



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

Date: Monday, 4 December 2017

Committee:
North Planning Committee

Date: Tuesday, 12 December 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)
Mark Jones
Paul Milner
Peggy Mullock
Paul Wynn (Chairman)

Substitute Members of the Committee

Nicholas Bardsley
Joyce Barrow
Karen Calder
Steve Davenport
Ann Hartley
Simon Jones
Matt Lee
David Minnery
John Price
Brian Williams

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 - 10)

To confirm the Minutes of the meeting of the North Planning Committee held on 14th November 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 Thursday, 7th December 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 Wood Lane Quarry, Spunhill, Ellesmere, SY12 0HY (16/05501/MAW) (Pages 11 - 44)

Proposed Construction of 7 x 995KW Biomass Plant.

6 North Of Milford Road, Baschurch, Shropshire (17/02954/REM) (Pages 45 - 64)

Approval of reserved matters (layout, scale, appearance and landscaping) pursuant to 14/01123/OUT for the erection of 34 dwellings and public open space (amended description).

7 Proposed Cafe At Hadley Farm, Wrexham Road, Whitchurch, Shropshire (17/05115/VAR) (Pages 65 - 70)

Variation of conditions number 2 (Approved Plans) and 3 (Materials) attached to Planning Permission reference 15/00329/FUL dated 6th August 2015

8 Appeals and Appeal Decisions (Pages 71 - 74)

9 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, 9th January 2018 in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date

North Planning Committee

12th December 2017

NORTH PLANNING COMMITTEE

Minutes of the meeting held on 14 November 2017

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

2.00 - 3.38 pm

Responsible Officer: Emily Marshall

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

Present

Councillor Paul Wynn (Chairman)

Councillors Roy Aldcroft, Gerald Dakin, Rob Gittins, Vince Hunt (Vice Chairman), Mark Jones, Paul Milner and Peggy Mullock

47 Apologies for Absence

Apologies for absence were received from Councillors Clare Aspinall, Pauline Dee and Roger Hughes.

The Committee passed on their condolences to Councillor Pauline Dee and her family, following the death of her husband.

48 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 17th October 2017 be approved as a correct record and signed by the Chairman.

49 Public Question Time

There were no public questions, statements or petitions received.

50 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.

Referring to planning application 17/00887/FUL, Cefn-Y-Maes, Rhydycroesau, Oswestry, Councillor Paul Milner declared that he was a member of Oswestry Rural Parish Council, who had objected to the application, however he had not commented on the application and was considering the application with an open mind.

51 Coolmoor Farm, Hazles Road, Shawbury, Shropshire, SY4 4HE (17/02987/EIA)

The Principal Planning Officer introduced the application for the erection of an agricultural building for free range egg production, with associated feed bins, hardstandings and access track. The Principal Planning Officer recommended the rewording of conditions 5 and 6 to include reference to timescales for implementation.

The Principal Planning Officer responded to concerns raised in relation to the footpath that crossed part of the application site, confirming that condition 7 adequately covered the interests of all footpath users.

Having considered the submitted plans members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

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

- The conditions set out in Appendix 1 of the report, with conditions 6 and 7 being amended to include reference to a timescale for implementation; and
- Any other modifications considered necessary by the Head of Planning Services.

52 Land West Of Artillery Road, Park Hall, Oswestry, Shropshire (17/03677/REM)

The Principal Planning Officer introduced the application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT, for residential development of four dwellings (Application 1: Plots 1-4) with garaging and formation of parking spaces and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the information contained within the Schedule of Additional Letters, which summarised the comments received from Highways (which had also been circulated to Members in full) and amendments to the description of the five applications which incorrectly referred to plot numbers as originally submitted rather than as amended and should have referred to 'applications' rather than 'phases'.

The Chairman requested that each speaker cover all of the points they wished to make on each of the five reserved matters applications for this site being agenda items 6 – 10 (Minutes Ref. 52 – 56) within one presentation and allowed additional time of up to five minutes for each speaker.

Mr Richard Manford on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Rupert Harvey, on behalf of Whittington Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

- He had met with local residents and the developer and was pleased that the scheme had been revised and traffic calming measures were proposed;
- However his concerns remained and related to three main issues, firstly whether the scale of the proposed development was appropriate for the site, secondly the amount of additional traffic that the development would create on already busy roads, and finally whether the proposed plot sizes were in keeping with the size of the existing dwellings within Park Hall.

Mr Andrew Jones, applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Principal Planning Officer responded to the points raised by speakers, confirming that the SAMDev figure of 20 dwellings was a guideline and not an upper limit and the conditions recommended by Highways were pre-commencement conditions.

During the debate the Committee, were sympathetic to the concerns of local residents and the Parish Council, however they felt that the proposals were acceptable, particularly taking into account the additional conditions recommended by Highways in their full written response, not the summary detailed in the Schedule of Additional Letters.

Having considered the submitted plans and listened to the comments made by all of the speakers Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

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

- The conditions set out in Appendix 1 of the report; and
- The additional conditions recommended by Highways, as set out in the Highway Advice Note.

53 Land West Of Artillery Road, Park Hall, Oswestry, Shropshire (17/03678/REM)

The Principal Planning Officer introduced the application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of five dwellings (Application 2: Plots 5 -9)

with garaging and formation of parking spaces and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the information contained within the Schedule of Additional Letters, which summarised the comments received from Highways and an amendment to the description of the five applications contained within the Officer's report which incorrectly referred to plot numbers as originally submitted rather than as amended and should have referred to 'applications' rather than 'phases'.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

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

- The conditions set out in Appendix 1 of the report; and
- The additional conditions recommended by Highways, as set out in the Highway Advice Note.

54 Land West Of Artillery Road, Park Hall, Oswestry, Shropshire (17/03679/REM)

The Principal Planning Officer introduced the application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of seven dwellings (Application 3: Plots 10-16) with garaging and formation of parking spaces and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the information contained within the Schedule of Additional Letters, which summarised the comments received from Highways and an amendment to the description of the five applications contained within the Officer's report which incorrectly referred to plot numbers as originally submitted rather than as amended and should have referred to 'applications' rather than 'phases'.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

That planning permission be **granted**, in accordance with the Officer's recommendation, subject to:

- The conditions set out in Appendix 1 of the report; and

- The additional conditions recommended by Highways, as set out in the Highway Advice Note.

55 Land West Of Artillery Road, Park Hall, Oswestry, Shropshire (17/03680/REM)

The Principal Planning Officer introduced the application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of five dwellings (Application 4: Plots 17-21) with garaging and parking spaces and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the information contained within the Schedule of Additional Letters, which summarised the comments received from Highways and an amendment to the description of the five applications contained within the Officer's report which incorrectly referred to plot numbers as originally submitted rather than as amended and should have referred to 'applications' rather than 'phases'.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

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

- The conditions set out in Appendix 1 of the report; and
- The additional conditions recommended by Highways, as set out in the Highway Advice Note.

56 Land West Of Artillery Road, Park Hall, Oswestry, Shropshire (17/03690/REM)

The Principal Planning Officer introduced the application for approval of reserved matters (layout, scale, appearance, landscaping and access) pursuant to 13/01643/OUT for residential development of six dwellings (Application 5: Plots 22-27); formation of parking spaces and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the information contained within the Schedule of Additional Letters, which summarised the comments received from Highways and an amendment to the description of the five applications contained within the Officer's report which incorrectly referred to plot numbers as originally submitted rather than as amended and should have referred to 'applications' rather than 'phases'.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

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

- The conditions set out in Appendix 1 of the report; and
- The additional conditions recommended by Highways, as set out in the Highway Advice Note.

57 Cefn-Y-Maes, Rhydycroesau, Oswestry, Shropshire, SY10 7JB (17/00887/FUL)

The Technical Specialist Planning Officer introduced the application for the installation of a temporary access track and upgrade of existing farm entrance, for the purpose of delivery and construction of a proposed renewable energy park. The Technical Specialist Planning Officer drew Member's attention to amended conditions 5 and 6 that had been circulated.

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

- He had concerns relating to traffic management along a very narrow, steep and winding section of road;
- The additional heavy goods traffic would cause damage to the road surface; and
- Questioned what was meant by the term Initial Implementation within condition 6.

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

- The people most affected would be those living at the farm; and
- Was generally supportive of the proposals.

The Technical Specialist Planning Officer responded to comments made by the local member, explaining that the wind turbine had been removed from the proposed Renewable Energy Park in Powys and as a result mostly rigid vehicles rather than articulated lorries would be used to transport materials to the construction site. Also in response to concerns raised by the local ward councillors and the Parish Council the Technical Specialist Planning Officer recommended a further amendment to

condition 6 to ensure that the track would be removed from site within nine months from the commencement of its construction.

During the debate, Members of the Committee expressed various concerns, particularly in relation to HGV movements along the narrow, winding route through Oswestry to the proposed Renewable Energy Park, however they were reassured that the Traffic Management Plan would adequately address the issues raised. Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of members expressed their support for the proposals.

The Committee added that they wished the concerns raised to be communicated to Powys County Council as part of the consultation process for the Renewable Energy Park.

