.12.2016 which sought the submission of an accurate scaled plan and swept path analysis to demonstrate the adequacy of the on-site servicing facilities the applicant has submitted a short supporting statement (published 01.02.2017). The applicant has stated that HGV's will not continue to service the poultry business to remove all of the implications generated by such traffic accessing the site. Whilst the applicant is clearly intending to reach a satisfactory resolution to the highway matters, the lack of detailed information has however generated further questions.

The proposed loss of HGV traffic is considered from a highway perspective to potentially provide a benefit. The layout of the existing access can more easily accommodate the movements of a van whilst such vehicles are also unlikely to cause delays to traffic on the adjoining A41.

The recent supporting statement alone, however, lacks detailed information as to how the business will be serviced. Whilst it is anticipated that the number of transit van movements will increase, further details are considered to be required in respect of operation of the business with the removal of HGV use, particularly the locations and method of transferring quantities of birds at the delivery and removal stages.

The loading/unloading of HGV's outside the property on the A41 would obviously not be supported. Confirmation from a planning point of view as to whether or not the removal of birds from the site to 'private owners' constitutes retail sales is also requested.

It is also noted that within the applicant's supporting statement reference is made to 'revised supporting documentation, with the traffic information updated provided as

attachment'. Whilst the above concerns may have been satisfactorily covered in the stated information, no additional documents appear to be available to review on the planning portal.

Re-consultation comments: (13.12.16) **Observations/comments:**

Following the Highway Advice Note dated 14.10.2016 a revised location and block plan has been received on 02.12.2016. The revised block plan has now included additional annotated information indicating an allocated area to the rear of the house for the turning area for the vehicles in connection with the free range egg laying business.

Unfortunately, the revised plan has not been provided to an acceptable scale and does not include any dimensions to demonstrate the adequacy of the identified turning facility and its ability to cater for the largest vehicle associated with the business. The proposed turning area that is currently shown would appear to be potentially acceptable by assessing the relative proportions of the buildings on the plan, but this is not sufficient to be able to advise that the details are satisfactory to comply with the condition recommended in the Highway Advice Note of 14.10.2016. It is therefore considered that a more accurate plan is submitted which addresses all of the outstanding requirements and includes swept path analysis of the largest vehicle visiting the site and utilising the turning area.

Additional Comments/Background:

Highway Advice Note dated 14.10.2016 received on 18.10.2016

Original comments: (18.10.16) - **Recommendation**

No Objection – subject to the development being carried out in accordance with the approved plans and the following conditions.

Observations/Comments: [29th September 2016]

The application is for the permanent retention of two poly-tunnels which are used to house birds for free-range egg production.

This application is the latest in a series of similar planning applications. The earliest (reference 13/00822/FUL) received a temporary 3 year consent in June 2013 which, upon application for renewal (reference 16/00146/FUL) was refused by the Local Planning Authority.

From Highways point of view, the main issues are the number and type/size of vehicles likely to be generated by the business when considered against the visibility from the existing access onto the A41.

The information currently submitted does identify the number, type and size of vehicles which are used in the operation of the business and this Highway Advice Note is issued on the basis of this information.

Responses to the previous applications were issued on condition that there will be no retail sales from the site. It is not clear from the current information whether the removal of birds from the site to "private owners" constitutes retail sales and it is considered that this should be clarified.

In view of the confirmation of vehicle types used by the business, concerns currently relate to the ability of the site to accommodate large vehicles and enable them to turn and exit in a forward gear. Vehicles reversing onto the A41 at this location would represent a significant highway safety issue due to the visibility afforded by the bend to the west and the relative position of the site access.

The submitted information identifies infrequent access to the site by articulated HGV's and a slightly higher frequency of use by 7.5 and 14 tonne lorries with the

weekly business operations carried out using the owners van. It is, however, unclear what facilities exist for site based vehicles and those visiting the site to enable them to park and manoeuvre and exit in a forward gear. It is considered that such facilities need to be identified and hard-surfaced, to enable use all year round, and secured as part of any permanent planning consent.