RESOLVED:

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

- The conditions set out in Appendix 1 of the report; and
- The amendments to conditions 5 and 6 as follows:

5. No construction work shall commence until a scheme of reinstatement, including timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority, for the modified site entrance associated with the Renewable Energy Park. The site access shall be reinstated in accordance with the approved scheme.

Reason: To conserve rural character in the vicinity of the development.

6. The temporary access track shall be removed from site within nine months from commencement of its construction (date to be provided to the Local Planning Authority with photographic evidence), or within four weeks following first generation from the associated Cefn y Maes Community Renewable Energy Park, whichever is sooner.

Reason: To protect the visual character of the area.

58 The Granary, Shrewsbury Road, Cockshutt, SY12 0JH (17/00157/FUL)

The Principal Planning Officer introduced the application for the removal of external unsafe granary steps, insertion of 2 new windows and alterations to existing ground floor side window and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposals.

The Chairman expressed his disappointment that the local ward councillor was not present to speak on the application.

During the debate, Members of the Committee commented that the site visit had been useful and agreed with the Council's Conservation Officer, that the steps were an important feature which clearly defined the buildings appearance and its historic use as a Threshing Barn/Granary. It was also felt that the steps, although in need of maintenance, did not appear to be unsafe. The Committee were sympathetic to the

owners, and noted the low levels of light in the living room, however it was considered that there were alternative options to increase light within the property that would not cause harm to the character of the building. For these reasons and having considered the submitted plans Members unanimously expressed their support for the Officers recommendation.

RESOLVED:

That planning permission be refused, in accordance with the Officer's recommendation, for the following reason:

It is considered that the removal of the external steps and insertion of two new windows would result in the loss of a significant historic feature within the overall design and distinctive architectural style of the building. The Local Planning Authority considers this would dilute the character of the building, harming its significance and diminishing its value as a local heritage asset. The application is unsupported by a Heritage Assessment to demonstrate or provide justification otherwise. On balance, therefore, the application is considered contrary to adopted planning policies CS6 and CS17 of the Shropshire Core Strategy; MD2 and MD13 of Shropshire SAMDev Plan and the Supplementary Planning Document on the Type and Affordability of Housing, together with the national guidance set out in section 12 and paragraph 135 of the NPPF.

59 Land Off Greenfields Lane, Market Drayton, Shropshire (14/03782/OUT)

The Principal Planning Officer introduced the outline application (access for approval) for the residential development of up to 250 dwellings; to include demolition of existing structures on site and formation of vehicular accesses from the A53 and Hampton Drive. Members' attention was drawn to the information contained within the Schedule of Additional letters which detailed an additional objection and an additional condition to require ecology surveys to be updated, given the age of the planning application.

The Committee commented that they would like the applicant to explore how the reserved matters application may be able to include accesses to the old rail track.

Having considered the submitted plans Members unanimously expressed their support for the Officer's recommendation.

RESOLVED:

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

- The applicants entering into a S106 agreement to secure affordable housing and a contribution towards public transport;
- The conditions set out in Appendix 1 of the report; and

- A further condition to require the ecology surveys to be updated, due to the age of the planning application.

60 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

61 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 12th December 2017 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

This page is intentionally left blank



<u>Committee and Date</u>
North Planning Committee
12 th December 2017

<u>Item</u>
5
Public

Development Management Report

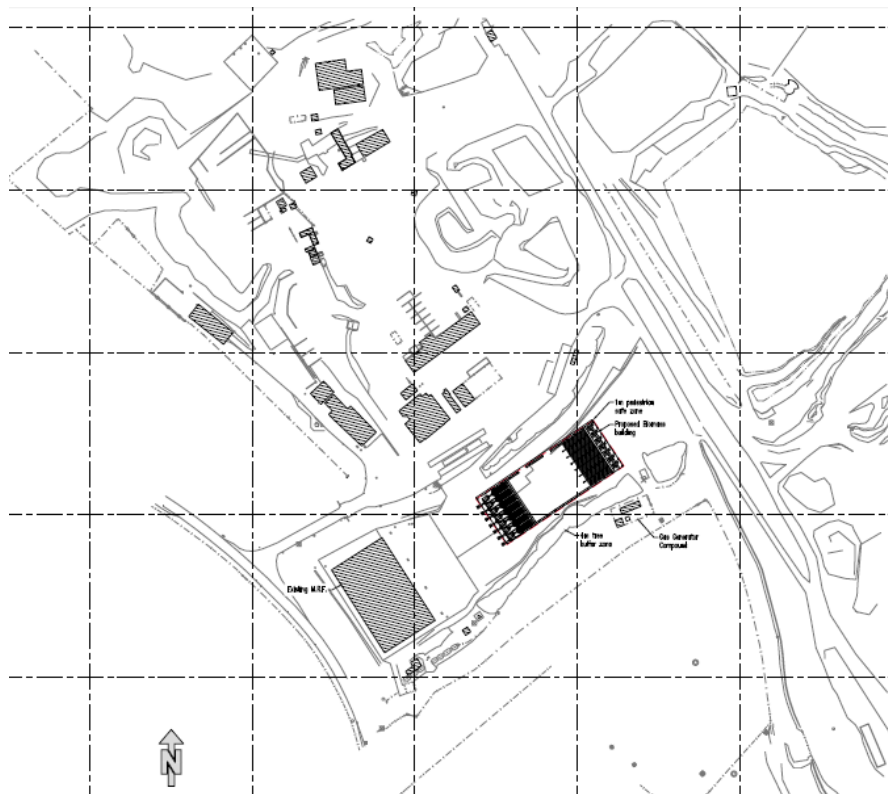
Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Officer Appraisal Report

Summary of Application

<u>Application Number:</u> 16/05501/MAW	<u>Parish:</u> Welshampton And Lyneal
<u>Proposal:</u> Proposed Construction of 7 x 995KW Biomass Plant	
<u>Site Address:</u> Wood Lane Quarry, Spunhill, Ellesmere, SY12 0HY	
<u>Applicant:</u> Tudor Griffiths Ltd	
<u>Case Officer:</u> Graham French	<u>email:</u> planningdmne@shropshire.gov.uk

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



REPORT

1.0 THE PROPOSAL

- 1.1 Planning permission is sought for the construction of a portal framed building (87 x 32 metres and 14.7 metres to the ridge) to house a biomass plant which would be used for the drying of timber reclaimed in connection with the applicant's recycling business. The current application follows the withdrawal in 2016 of a previous application (16/03239/MAW) for a Combined Heat and Power plant (CHP) following a change in the Government renewable heat subsidy regime which rendered the CHP plant unviable.
- 1.2 The need for suitable drying facilities remains the same and the applicant, Tudor Griffiths Ltd (TG), is now proposing to substitute the CHP plant for a series of smaller biomass boilers (7x995Kw). This has an additional benefit of a slight reduction in the overall footprint of the proposed building. As the boilers and fans would be accommodated in lean-tos at each end of the building it would also reduce the length of the building that would be at the full proposed height.
- 1.3 The plant would be fuelled by chipped and/or shredded virgin and/or Grade A (i.e. clean) timber compliant with PAS 111:2012. Heat from the boilers would be fed to perforated drying floors containing various timber products. This would reduce the moisture content of virgin and/or Grade A wood for use as fuel on or off site or as timber products. The material to be dried would include logs sourced from the Applicants own woodlands which would be sold through the Builders Merchants. The floor would also have the capability of drying crops such as cereal. All virgin timber would be sourced from sustainable renewable sources.
- 1.4 Timber to fuel the boilers would be housed in the biomass building. Approximately 9,000 tonnes would be required per annum. Imported timber would be dried to a moisture content of 20 - 25% (suitable for biofuel use) using heat from the biomass boilers. The facility requires far less maintenance than the originally proposed CHP engine. The applicant advises that there is a sufficient market for all products within the local area and high confidence that long-term contracts will be achievable.
- 1.5 Traffic: The company estimates that approximately 5,000 tonnes/annum of Grade A timber to fuel the boilers would be recovered from the existing incoming waste stream. An additional 4,000 tonnes would be required, equating to 250 incoming loads per year. A further 5,000 tonnes would be delivered annually, resulting in 200 importation movements and 150 export movements (given the reduced weight of dried loads). This would yield 600 extra movements per year which equates to approximately 12 per week or 2-3 per day. Other materials that may be brought to site, including cereals and logs for air drying, would result in small numbers of vehicle movements, potentially in the region of 65 – 70 loads per annum. The possibility exists to reducing traffic movements by exporting wood chip in the delivery vehicles

(‘backhauling’). The company would have an economic incentive to do this and it would also lead to environmental advantages.

- 1.6 Access would be via the existing improved site entrance to Wood Lane. This is capable of handling the proposed additional volumes of traffic proposed which are insignificant in terms of the overall traffic generated by other permitted activities at Wood Lane. There is sufficient space to allow waiting and manoeuvring away from the public highway.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 Wood Lane Quarry is located to the south of Ellesmere on the A528 Ellesmere to Whitchurch Road. The site comprises a sand and gravel quarry, a non-hazardous landfill site, a material recycling facility, associated infrastructure and offices and restored quarry areas which now comprise fishing lakes and a wildlife reserve. The proposed biomass building would be located at the centre of the site and adjacent to the Material Recycling Facility building which is of similar size.

- 2.4 Tudor Griffiths Group is a long standing, family run business and employs over 250 people at various sites within Shropshire, Cheshire, Worcestershire and North Wales. The Group’s main office is located at Wood Lane Quarry which is a main location for the Group’s aggregate production business. Other areas of the business include ready mixed concrete production, builders’ merchants and waste management, including materials recycling. The Group has also been responsible for the creation of the Wood Lane Wetland Nature Reserve in conjunction with the Shropshire Wildlife Trust.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals to extend Wood Lane Quarry have been referred to the Committee by the local member as the proposals raise complex issues and have attracted Parish Council objection.

4.0 COMMUNITY REPRESENTATIONS

Consultee Comments

- 4.1 Welshampton and Lyneal Parish Council – Objection on the following grounds. The full comments of the Parish Council are listed in Appendix 2:

- The Planning Statement and accompanying documentation do not contain an adequate detailed explanation of the submission.
- The applicants have abandoned that part of the plan to produce electricity, that is renewable energy, and focus on the drying part of the plan only.
- The annual tonnage required to fuel the plant is not substantiated. More clarity is required on vehicle movements. WLPC have major concerns that the public highway feeding the site is not adequately coping with

existing traffic and further additions will exacerbate the situation. The total traffic tonnage is questioned. There is no clarification on what the existing traffic levels are. The increase may include agricultural vehicles which present additional difficulties. A traffic statement should be provided.

- No details of ash management have been provided. This would equate to 450tpa for 9000 tonnes of biofuel and could be detrimental to the sensitive ecology of the surrounding area including RAMSAR sites.
- Is the intention to operate this 7 days a week, will this include Sunday working?
- Concern is expressed about atmospheric emissions from the plant.
- Drying wood by the application of heat is not benign but creates significant and numerous emissions of hazardous materials.
- The applicant should use readily available acoustic noise cancelling fans in its design in an attempt to mitigate the nuisance impact. No assessment of additional traffic noise from the proposals has been undertaken.
- The applicant should have notified the Parish Council in advance of the intention to submit this application, through the Local Community Liaison process.

4.2. Environment Agency (09/12/15) – No objection. The application site is within an area subject to an existing Environmental Permit issued by us. This permit covers the recovery of waste materials at the existing waste transfer station, including wood. We would regulate the ‘drying’ of waste wood in the facility. Therefore, a permit variation for the drying of waste wood in the proposed facility will be required. This requirement has been discussed with the applicant and we have no objection in principle based on the ability without prejudice to achieve this permit variation. We would not regulate the ‘burning’ of waste wood and on this basis make no comment on potential emissions to nearby sensitive receptors or designated sites. To help clarify, the burning of grade A wood, as defined by the British Standards Institution (BSI) Publicly Available Specification 111 (BSI PAS 111:2012), is excluded from chapter 4 of the Industrial Emissions Directive by article 42(2). On this basis, in light of the capacity of the proposed development to process grade A waste wood, the applicant will need to apply to you (Shropshire Council) about the applicability of a small waste incineration permit under the Environmental Permitting Regulations. We would not regulate this aspect so would make no comment on the related planning issues. We would recommend that you seek the views of your Public Protection team in relation to likely emissions and to join up with any Habitat Regulations Assessment considerations.

4.3 Natural England – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

- i. International sites – Mildands Meres and Mosses Phase 1 Ramsar, Midlands Meres and Mosses Phase 2 Ramsar and West Midlands Mosses Special Area of Conservation (SAC)

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the above designated sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we note that your authority has undertaken a Habitats Regulations Assessment (HRA) of the proposal. Based on the information within and the conditions and mitigation measures within Natural England would agree with your conclusions that Likely Significant Effects can be ruled out. Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Internal Comments

4.4i. Highways Development Control – No objection subject to the development being constructed in accordance with the approved details and informative notes. Further traffic information has been submitted by the applicant and published on the planning portal on 09.03.2017 in response to the highway concerns and questions raised in the Highway Advice Note dated 22.12.2016. The further traffic information was requested in a tabular format, but the information has been presented in a detailed descriptive manner in an attempt to clarify the earlier information. No further traffic figures have been given. In summary the two sets of traffic information within the Planning Statement and the more recent email appears to imply that:

- The fuel required to run the boilers will be sourced from the existing waste management operations on the site and does not require additional sourced material. Its use potentially reducing some the current exportation of the material once it has been processed on site.
- The primary product to be dried is wood chip. The quantity to be dried being 5,000 tonnes per year transported in 25 tonnes loads which equates to some 200 movements into the site and 200 movements out. This would equate to approximately 8 additional movements per week.
- No additional traffic movements being generated by the export of the dried material with this being removed from site in the empty lorries that delivered the wet wood chip.
- To increase the efficiency of the plant additional products to be dried will be seasonal quantities of cereals and logs produced on the applicant's estate and other local estates. The number of loads stated for this aspect of the process being 65 to 70 loads per year. The type of vehicle has not been specified but could be large modern tractor and trailers.

ii. In terms of additional traffic movements it would appear that it is the drying of the wood chip that will result in the main increase. Based on the submitted information this is anticipated to result in some 8 movements per week over a year, which can be balanced against the potential loss of movements of the processed grade A material no longer being exported from the site. Equating these anticipated movements against the existing traffic movements generated by the existing waste management operations on the site, it is considered that the traffic movements generated by the proposed

biomass plant is not likely to result in a material change in use of the site access to sustain a highway objection. If in assessing the submitted information, there has been a material misunderstanding and that other documentation becomes available, it is anticipated that this would be forwarded to enable a further highway review of the proposal.

- 4.5. Natural Environment (Ecology): – No objection. Conditions and informative notes are recommended. The footprint of the proposed development site boundary is of low ecological value. In order to enhance the site for biodiversity SLR have recommended additional native species tree planting and the installation of bird and bat boxes. A Habitat Regulations Appraisal is included (Appendix 3).
- 4.6 SC Regulatory Services (07/02/17): - No objection. Biomass boilers have the potential to impact on air quality which requires assessment where there are relevant receptors. It is noted that there are no nearby residential properties and therefore no relevant receptors from a Local Air Quality Management perspective. As a result I have no objection to the proposed development. It has been noted that the Environment Agency have placed comments in relation to the need for various permits to allow the proposed development to proceed. I would encourage the applicant to liaise with both the Environment Agency and Local Authority to seek opinions on the most appropriate way to move forward with any permit application process.
- 4.7 Councillor Brian Williams (Ellesmere) has been informed of the application and has referred the application to be determined by the Committee.

Public Comments

- 4.8 The application has been advertised in the press and by site notice and the nearest private properties have been individually notified. The application has attracted a representations from 2 individuals. These concerns are summarised below:
- The technical evidence presented by the parish council must lead to rejection in view of the significant pollution dangers to the sensitive SSSI's & RAMSAR sites and local people.
 - the company has never fulfilled their mandatory duties of consultation with the parish council
 - this area is already fully exploited, indeed the recent extension for sand extraction has lead to significant levels of noise, on many occasions outside permitted working hours
 - Shropshire Council should consider the noise aspect of this proposed project. Already the residents of Colemere are enduring a lot of "commercial" noise from the landfill site on Wood Lane. There has been added "noise" since the council has granted the extension of the quarry as work has now commenced. Granting such an application without the consideration of noise levels would make residents of Colemere feel like they live in an industrial estate rather than a sleepy village where people can enjoy the peace and quiet of the countryside.

Further investigations regarding noise levels should be carried out with this new application.

5.0 THE MAIN ISSUES

- i. Nature of the proposals;
- ii. Planning policy and guidance;
- iii. Development context and justification for the development;
- iv. Assessment of environmental effects (air quality / ecology, noise, dust, visual impact, traffic).

6.0 OFFICER APPRAISAL

6.1 Nature of the proposals:

6.1.1 The proposals involve the use of clean reclaimed wood and sustainably sourced virgin timber to generate heat from biomass boilers which is in turn used to dry timber and potentially also agricultural products. The timber can be dried to a point where its moisture content has been sufficiently reduced for it to be used as a biofuel or a product. 55% (5000 tonnes) of the biofuel required to run the boilers would be sourced from clean timber reclaimed from the company's existing waste management operation which will have already been imported to the site in connection with these existing operations.

6.1.2 The proposals will therefore use reclaimed and / or sustainably sourced timber to generate heat for drying. The dried chipped timber can in turn be used as a biofuel for export or on-site and to create other marketable dried products. As such, the proposals represent a form of low-carbon / renewable heat energy production which is well aligned with the existing business activities at the Wood Lane site.

Planning policies and guidance

6.2.1 Proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Shropshire comprised the Core Strategy and the SAMDev plan. The guidance contained in the National Planning Policy Framework and the associated practice guide on renewable and low carbon energy is also a material consideration.