It is therefore, considered that the following conditions should be included on any approval: -

1. Details of the areas within the site for the parking, turning, loading and unloading of vehicles shall be submitted to, and approved in writing by, the Local Planning Authority with the areas approved laid out and surfaced in a bound material within 1 month of the date of the planning permission. The approved parking, turning, loading and unloading areas shall be kept clear and maintained at all times for that purpose.

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

2. No retail sales shall take place from the site.

Reason: In the interests of highway safety.

4.2 Public Comments

4.2.1 **Prees Parish Council – Re-consultation comments: (21.4.17) Object.** Having considered the updates, and notwithstanding the fact that some statutory consultees have apparently withdrawn their objections, Prees Parish Council still wishes to register its objection to this Application in the strongest terms. None of the accommodations reached address the fundamental reason for objection which is the distress and misery caused to the neighbouring residents. This is a residential area and it is not the right site for such a business. Prees Parish Council has been arguing this since February 2016. The associated vermin (rats!), flies and smell all impact most horribly on the neighbouring residents, curtailing their amenity and enjoyment of their own properties. Prees Parish Council objects.

Re-consultation comments: Objects (22.2.17). **Object.** Prees Parish Council has reconsidered this Application and looked at the letter. It still has severe reservations. What assurance is there that plans, for example to dispose of waste to a neighbouring farmer, will be adhered to long-term? Who will be ensuring that this is the case? Prees Parish Council feels unable to support this application.

Original comments: (21.9.16) Object. Prees Parish Council wishes to register its strong objection to this Application, for all the same reasons it objected before, and also concurring with the additional concerns raised by Natural England, who express the opinion that this application, which is in close proximity to a number of Sites of Special Scientific Interest, is likely to damage or destroy the special features for which these sites have been notified.

4.2.2 **Public representations** - Eight representations of objection have been received, including multiple representations from the same households and a representation from Design Construction Management Services signed by several local residents. Concerns raised include:-

Road safety on A41 – are many accidents on this area of road/is an accident black spot; Dangerous access; Inadequate visibility; Road is narrow with bends, 60 mph speed limit, no lighting and double white lines; Turning is a problem; Unsuitable for large vehicles; Question vehicle numbers/traffic information; More vehicles used than stated; Drainage; Smell; Dust; Hygiene/sanitation; Disease; Noise pollution; Waste collection/disposal; Mounds of waste left on land; Fires burning chicken waste; Flies/rats/pest control; Food storage; Threat to residents health; Impact on residents quality of life; Impact on ecological environment; No tree survey; Hours of operation – applicant works fulltime elsewhere; Tractors/machinery used in fields at unreasonable hours; Question number of birds; Sale of birds to public; Plans are misleading/inaccurate; Question need for second polytunnel; Visual impact/unsightliness

The full content of the consultee responses and public representations are available to view on line.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Siting, scale and design and visual impact
- Access and traffic generation
- Pollution and impact on residential amenity
- Ecology
- Drainage

6.0 OFFICER APPRAISAL

6.1 Policy and principle of development

6.1.1 The proposal is for agricultural related development. The proposal is located within a predominantly rural area where the provision of agricultural related development to serve farming enterprises is considered appropriate in principle under Core Strategy policy CS5 and SAMDev policy MD7b, subject to matters of siting, scale and design, general development control criteria and environmental expectations. In rural areas Policy CS13 of the Core Strategy further emphasises the requirement for economic activity associated with agriculture to accord with policy CS5, whilst the National Planning Policy Framework actively promotes a strong and prosperous rural economy.

6.2 Siting, scale and design and visual impact

6.2.1 Policies CS5 and CS6 of the Core Strategy together with SAMDev policy MD7b seek to ensure that all development and is appropriate in terms of siting, scale, design and appearance, taking into account the local context and character.