6.2.2 The NPPF supports the provision of renewable and low carbon energy. Paragraph 97 states: 'To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'. Paragraph 98 states that 'when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise

- that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable.

The NPPF therefore provides clear support for renewable and low carbon energy schemes where impacts are or can be made acceptable.

- 6.2.3 Planning practice guidance accompanying the NPPF has been provided on Renewable and Low Carbon Energy. The guidance sets out a broad requirement that renewable energy developments should be acceptable for their proposed location. Local planning authorities are advised to ensure that they take into account the requirements of the technology and the potential impacts on the local environment, including from cumulative impacts. The current proposals would therefore benefit from the presumption in favour set out in NPPF paragraph 98 if it can be shown that there are no unacceptable impacts.

Local Policy

- 6.2.4 In terms of local planning policy Core Strategy Policy CS5 (Countryside and Green Belt) advises that in the open countryside 'new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt'. 'Development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits'. Whilst the site is in technically in the countryside it is well screened at the centre of the existing TG site at Wood Lane Quarry, so cannot be said to lead to any encroachment on open countryside or material deterioration in countryside character.
- 6.2.5 It is considered that Wood Lane Quarry is a potentially appropriate site for a development of this nature, given the positive interrelationship between the proposals and the existing business activities being carried out at the site. At the same time it is considered that the proposals have the potential to support countryside vitality by supporting profitability and employment at Wood Lane Quarry which is an important local employer.
- 6.2.7 Core strategy policy CS6 (Sustainable Design and Development Principles) aims to create sustainable places, ensuring the development is to a high quality using sustainable design principles which amongst other matters mitigates and adapts to climate change. Amongst other matters proposals likely to generate significant levels of traffic must be located in accessible locations and must to respond to the challenge of climate change. The proposals derive support from Core Strategy Policy CS8: Facilities, services and infrastructure provision and Policy CS13 (Economic Development, Enterprise and Employment). The natural and historic environment must be protected and conserved (in accordance with policy CS17) and natural resources must be safeguarded. Proposals must also contributes to the health and wellbeing of communities. There must also be sufficient capacity

and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8.

- 6.2.8 The proposals would generate low carbon heat energy and, as such, could be said to be inherently sustainable, having regard to NPPF paragraphs 97 and 98. The extent to which the development would give rise to effects on the local environment is considered in succeeding sections.
- 6.2.9 The site is not allocated in the SAMDev and is in an area identified as countryside. The plan acknowledges (in paragraph 3.74) that 'National Policy Guidance requires Shropshire to help deliver radical reductions in greenhouse gas emissions, through the delivery of renewable and low-carbon energy infrastructure'... 'The development of renewable energy generation infrastructure will make a vital contribution to meeting these targets (NPPF Paragraphs 17 and 97) and we must therefore encourage renewable technologies'. The proposed biomass plant would contribute towards the overall reduction in greenhouse gas emissions that are required within the Shropshire area.

6.3 Environment and amenity

- 6.3.1 The extent to which the current proposals are compliant with relevant environmental and amenity criteria is considered below:
- 6.3.2 Noise: An assessment of potential noise impact of the proposed scheme at existing residential premises within the vicinity of the site has been made following the guidance set out in BS4142 and the World Health Organisation guidelines. This indicates that there is not likely to be an adverse impact at residential dwellings in the vicinity of the site. Background sound levels are low in the vicinity so the report considers absolute levels to be more relevant than the margin by which the rating level exceeds the background. This takes account of the fact that the proposed boilers would operate on a 24/7 basis, within the proposed building.
- 6.3.3 Consideration of the absolute levels from the proposed scheme has demonstrated that these are likely to be well below the WHO guide values for sleep disturbance effects and thus would have little impact on residents using their bedrooms at night. Regulatory Services (Public Protection) have not objected to the proposals. There is no history of noise complaints at the site though one resident has referred to noise from the existing operations in responding to the current application. Conditions controlling noise have been recommended in Appendix 1. Subject to this it is considered that noise is capable of being controlled within acceptable limits.
- 6.3.4 Air Quality: Welshampton Parish Council has expressed concerns that the proposals could impact adversely on surrounding designated wildlife sites due mainly to emissions from the proposed boilers. The application is supported by an air quality assessment which considers the potential impact on air quality of the emissions from the proposed biomass boiler installation, through detailed atmospheric dispersion modelling. DEFRA information

indicates that the annual average background concentrations of all modelled pollutants are well below relevant air quality objectives in the vicinity of the site. The impact of boiler emissions from the proposed plant are greater than 1% of the Air Quality Objectives with respect to NO₂ and PM₁₀ at a number of receptor locations, and therefore are not 'insignificant'. However, the report advises that predicted emission levels fall below relevant air quality objectives for all pollutants considered at all relevant locations.

- 6.3.5 There are no predicted exceedences of any relevant air quality standards within the study area. Therefore, predicted environmental concentrations are considered 'insignificant' under relevant methodology for environmental permits. The report also advises that the predicted levels are based on 'worst case' assumptions and actual air quality associated with the operation of the site can be considered to be approximately 43% lower than the predicted worst case situation. As such, the report concludes that air quality is not a material constraint to the development.
- 6.3.6 The applicant has provided further information regarding air quality in response to queries raised by the Council's ecology section which has led to a delay in determining the application. The Ecology section is now satisfied that the applicant has demonstrated that the level of emissions would be below that at which issues might arise for surrounding ecological designations including SSSI's and the Colemere, Whitemere and Sweet Mere RAMSAR sites. This is documented in the Habitat Risk Appraisal which is included as appendix 3 to this report and has been forwarded to Natural England. On this basis the Council's ecology section and Natural England have withdrawn previous holding objections. It is therefore considered that the proposals can be accepted in relation to air quality.
- 6.3.7 Ecology: The application is supported by an Extended Phase 1 habitat survey to identify the potential significant impacts upon important ecological features including an aim to deliver a net gain for biodiversity as required by National and Local Planning Policies. The report involved liaison with Air Quality specialists to consider the potential for deposition of combusted materials and the potential for this to impacts on ecologically designated sites. The ecological survey and air quality assessment have not predicted any significant ecological impacts, either directly or indirectly, to designated sites and predicted no residual impacts to protected or notable species. As no significant ecological impacts are predicted, no specific mitigation or compensation is deemed to be required. Opportunities for enhancement have however been identified. As noted above, no adverse impacts on air quality are predicted and accordingly, SC Ecology and Natural England have withdrawn previous holding objections. The former has requested the inclusion of conditions to provide nesting/roosting opportunities for birds and bats and these are included in appendix 1. A habitat risk appraisal is included in appendix 3. (Core Strategy Policy CS17, SAMDev Policy MD12)
- 6.3.8 Traffic: Welshampton Parish Council has requested further clarity with respect to vehicle movements and the applicant's response can be summarised as follows:

- i. It is confirmed that the additional 4000 tonnes of sourced materials required for biofuel for the boilers will be from the existing waste management operations at Wood Lane. The Grade A timber is separated before being processed as a fuel for the boilers. This wood has been coming to site for years as part of the waste stream and has previously been separated, processed and sent off site by road. The Biomass plant would negate the requirement for this material to leave site, therefore providing a net gain to the traffic leaving the site.
 - ii. The process will be used primarily to produce wood chip for sale to the local market, this will be brought to Wood Lane as wet wood ready for chipping. It will then be dried on the drying floors before resale. The same lorries can potentially be used for import of wet wood and export of dry wood chip to customers. There will also be opportunities to dry wood logs which the company currently imports for sale in its builders merchants chain.
 - iii. The "Other materials that may be brought to site" refers to the drying of cereals and logs, both of these are likely to be seasonal and will be in such small quantities that they are unlikely to have an impact on the highway traffic. The applicant will be producing much of this material locally from their own Estate where possible. Where additional is required this will be sourced from other local Estates, many of which have now installed Biomass boilers for heating and hot water. Furthermore many local farmers have also installed biomass boilers for heating chicken sheds for example this will also provide a ready local market for the dried wood chip.
- 6.3.9 Highways Development Management have withdrawn a previous holding objection on the basis of this confirmation. The NPPF requires that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (Para 32). The current proposals in highway terms would give rise to a small increase (estimated at less than 2%) to the total traffic movements associated with the Wood Lane site. This level of traffic increase can easily be accommodated by the site's modern purpose build access and would not be 'severe' in the terms meant by NPPF32. Notwithstanding this, it is considered appropriate to impose a maximum tonnage restriction for the amount of timber used as biofuel so that the planning authority can confirm that tonnages and hence emissions and associated vehicle movements are in accordance with the submitted details.
- 6.3.10 Visual amenity: A Landscape and Visual Impact Assessment accompanies the application. This concludes that the scale and type of development is such that the magnitude is not intrusive or significantly high and thus the effects, do not constitute a significant level of effect in landscape terms. Visually, current screening (vegetation) is chiefly associated with the area around the operational yard and a tree buffer zone (c.4m) will be retained adjacent (south-east) of the proposed Biomass Building. The magnitude of change from the 5 identified viewpoints is either small or very small. The other main conclusions are:

- In terms of the viewing distance to potential receptors, there is a lack of public access apart from the minor road network;
- There is a relatively small area of potential visibility beyond Wood Lane Quarry;
- It will be located in an existing cluster of built form;
- It will not be visually intrusive. Furthermore, it may simplify existing visual components (e.g. by partially concealing the operational yard or by partially screening the existing MRF Building); and
- Due to the existing character of Wood Lane Quarry; the position of new infrastructure is less significant than it might be in an undisturbed landscape.