6.2.2 Siting: Both of the polytunnels will be sited on agricultural land in an area that relates to existing rural development but is not unduly visible from a public vantage point. Furthermore, the nearest dwelling lies over 55 metres away and sits on higher ground than the polytunnels. Therefore, taking into account the context and relief of the land, it is considered that the chosen siting of the polytunnels will not appear obtrusive in the local landscape or too close to neighbouring residential properties in physical terms.

6.2.3 **Scale, design and visual impact:** Each polytunnel measures 14 m x 6.4 metres x 3.1 m high, is of a reasonably robust design for the type of structure and is finished externally in dark green pvc. The footprint and is not overly large in relation to the parcel of land and, in terms of bird numbers, the agricultural business is not considered to be of a substantially large scale. On this basis, the physical scale of the structures and size of the agricultural enterprise is considered appropriate for the location. Furthermore, paying due regard to matters of topography; the presence of existing trees and hedgerows; the limited height of the structures and their green colour, the tunnels are also considered to be of an acceptable scale, design and external appearance that will not have an adverse visual impact on the locality.

6.2.4 Overall, therefore having regard to the context, setting and topography of the site it is considered that the location and scale of the development is acceptable and further that the design and external appearance of the polytunnels will not have a detrimental impact on the character and appearance of the local rural landscape. In this context the development is in accordance with policies CS5 and CS6 of the Core Strategy, policy MD7b of the SAMDev Plan and the National Planning Policy Framework.

6.3 **Access and traffic generation**

6.3.1 From Highways point of view, the main issues are the number and type/size of vehicles likely to be generated by the business when considered against the visibility from the existing access onto the A41.

6.3.2 The Council's Highway Development Control Team has been consulted on the application. In response to the comments/concerns raised by Highways and objectors, the applicant has supplied revised/additional information about the operation of the business and the associated likely traffic generation, as quoted below:

'I have reviewed the Highway comments and looked into the feasibility of driving in and out of my premises in a forward gear using heavy goods vehicles. Using the swept path tool this came up ok, to use my top field as the main area. However I have decided that going forward I wish to not have any form of heavy goods vehicles arriving at my premises in conjunction with the poultry unit, instead I shall use my van to collect the point of lay hens in and removal of end of lay. By doing this the vehicle movement will fall dramatically with the poultry unit and remove this single issue. ...'

'Delivery of birds onto the above site,

This action would take one return trip per year using my current MWB transit van with the assistance of 16 crates to move 500 birds. Collection of these birds would be from a free range bird farm when they receive their bird delivery themselves.

Removal of birds from the above site;

This action would again take one return trip per year using my current MWB transit van with the assistance of 16 crates available, I have just recently emptied shed 1 to a site for slaughter with this process.

Location & removal of birds;

- Location of birds for collection would be at a free range farm in Shrewsbury, removal of birds is at a location in Birmingham for slaughter.
- Total vehicle movements;**
 - Currently birds have been dropped off using HGV that has carried on from my packer in Shrewsbury, this will now be changed to myself collecting birds using crates and MWB transit van, and this will be one return journey per year.
 - Currently birds have been sold on to private owners at End Of Lay, this has now been changed to removal to a slaughter house in Birmingham, this will be one return journey per year.
 - Currently and today I collect feed and drop eggs off at a free range poultry farm twice a week using my MWB transit van. I was looking into having the feed delivered to the premises but due to the size of the business, myself collecting the feed means I work to minimum feed storage as I currently have done for 9 years.
- Loading/Unloading on A41;**
 - I have never unloaded/loaded on the A41 and would never plan to do this.
- Reason for thinking of using HGV;**
 - Sole reason to use HGV in the first instance was just for ease, however when looking into costs against cash flow especially with the feed, the turnaround just was not justified against the size of the birds.
- Private sale of birds;**
 - Private sale of birds at the premises was taking place but has now stopped; when EOL arrives birds are removed as per the vehicle movement plan for slaughter through a reputable company.

A basic outline of the vehicle movements from the mentioned detail before is set out below,

- Two return trips to carry out collection and removal of birds using MWB transit van. This will be carried out once per year for both collection and removal, one return trip for collection, one return trip for removal.
- Two return trips to carry out collection of feed, whilst at the same time delivering the eggs. The two trips will be carried out weekly again using the MWB transit van.'

6.3.3 Objectors continue to question the accuracy of the submitted traffic information and remain concerned on highway safety grounds. However, Highways are satisfied with the latest submitted information, which clarifies the business operations and confirms the sole use of the owners van for the egg-production related activities. This is considered to address Highways previous concerns over the potential use of HGV's to service the site. The point concerning retail sales of birds has also been clarified.

6.3.4 Therefore, based upon the information contained within the applicants' latest submitted statement Highways consider that, subject to the imposition of recommended conditions on any approval, there are no sustainable Highway grounds upon which to base an objection. The recommended conditions are for no retail sales to take place from the site and for no site servicing activities involving HGV's (i.e., any vehicle with a Gross Vehicle Weight/Maximum Authorised Mass

above 3.5 tonnes) to take place either from within the site or directly from the A41 in relation to the free-range egg production.

6.4 **Pollution and impact on residential and local amenity**

- 6.4.1 Policy CS6 of the Core Strategy alongside SAMDev policy MD7b and the NPPF refer to the need to safeguard residential and local amenity and recognise the importance of ensuring that developments do not have unacceptable consequences for neighbours.
- 6.4.2 As per previous applications, neighbours and the Parish Council continue to express objections and concerns relating to potential pollution and nuisance issues arising from the poultry use and highlight the problems that are already experiencing in this connection. As documented in previous reports complaints have been lodged with and investigated by the Council's Public Protection Officer in this regard, including several site visits, since the first polytunnel has been in place. His findings did not substantiate any statutory nuisance but, when commenting on application reference 16/00146/FUL and in recognition of any potential for the poultry enterprise to impact adversely on neighbouring amenity he did recommend certain planning conditions were imposed in order to control the use and safeguard amenity.
- 6.4.3 In this context the Council's Public Protection Officer has been consulted on this current application. Nonetheless, having considered the information submitted with the application, the Public Protection Officer confirms that he has '*... no objections to this development on any grounds having reviewed any potential for noise, odour, pest activity, impacts on water supplies, bio aerosols and air quality. As a result, have no conditions to recommend.*'
- 6.4.4 Notwithstanding, these latest comments of the Public Protection Officer, bearing in mind the continued concerns of neighbours and the Parish Council, Members may consider it necessary to impose conditions in order to control the use and safeguard amenity if the application is to be approved. For this reason, it is recommended that conditions are imposed to limit bird numbers and restrict hours to that specified in the application and for waste disposal to accord with the submitted details. Otherwise, if poor management practice does result in pollution or nuisance issues, then the Public Protection team could further investigate this under nuisance legislation.
- #### 6.5 **Ecology**
- 6.5.1 Both the Council's Planning Ecologist and Natural England have been consulted on the application which has resulted in the submission of Phase 1 Environmental Appraisal conducted by Greenscape Environmental Ltd (October 2016). Despite contrary opinions and objections from neighbours, SC Ecology are satisfied that the development will have no adverse impact on local or national biodiversity, habitats and protected species and Natural England no longer specify an objection.
- 6.5.2 Given the location of the site in relation to Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC and Midland Meres and Mosses Ramsar Phase 2 and Brown Moss SAC and Midland Meres and Mosses Ramsar Phase 1 a Habitat Regulation Assessment (HRA) matrix has been completed by the Council's Planning Ecologist. The HRA is attached to this report for the information, discussion and consideration

of Members at the committee meeting.