The assessment makes some recommendations for landscape proposals which would be in keeping with the current landscape character, including some new trees and strengthening of existing hedgerows, in order to mitigate views from the east. An appropriate landscaping condition has been recommended in appendix 1.

6.3.11 The officer notes from site inspection that whilst the biomass building is significant in scale it is similar to but smaller than the adjacent Material Recycling Facility (MRF) building and is provided with the same surface treatments / cladding. The building is in a location which is not widely visible. To the west it is screened by existing MRF building, itself screened by trees. To the south it is screened by the rising embankment of Wood Lane non-hazardous landfill site and by roadside vegetation. To the north it is screened by established trees and woodland. To the east it is located behind the former zone 3 mineral workings and is well separated from the class 3 road to Colemere which broadly defines the eastern boundary of the site. Localised views from Colemere are possible but are not considered intrusive at this distance and as seen in the context of the other buildings within the site.

6.4 Other issues

6.4.1 Retrospective application: The application is mainly retrospective as the building has now been constructed and trial operations have already taken place. This is regrettable and it has been made clear to the applicant that any construction has been entirely 'at risk' pending determination of this application. Construction in advance of permission cannot be condoned. It is however recognised that there has been a delay of a year in resolving ecological matters, during which time the Government has reduced the renewable heat incentive payment. Had the building not been constructed when it was this may have affected the financial viability of the scheme. Notwithstanding the retrospective nature of the application it is necessary to consider the proposals on their own merits having regard to relevant considerations including the national policy support for low carbon energy schemes.

- 6.4.2 Timber stocking: Timber is being stored in the yard area to the west of the building. This is possible as the yard area benefits from a general storage use. However, there is the potential for a more intensive storage operation to occur than would otherwise have been expected, given the interrelationship with the adjoining biomass building. There is a concern that any over-intensive timber storage in this area as a consequence of the current proposals could have potential implications both in terms of health and safety, internal traffic flows and fire risk, which are material planning considerations. It is therefore recommended that if members are minded to approve the applications a condition is imposed requiring the applicant to submit a scheme for approval which defines the limits of the storage area and the maximum sticking height. An appropriate condition has been included in appendix 1.
- 6.4.3 Waste management: The application is not for waste management development. None of the materials employed by the facility would be classed as waste. Once Grade A timber is reclaimed from the applicant's waste recycling operation it is no longer classed as a waste. Notwithstanding this, the ability to use reclaimed on site timber as biofuel in an on-site drying facility would incentivise maximum recovery of Grade A timber in accordance with the waste hierarchy principle set out in the National Waste Strategy. This also aligns with the Core Strategy Policy CS6 (sustainability) and Policy CS19 (waste management).

7. CONCLUSION

- 7.1 The proposals would allow the company to use reclaimed wood from their existing operations at Wood Lane as fuel to run biomass boilers. The resulting low carbon heat would be used to dry timber which can then be used as fuel or other marketable products. The facility could also be used to dry other materials. Low carbon energy schemes are supported by NPPF paragraphs 97 and 98.
- 7.2 Welshampton Parish Council has expressed a number of concerns with respect to the proposals, particularly with respect to air emissions / ecology and traffic. The applicant has submitted further information and these matters have been assessed in detail through the planning consultation process. There are no outstanding objections from statutory planning consultees.
- 7.3 It is considered that the proposals would not have any unacceptable environmental effects and that any residual impacts are significantly and demonstrably outweighed by the benefits of the proposals in terms of low carbon energy, employment and synergies with the applicant's existing business uses. The proposals can therefore be accepted in relation to relevant policies and guidance, subject to the recommended conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

- 8.2 Human Rights: Article 8 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.
- 8.4 Financial Implications: There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

9. BACKGROUND

Relevant Guidance and Planning Policies

9.1 National Planning Policy Framework:

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

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

98. When determining planning applications, local planning authorities should:

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

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.1.2 Relevant sections of the NPPF include:

- Achieving sustainable development
- Building a strong, competitive economy
- Supporting a prosperous rural economy
- Promoting sustainable transport
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment.

9.1.3 A technical companion guide to the NPPF includes guidance on renewable and low carbon energy. This has been taken into account in assessing the application.

9.2 The Development Plan

9.2.1 The Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt) – allowing for development on appropriate sites within the countryside that maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: required community uses and infrastructure which cannot be accommodated within settlements;
- Policy CS6 (Sustainable Design and Development Principles) – requiring designs of a high quality to respect and enhance local distinctiveness, mitigating and adapting to climate change
- Policy CS8 (Facilities, Services and Infrastructure Provision) – seeking the development of sustainable places by preserving and improving facilities and services; facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs in locations that are appropriate and accessible; positively encouraging infrastructure where this has no significant adverse impact on recognised environmental assets
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire’s environmental assets
- Policy CS18 (Sustainable Water Management) – to reduce flood risk; to avoid an adverse impact on water quality and quantity;
- Policy CS19 (Sustainable Waste Management).

9.2.2 SAMDev Plan - Relevant policies:

- MD2 – Sustainable Design
- MD7b– General Management of Development in the Countryside;
- MD12: The Natural Environment;
- MD13: The Historic Environment.

10. RELEVANT PLANNING HISTORY:

10.1

- NS/04/01201/MIN Retrospective application for landfill gas flare NOBJ 2nd December 2004
- NS/05/01455/MIN Erection of recycling and reprocessing building and formation of composting area NOOBJC 1st September 2005
- NS/08/00456/DEEM Proposed installation of an electricity generation plant fuelled by landfill gas NOOBJC 10th April 2008
- NS/08/01830/OHL Application under Section 73A of the Town and Country Planning Act 1990 to allow for consent under section 37 of the Electricity Act 1989 for the erection of an Over Head Line at Land At Wood Lane, Ellesmere NOBJ 14th November 2008
- 10/05561/EIA Variation of Condition No.4 (time restriction) attached to SC/MN1992/0843/NS to allow for the continued use for landfill operations until 2035 GRANT 1st July 2014
- 12/01951/MAW Erection of storage building for timber GRANT 9th August 2012
- SC/MN2004/1071/NS A retrospective application for landfill gas flare PERMIT 12th January 2005
- SC/MN1992/0843/NS Controlled landfilling with waste materials (Partially Retrospective) PERMIT 19th January 1995
- SC/MN1972/2948/NS Extension to sand & gravel workings PERMIT 16th September 1972

11. ADDITIONAL INFORMATION

List of Background Papers: Planning application reference 16/05501/MAW and the associated application form, planning statement, plans and supplementary reports as listed in condition 3 of Appendix 1 attached.
--

Cabinet Member (Portfolio Holder) Cllr M. Price

Local Member Cllr Brian Williams

Appendices:

Appendix 1 – Conditions

Appendix 2 – Comments of Welshampton and Lyneal Parish Council
--

Appendix 3 – Habitat Regulation Assessment (HRA) Screening Matrix

APPENDIX 1

Conditions

1. The development to which this planning permission relates shall be deemed to have commenced from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a) and to define and provide appropriate advance notice of the Commencement Dates for the development and for mineral extraction (1b, 1c).

DEFINITION OF THE PERMISSION

- 2a. This permission shall relate only to the area edged red on the approved location plan accompanying the application (Drawing no. 816-06-104) and the immediately adjoining yard area, hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme which comprises the following:
 - i. The application form dated 1st December 2016 and the accompanying Planning Statement and appendices.
 - ii. The submitted drawings, namely:
 - 816-06-100 – Proposed plans and elevations;
 - 816-06-102 – Proposed Site Plan;
 - 816-06-104 – Location Plan;
 - iii. The following further information:
 - Email from S.Lawrence dated 9th March 2017 (Highways);
 - Letter from SLR dated 2nd March 2017 (Air Quality);
 - Letter from SLR dated 23rd March 2017 (Air Quality);
 - Letter from SLR dated 16th August 2017 (Air Quality).

Reason: To define the Site and permission

3. Within 3 months of the date of this permission the applicant shall submit a scheme for approval which defines the limits of the external timber storage area in the yard adjoining the biomass building hereby approved and the maximum sticking height. Stocking of timber shall occur in accordance with the approved scheme.

Reason: To define the limits of the timber storage area associated with the building hereby approved in the interests of health and safety and fire safety.

4. The maximum amount of timber to be used as biofuel under the terms of this permission shall not exceed 9500 tonnes per calendar year. Records of timber tonnages used for biofuel shall be maintained and shall be provided to the Local Planning Authority in writing by 31st March of each full calendar year after the date of this permission.