6.5.3 In accordance with the advice of SC Ecology, Natural England has been consulted on the completed HRA. The formal comments of Natural England are awaited at the time of writing this report. A decision cannot be issued until the formal comments of NE are received on the HRA.

6.5.4 SC Ecology also specify that the development site has low ecological potential. Therefore, biodiversity enhancements are recommended in the form of bat box provision and landscaping, secured by imposing conditions. A standard condition regarding external lighting is also recommended, although this is not considered necessary, as this aspect can be adequately addressed by incorporating the advice as an informative in relation to bats.

6.5.5 On the basis of the above and the full comments of Natural England and the Council's Ecologist it is considered that the requirements of Core Strategy policy CS17 are satisfied in relation to ecology issues.

6.6 **Drainage**

6.6.1 The Council's Drainage Team were consulted on the application and have raised no issues on drainage grounds, other than to recommend an informative relating to a sustainable drainage scheme for the disposal of surface water from the development.

6.6.2 Accordingly, the proposal is considered to satisfy policy CS18 of the Core Strategy in drainage terms.

7.0 **CONCLUSION**

7.1 Whilst the objections and concerns of local residents and the Parish Council are acknowledged, the proposed development is for agricultural purposes and is considered to be of an appropriate siting, scale, and design that will not have a detrimental impact upon the visual character and appearance of the local rural landscape. Furthermore, taking on board the consultee comments received from each of the related disciplines and on the basis of the submitted information, it is not considered that the proposed development will unacceptably and adversely impact on the residential and general amenities of the surrounding area; ecology; drainage or local highway conditions, all subject to compliance with planning conditions and to subject to no objections being received from Natural England in relation to SC Ecology's completed HRA matrix. Therefore, on balance the proposal is considered to accord with policies CS5, CS6, CS13, CS17 and CS18 of the Shropshire Core Strategy, SAMDev Plan policies MD7b and MD12 and the National Planning Policy Framework.

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

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

the decision maker.

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

Application name and reference number:

16/03556/FUL
Smithy Cottage
Sandford
Whitchurch
Shropshire
SY13 2AW
Application under Section 73a of the Town and Country Planning Act 1990 for the permanent retention of two poly tunnels to house free range egg laying birds

Date of completion for the HRA screening matrix:

11th January 2017

HRA screening matrix completed by:

Nicola Stone
Planning Ecologist
Shropshire Council

Table 1: Details of project or plan

Name of plan or project	16/03556/FUL Smithy Cottage Sandford Whitchurch Shropshire SY13 2AW Application under Section 73a of the Town and Country Planning Act 1990 for the permanent retention of two poly tunnels to house free range egg laying birds
Name and description of Natura 2000 site	<p>Fenn`s, Whixall, Bettisfield, Wem and Cadney Mosses SAC and Midland Meres and Mosses Ramsar Phase 2 (949.2ha) together form an outstanding example of lowland raised mire. The site as a whole supports a wide range of characteristic acid peat bog vegetation. The moss complex, which straddles the border between Shropshire, England and Clwyd, Wales, is one of the largest and most southerly raised mires in Britain.</p> <p>Annex I Habitats that are a primary reason for selection of the SAC:</p> <ul style="list-style-type: none"> • Active raised bog. <p>Annex I Habitats present as a qualifying feature but not a primary reason for selection of the SAC:</p> <ul style="list-style-type: none"> • Degraded raised bogs still capable of natural regeneration <p>The site is included within the Ramsar Phase 2 due to its Raised Bog and Carr habitats with invertebrate assemblages and the plant species polifolia, Dicranum undulatum and Sphagnum</p>