Reason: To allow the Local Planning Authority to confirm that biofuel tonnages and hence emissions and vehicle movements are in accordance with the submitted details.

NOISE AND DUST

- 5a. All plant and machinery used within the Site shall incorporate silencers in accordance with the manufacturers' specification and those silencers shall be maintained in good condition in accordance with the manufacturers specification for maintenance.
- b. All moving plant and machinery which is required to be fitted with reversing alarms shall be fitted with attenuated or non-audible reversing alarms rather than reversing beepers.

Reason: To assist in safeguarding the amenities of the area from noise disturbance.

6. In the event that a complaint is received regarding noise or other operations attributable to the permitted development and is subsequently validated by the Local Planning Authority the Developer shall submit a mitigation scheme for the approval in writing of the Authority which shall provide for the taking of appropriate remedial action within an agreed timescale. The mitigation scheme shall be submitted within 10 working days from the day when the Developer is notified of the complaint and the scheme shall be implemented in accordance with the approved details.

Reason: To assist in safeguarding the amenities of the area from noise or other amenity impacts by implementing an agreed procedure for dealing with any complaints.

HOURS OF WORKING

7. The operation of the biomass boilers hereby approved shall be approved to take place on a continuous basis. However, operations shall be managed to avoid the need for external loading or circulation to take outside the hours of 06.00 – 19.00hours including weekdays, weekends and Bank Holidays.

Reason: To safeguard the amenities of the area.

8. No external chipping or cutting operations shall take place within the site unless a scheme detailing these operations the location and timing has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To safeguard the amenities of the area.

REMOVAL OF G.P.D.O. RIGHTS

9. Notwithstanding the provisions of Part 17a of the Town and Country Planning General Permitted Development Order (2015) or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected at the Site without prior planning permission from the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area.

ECOLOGY

10. A total of 10 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site within 3 months of the date of this permission.

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

11. A total of 10 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site be erected on the site within 3 months of the date of this permission. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

12. A lighting plan shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this permission.. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

13. A scheme of landscaping shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this permission. The scheme shall be in accordance with the measures recommended in the Landscape and Visual Impact from Bright Associates dated November 2016. The works shall be carried out as approved and shall include:
- i. Planting plans, including wildlife habitat and features (e.g. bird and bat boxes)

- ii. 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).
- iii. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- iv. Implementation timetables

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

Informative Notes

Ecology

- i. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- ii. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
- iii. *Where it is intended to create semi-natural habitats (e.g. hedgerow / tree / shrub / wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.*

Highways

- iv. *The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.*
- v. *Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*

vi. *This planning permission does not authorise the applicant to:*

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

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

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

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

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

APPENDIX 2

COMMENTS OF WELSHAMPTON AND LYNEAL PARISH COUNCIL

Welshampton & Lyneal Parish Council (WLPC) object to this application and request that permission is refused for the reasons outlined below:

Planning Statement

The Planning Statement and accompanying documentation do not contain an adequate detailed explanation of the submission. WLPC is unable to make a fully informed assessment and therefore object to the application.

The Planning Statement titled “PROPOSED CONSTRUCTION OF 7 X 995KW BIOMASS PLANT” explains that this application replaces the previous application 16/03239/MAW, for a 5MW combined heat and power plant which is now withdrawn. By way of explanation, the Statement gives detail that the original plan was to generate electricity as well as heat for a materials drying operation. The market has changed and electricity generation is no longer financially viable and so the applicants have abandoned that part of the plan to produce electricity, that is renewable energy, and focus on the drying part of the plan only. This is a KEY POINT which is referred to later in this letter of objection.

In section 3.0 “DESCRIPTION OF DEVELOPMENT” paragraph 2 states that “Approximately 9000 tonne/per annum of fuel is required to fuel the boilers...”. This is a major KEY POINT. The figure 9000 tonnes is not accompanied by any detailed information, boiler manufacturer’s specification, case study or any factual evidence that may give assurance that this is an accurate estimate. The figure 9000 tonnes is used as the baseline in all the accompanying studies: Ecology, Noise, Air Quality and Traffic Movements. Without a substantial clarification and technical validation of this number, WLPC cannot accept this as reasonable evidence. Further, in the previous application, now withdrawn, it was stated that the 5MW CHP which the applicant intended only to ever run at 4MW would require 12,000 tonnes of fuel. WLPC were able to verify this as reasonable by consulting the CHP manufacturer’s online documentation. The current application 7x995 KW is equal to 7MW (6.965) which represents an increase of 57% yet it is claimed it will use 4000 tonnes of fuel less. WLPC feel this requires detailed clarification. The current intended supplier, Linka, do not publish specifications online so WLPC has been unable to check this.

Section headed Traffic and Transport

Again, this starts with the estimated 9000 tonnes fuel figure which WLPC has challenged above. This is now broken down into 5000 tonnes from the waste stream and 4000 tonnes sourced which it is claimed will equate to 250 loads per year incoming. Again it is not at all clear where these figures come from? Is this 4000/250 which would equal 16 tonnes per load? Or 9000/250 which would equal 36 tonnes per load? While in the next paragraph another estimate is based on 25 tonnes per load. This ambiguous explanation is simply not acceptable to us as it cannot be used with any confidence as a basis for decisions. In paragraph 2 of the section, it is explained that additional product will be imported to be dried at the facility and then re-exported. Though not explained here, we understand the product referred to is grain. WLPC is concerned that the additional movements delivering this grain are not the applicant’s own vehicles but local agricultural tractor trailer units. If this is the case, is it the intention to have these local customers collect or will the developer deliver in its own vehicles? WLPC would like to know if this is the case as it has an impact on the local road networks, and noise, which WLPC would wish to consider and comment on. There is a further ambiguous statement that 12 loads per month or 2/3 loads per day will be generated from a total of 600 loads per annum. WLPC cannot evaluate this. Firstly, it's based on the 9000 tonnes figure WLPC have challenged. The working week on which the load

assumptions are based is not defined. While in the next paragraph, the applicant adds in a possible further 70 loads. This is completely inadequate information.

The next paragraph explains access to the site is adequate. WLPC have major concerns that the public highway feeding the site is not adequately coping with existing traffic and further additions will exacerbate the situation. We referred to our concerns that the increase may include agricultural vehicles which present additional difficulties. WLPC note the independent consultant's report reaches the same conclusion and recommends do not approve. The paragraph continues to state that: "It is anticipated that deliveries and exports will be random throughout the week." This is a major concern. If it is possible that the majority of deliveries / exports would fall on one day of the week that would create an extreme situation. The statement does not make it clear which days of the week? Is the intention to operate this 7 days a week, will this include Sunday working? Once again we have to say that we need much clarification before an appropriate decision can be made.

The planning statement contains no information relating to the quantity of output of main product that is dried biomass fuel going to market. WLPC have to assume that for this plan to have some purpose, the output must exceed the fuel input by some considerable factor. If, for example, output is ten times the input then some 90,000 tonnes of material will be produced. There is no reference to this volume which will have the most significant traffic impact by far. The developer must disclose their estimates and ambitions for this quantity before WLPC can consider the full impact.

The impact of the traffic generated is described as "insignificant" in terms of the overall traffic generated by other permitted activities at Wood Lane. WLPC have no way to make a judgement on this as we do not know what the existing traffic movement is. Therefore, in order to reach a decision WLPC would request the applicant provides details of the existing traffic movement. The National Planning Policy Framework 4.32 requires that developments that generate significant amounts of movement should be supported by a Traffic Statement or Traffic Plan. WLPC submit that the quantities of material to be moved in and out of this development are very significant and they are in addition to existing traffic, not simply to be considered in isolation. Also the daily management required to distribute this traffic evenly should be declared and be conditional on approval. As such it should be subject to the requirements of the NPPF and a plan should be prepared. Management of Ash Waste WLPC note with concern that there is no mention of a planned process to manage the ash, both bottom ash and fly ash which should be considered separately. Consultation indicates that the ash produced from the combustion of pelleted wood will vary but assumed to be in the region of 2% to 5% by weight.

Assuming the suggested figure of 9000 tonnes as a guideline this equates to up to 450 tonnes year on year of operation. WLPC would like to know what the plan is for the management and disposal of this material. Of particular concern is that this ash, which is a very fine particulate material, should not escape and become wind-blown as it is phosphate rich. Phosphates are to be considered an effective fertiliser and would have a detrimental on the sensitive ecological nature of the surrounding environment. The planning statement very ambiguously states that wood from the waste stream will be used as fuel and pelleted to become product. No indication is given of what this is or where it comes from. It is reasonable to question the potential risk that this waste may contain trees that have died from pathogenic infection, whether received by them in ignorance or not.

This bio hazardous material is strictly controlled by order. See link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/480103/LIT_7537.pdf

As a minimum, the applicant must be asked to make a risk assessment and plan and demonstrate they have appropriate skill to manage this risk.

Sustainable Energy Production Paragraph

WLPC have no idea why this paragraph is included in this planning statement. It is assumed this is an error and is a remnant left over from the previous planning application, now withdrawn. The clear intention from this statement is that no energy will be generated other than the heat used for the drying process. No electricity will be generated at all, this has been abandoned. What follows in this submission explains the value of sustainable energy generation. Which this plant does not do. The applicant should be requested to reformulate the Statement to more accurately reflect the true nature of its plans.

Concerns re the Ecological and Air Quality reports

As WLPC has stated throughout, we find this application is inadequate, in error and potentially misleading. The lack of specific detail means we cannot accurately appraise the reports on Ecology and Air Quality. However, we do have serious concerns about the methodology adopted for both and will raise them here. These reports both use a standard model with baselines that assume the emissions from this plant are into an atmosphere that complies with their standard model. This is absolutely NOT the case. This plant is intended for the sole purpose of drying materials, the majority of which is wood. The atmosphere into which the combustion emissions are vented, will be extremely high in humidity created by the drying process emissions vented to atmosphere in immediate proximity to the boilers' chimneys. This in turn will mean that, unlike a normal atmospheric model, the combustion emission will immediately hydrate and form airborne aerosols. This will include, though not exclusively, carbonic acid, sulphuric acid and nitric acid. All of the aforementioned acids are heavier than air and will precipitate out on the surrounding environment, carried on prevailing winds primarily on northeast to northwest vectors directly over sites of Special Scientific Interest, RAMSAR wetlands, neighbouring farmlands and local neighbouring residences. Without the specific details, which WLPC has requested elsewhere in this letter, it is not possible to quantify these effects but by way of illustration WLPC outlines below a scenario based on some assumptions, as identified below. This scenario uses a conversion factor provided by DEFRA in their CO₂ reporting obligations 2012. For Biomass wood chip the factor is 183.93 Kg of CO₂ equivalent Green House Gas is produced per tonne of material. (1 Metric tonne = 1000 Kg.)

The proposed plant, based on the information released, may consume around 9000 tonnes of fuel. For the sake of this explanation, let's assume that's 10,000 tonnes of wood pellets. The annual CO₂e output will therefore be circa 1840 tonnes of CO₂. Now this may seem a lot but it is a fact that Biomass wood fuel produces much more CO₂ than natural gas because gas is a hydrogen rich fuel, wood is not. Though wood is considered renewable, currently the planet harvests more wood than it plants. This makes various carbon neutral claims challengeable. This fuel is to be used to dry pelleted / chipped wood and other products such as grain. WLPC has no reliable information about how much material is to be dried, and how much moisture is to be dried out. So again some assumptions need to be made. For the proposed development to be worthwhile, the produced material must exceed the fuel consumed by a significant degree. WLPC have assumed a factor of x10.

As for the moisture content, WLPC are assuming there is a need to reduce this by at least 20% by weight. We conclude this by extrapolating from something said in the statement (drying reduced the weight by 25%) and, drying less moisture than this would probably not be worth this effort. So assuming approx. 100,000 tonnes of product releasing around 20% by weight of water vapour = 20,000 tonnes of water vapour per annum. Accepting that these are estimates the scale of the emissions this can be seen to justify the following conclusion. At this plant it is intended to release by emission to the atmosphere something in the region of: 1500 to 2000 tonnes of CO₂e per annum, alongside something like 15,000 to 20,000 tonnes of water vapour (see below).

To repeat our assertions made above. Carbon dioxide and water vapour have a strong affinity for each other. They will readily combine to form Carbonic Acid (H₂CO₃). This forms

as a heavier than air aerosol which will precipitate out creating a fallout shadow. Driven by prevailing winds, mainly to the northwest to north east of the plant, Carbonic Acid is known to be impactful on bodies of water in particular. It has the potential to alter pH and affect soil and therefore growing conditions. The report identified NO_x and SO_x will be produced. These will hydrate readily also producing nitric and sulphuric acid respectively. These are the main constituents of ACID RAIN whose impact on flora and fauna are widely understood. The above illustration is intended to raise concern, to explain why it is important to review this application carefully and in the light of full disclosure of the missing details WLPC have outlined.

Drying of Wood: Ecological Impact

This is an extremely important issue. It is assumed in the applicant's submission that the drying of wood is benign, simply driving moisture from the material to dry it by the application of heat. This is absolutely NOT the case. Drying wood by the application of heat creates significant and numerous emissions of hazardous materials. This topic has not been addressed at all in this submission. The subject is complex. Factors affecting emissions include, though not exclusively, the nature of the wood itself, that is where it was grown, hard woods, soft woods, moisture content. The amount of heat used to dry the wood. At temperatures above 100 degrees centigrade emissions of Volatile Organic Compounds (VOC's) increase significantly. These emissions include Terpenes, Formaldehyde, Methanol, Acetaldehyde, trace elements and various particulate matter. Consider the above assumed illustration, 20,000 tonnes of evaporate, per year, every year with the above contaminants dissolved within it in quantity. The potential impact of which is as yet un-assessed. (Note WLPC have consulted various scholarly articles on this matter, links to them are below for reference) WLPC consider that to proceed with this application, without making serious research and study of the above and its potential impact on the ecology of this most important and sensitive environment would be irresponsible in the extreme.

Further, we would ask that the recently proposed Shropshire Council Scheme "Shropshire Great Outdoors" relating to the enjoyment of its public open spaces be taken into material consideration when reviewing the application. In this proposed scheme, the public are encouraged to contribute financially to be able to continue to enjoy specific benefits attached to public open space and country parks. "Clean Air" and "Tranquil Nature" are features highlighted on www.shropshiresgreatoutdoors.co.uk. It is plainly obvious that Colemere Countryside Heritage Site is immediately threatened by this planning application. Shropshire Council itself must consider the threat posed to the recent public offer they have made.

Report on Noise.

As may be appreciated, WLPC's response to this application has taken significant effort to produce and at this time we have not been able to fully assess the report on noise. WLPC would observe however that as good practice, and good neighbour policy the applicant should be encouraged to:

- 1) Engage in consultation with those immediately affected.
- 2) Be encouraged to use readily available acoustic noise cancelling fans in its design in an attempt to mitigate the nuisance impact.

WLPC are concerned that the pelleting/shredding of the wood materials, an inherently noisy process has not been included in the assessment and we feel it should be. WLPC are concerned that the noise assessment does not appear to include the traffic arising from the export from site of the dried wood product. Estimated/assumed awaiting details at 100,000 tonnes.

WLPC are concerned that the report assumes regular transport vehicles only will be used in servicing this plant. WLPC have queried above whether agricultural tractor trailer units will be used to service the proposed grain drying operation as the noise emissions from these are much higher. WLPC ask for this to be investigated.

Other concerns

Research such as this should also be considered in determining this application:

<http://www.explosionhazards.co.uk/the-state-of-dust-explosion-prevention-in-the-biomass-industry/>

CONCLUSION

Welshampton and Lyneal Parish Council acknowledge the economic importance and Contribution made by local business. We welcome growth and success and are supportive of sustainable well planned and managed development as our record shows. WLPC would also point out in this case that the applicant is subject to a Section 106 duty to consult with the Parish Council, via a Liaison Committee, which they have completely failed to do. Had they taken advantage of the opportunity, WLPC might have saved much time and resource. WLPC would encourage them to do so in future and welcome opportunities to work in partnership towards sustainable outcomes.



APPENDIX 3

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

16/05501/MAW
Wood Lane Quarry
Wood Lane
Ellesmere
Shropshire
SY12 0HY
Erection of 7 x 995 kW Biomass Plant

Date of completion for the HRA screening matrix:

29th June 2017

HRA screening matrix completed by:

Nicola Stone
Shropshire Council Planning Ecologist
Nicola.stone@Shropshire.gov.uk

Table 1: Details of project or plan

Name of plan or project	16/05501/MAW Wood Lane Quarry Wood Lane Ellesmere Shropshire SY12 0HY Erection of 7 x 995 kW Biomass Plant
Name and description of Natura 2000 site	Cole Mere Cole Mere Midland Meres and Mosses Ramsar Phase 2 is one of the largest of the Shropshire meres, with an almost complete fringe of woodland. There is a comparatively rich flora of aquatic macrophytes and the aquatic invertebrate fauna of Cole Mere is particularly diverse. It is included in the Ramsar Phase for its Open water, Wet pasture and Carr habitats with the plant species <i>Carex elongata</i> <ul style="list-style-type: none"> White Mere White Mere Midland Meres and Mosses Ramsar Phase 1 (31.97ha) is one of the richest of the North Shropshire meres for aquatic plants. It is included within the Ramsar Phase for its open water and carr habitats with the plant species <i>Carex elongata</i> and <i>Eleocharis acicularis</i>
Description of the plan or project	Erection of 7 x 995 kW Biomass Plant.
Is the project or plan directly connected	No

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

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

- Ecological Assessment conducted by SLR global environmental solutions (July 2016)
- Proposed Combined Heat and Power Plant Air Quality Assessment conducted by SLR global environmental solutions (July 2016)
- Stuart Lawrence email dated 9th March 2017 to address Highways concerns for the proposed development.
- Response from SLR to Natural England Ref: 403.03441.00006 dated 23rd March 2017
- Natural England's comments dated 28th March 2017
- SC Highways formal comments dated 6th April 2017

Shropshire Council has assessed the SLR emissions report (July 2016) and from it has drawn the following conclusions:

Long Term Effects: Risk based screening criteria have been applied to the nature conservation sites dependent on their level of legal protection.