	<p>pulchrum.</p> <p>Brown Moss SAC Brown Moss SAC and Midland Meres and Mosses Ramsar Phase 1 (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. Brown Moss differs from other North Shropshire Mosses in consisting of a series of pools set in an area of heathland and woodland, rather than an expanse of peat. Annex II Species that are a primary reason for selection of site as an SAC: <input type="checkbox"/> Floating Water Plantain <i>Luronium natans</i></p> <p>Brown Moss is included within the Midland Meres and Mosses Ramsar Phase 1 for its Open water, Swamp, Fen and Basin Mire habitats with the plant species <i>Luronium natans</i>.</p>
Description of the plan or project	Application under Section 73a of the Town and Country Planning Act 1990 for the permanent retention of two poly tunnels to house free range egg laying birds
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)?	Not applicable – where no potential effect pathway is identified an in-combination effects test is not required.

Statement

The proposed poultry unit has been assessed by SC Ecology using SCAIL modelling (at www.scail.ceh.ac.uk/). Locally designated sites within 2km, nationally designated sites within 5km and European designated sites within 10km have been assessed and have screened out below the critical load threshold that has been agreed by Natural England and the Environment Agency.

SAC Brown Moss – Process Contribution at receptor edge; 0.0017 NH₃ (ug m⁻³)
% of critical load = 0%

SAC Fenn`s| Whixall| Bettisfield| Wem and Cadney Mosses – Process Contribution at receptor edge; 0.00086 NH₃ (ug m⁻³)

% of critical load = 0%

The Significance test

There is no likely significant effect on European Designated Site's within 10km from planning application reference 16/03556/FUL.

The Integrity test

There is no likely effect on the integrity of European Sites in 10km from planning application reference 16/03556/FUL.

Conclusions

Natural England should be consulted on SC Ecology's HRA to confirm that there is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test' which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

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

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

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

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

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

Habitat Regulation Assessment Outcomes

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

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.

Duty of the Local Planning Authority

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

10. BackgroundRelevant Planning Policies**Central Government Guidance:**

National Planning Policy Framework

Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

NS/07/02344/FUL Proposed erection of two storey link extension and conversion of outbuilding to provide additional living area CONAPP 9th January 2008

13/00822/FUL Application under Section 73a of the Town and Country Planning Act 1990 for the erection of two polytunnels to house free range egg laying birds GRANT 27th June 2013

16/00146/FUL Application under Section 73a of the Town and Country Planning Act 1990 for the permanent retention of two poly tunnels to house free range egg laying birds REFUSE 15th June 2016

11. Additional Information

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

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

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

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

2. The development shall be carried out strictly in accordance with the approved plans and documentation, including traffic movements, waste disposal and pest control all as detailed in the submitted and approved documentation.

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

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

3. A total of 1 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site within 3 months of the permission hereby granted. 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

4. Within 3 months of the permission hereby granted a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. Works shall be carried out as approved. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. bat box)
- b) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
- c) Implementation timetables

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

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

5. No retail sales shall take place from the site.

Reason: In the interests of highway safety.

6. No site servicing activities involving HGV's (i.e., any vehicle with a Gross Vehicle Weight/Maximum Authorised Mass above 3.5 tonnes) shall take place either from, within the site or directly from the A41 in relation to the free-range egg production which is the subject of this approval.

Reason: In the interests of highway safety.

7. The number of birds housed within both of the polytunnels hereby approved shall not exceed 500 in total, with the exception of the rotation overlap period, which shall be for no more than two months in any calendar year, when the number of birds housed within both polytunnels shall not exceed 1000 in total.

Reason: In order control the use of the development in the interest of the amenity of the area

8. No vehicle movements from and/or to the property access for the purpose of serving the poultry development hereby approved shall take place between the hours of 21:30 to 07:30 on any day.

Reason: To protect the amenity of the area.

9. Except for emergencies no activities relating to the management of the poultry including but not limited to feeding, removing manure from polytunnels, site maintenance, opening up and locking down of the polytunnels at the beginning and end of the day, shall take place between the hours of 22:30 - 07:30 on any day.

Reason: to protect the amenity of nearby residential properties.

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