- X is a standard screening distance from the application;
- Y is the long term process contribution calculated (PC) as a percentage of the relevant critical level or critical load;
- Z is the long term predicted environmental concentration (PEC) calculated as a percentage of the relevant critical level.

Screening Criteria	European Sites	SSSI	NNR, LWS, AW
X (km)	10	2	2
Y (% threshold)	1	1	100
Z (% threshold)	70	70	Not applicable

Assessment Stage 1: If the process contribution is < Y% of the critical level and load then the long term emissions from the application are not significant.

SLR Predicted Nitrogen Oxide Critical Level Impacts on Sensitive Ecosystems (Annual Mean)

Ecological Receptor	Designated Site	The long term process contribution calculated (PC) as a percentage of the relevant critical level
ER1	Newton Mere LWS	0.94
ER2	Blakemere, Kettlemere & SU Canal LWS	1.56
ER3	Near Shropshire Union Canal, Colemere LWS	1.78

ER4	SW Clarepool Moss LWS	0.80
ER5	SW Corner of White Mere LWS	1.80
ER6	Woodland Near Colemere LWS	4.24
ER7	Croise Mere Non SSSI LWS	0.84
ER8	Baysil Wood Fen LWS	3.49
ER9	Wood lane Reserve LWS	26.2
ER10	Black Coppice Mire LWS	1.19
ER11	Lee/Yarnest Woods AW	1.77
ER12	White Mere SSSI	2.13
ER13	Clarepool Moss SSSI	0.83
ER14	Cole Mere SSSI	1.99
ER15	Sweat Mere and Croise Mere SSSI	0.70
ER16	Midlands Meres and Mosses – Phase 1	2.13
ER17	Midlands Mere and Mosses – Phase 2	1.99
ER18	West Midlands Mosses SAC	0.83
ER19	Cole mere Ramsar	2.28

The long term process contribution calculated as a percentage of the relevant critical level screens out below the Environment Agency's threshold for ER1 – ER11, ER13, ER15 and ER18. The long term emissions from the application are not significant for these sites and no further assessment is required.

Assessment Stage 2; If the process contribution is >Y% of the critical level and/or load then we must now consider the relevant predicted environmental concentration (PEC) at the European site(s) and/or SSSI(s):

☑ PEC = PC + background (PEC is not considered at NNR, LNR, LWS or ancient woodland as Y% = 100% critical level or load).

If the predicted environmental concentration (PEC) is <Z% of the critical level and load then conclude 'no likely significant effect' (alone and in combination)

Ecological Receptor	Designated Site	The long term predicted environmental concentration (PEC) calculated as a percentage of the relevant critical level
ER12	White Mere SSSI	15.8
ER14	Cole Mere SSSI	15.7
ER16	Midlands Meres and Mosses – Phase 1	15.8
ER17	Midlands Mere and Mosses – Phase 2	15.7
ER19	Cole mere Ramsar	15.8

A detailed assessment is not required as the SLR (2016) modelling predicts that Process Contribution (PC) >Y% but the Predicted Environmental Contribution (PEC) <Z% of the long term critical levels and/or loads for Ecological Receptors ER12, ER14, ER16, ER17 and ER19.

Short Term Effects: Consideration must be given to the short-term effects of pollutants on nature conservation sites. Short-term critical levels must be assessed for NO_x. There are no short-term critical loads. Detailed assessment and modelling at nature conservation sites is required where the

output predicts that the PC >10% critical level for European and SSSI sites. For NNR, LNR, LWS and ancient woodland the threshold is 100% of the critical level.

SLR Predicted Nitrogen Oxide Critical Level Impacts on Sensitive Ecosystems (Daily Mean)

Ecological Receptor	Designated Site	The short term process contribution calculated (PC) as a percentage of the relevant critical level
ER1	Newton Mere LWS	3.86
ER2	Blakemere, Kettlemere & SU Canal LWS	6.10
ER3	Near Shropshire Union Canal, Colemere LWS	8.52
ER4	SW Clarepool Moss LWS	3.39
ER5	SW Corner of White Mere LWS	10.5
ER6	Woodland Near Colemere LWS	11.6
ER7	Crose Mere Non SSSI LWS	5.65
ER8	Baysil Wood Fen LWS	12.5
ER9	Wood lane Reserve LWS	55.4
ER10	Black Coppice Mire LWS	4.59
ER11	Lee/Yarnest Woods AW	14.2
ER12	White Mere SSSI	14.4
ER13	Clarepool Moss SSSI	3.32
ER14	Cole Mere SSSI	7.10
ER15	Sweat Mere and Crose Mere SSSI	4.78
ER16	Midlands Meres and Mosses – Phase 1	14.4
ER17	Midlands Mere and Mosses – Phase 2	7.10
ER18	West Midlands Mosses SAC	3.32
ER19	Cole mere Ramsar	8.05

Based on the information above the short term process contribution calculated (PC) as a percentage of the relevant critical level is over the threshold that is normally considered acceptable by the Environment Agency at sites ER12 and ER16. The SLR report note that the PC is greater than 10% on an area of 32,943m² compared to the total area of the designation of 320,603m², representing 10.3% of the entire SSSI (ER12) and Ramsar (ER16). Due to the biomass boilers operating for 5,000 hours a year (and not 24/7) this has been taken into account when assessing the long term impact from the development. However, short term (24 hour mean NO_x), modelled impacts remain relevant as these outputs could occur within the projected 5000 hours typical operation. The detailed assessment must ensure that the application will not:

- result in an 'adverse effect' on the integrity of a European site (ER16);
- be an operation likely to damage (OLD) a SSSI (ER12);

Screening Criteria	European Sites	SSSI
Y (% threshold)	1	1
Z (%threshold)	70	70

In accordance with the EA operational Instructions 67_12, 'if the PC background (i.e. PEC) is less than 100% of the appropriate environmental criteria, it can be assumed that there will be no adverse effect.

Therefore whilst the Process Contribution (PC) from the site is above the 10% threshold stated within EA Operational Instruction 66_12 for the daily mean oxides of nitrogen (NOx) Critical Level (CLE), as the Predicted Environmental Concentration (PEC) is less than 100% of the CLE it can be concluded that there will be no adverse effect on the European (Ramsar) or SSSI designations. I note that the maximum PEC is less than 35% of the daily mean CLE so there is a large amount of headroom between PECs as an absolute concentration and the CLE (70%).

The judgement of whether a conclusion of no adverse effect on integrity can be reached for a permission should be made either 'alone or in combination with other plans and projects'. Both the alone and in-combination assessment should be made in the context of the prevailing environmental influences on the site. An application must be assessed in-combination with existing permitted installations. SC Ecology is not aware of any proposals which should be included in an in-combination assessment.

Based on the Air Quality Assessment report, conducted by SLR global environmental solutions July 2016, SC Ecology is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the designated sites have been notified.

Vehicle Movements: SLR conclude that - an agreement was reached previously for Tudor Griffiths Limited to upgrade wheel wash facilities at the site to address this and a trial of a new system is currently underway. As part of the recently determined 'Zone 4' application, it has also been agreed to install two additional interceptors to gulley drainage systems between the main site entrance and White Mere SSSI. It should also be noted that vehicle movements associated with the Biomass Plant would not be entering the mineral extraction or landfill areas of the Wood Lane site, and it is therefore considered unlikely that vehicles associated with the proposal would generate additional dust/sediments on the A528 alongside White Mere SSSI to any extent that could result in adverse effects upon the SSSI or require any further mitigation measures.

SC Highways conclude that: In terms of additional traffic movements it would appear that it is the drying of the wood chip that will result in the main increase. Based on the submitted information this is anticipated to result in some 8 movements per week over a year, which can be balanced against the potential loss of movements of the processed grade A material no longer being exported from the site. Equating these anticipated movements against the existing traffic movements generated by the existing waste management operations on the site, it is considered that the traffic movements generated by the proposed biomass plant is not likely to result in a material change in use of the site access to sustain a highway objection. In order to ensure that drainage arrangements are provided which ensure that surface water from the driveway and or vehicular turning area does not discharge on the public highway – or impact on designated sites, the following condition should be on a planning decision notice;

1. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or

- implemented and where ecological enhancements (e.g. to ensure drainage from the site does not impact designated sites) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) Requirements and proposals for any site lighting required during the construction phase;
 - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
 - e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
 - f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
 - vi) Provision of training and information about the importance of ‘Wildlife Protection Zones’ to all construction personnel on site.
 - g) Pollution prevention measures: All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

Conclusion: Shropshire Council has not identified any potential effect pathway by which the proposed works might impact upon the European Designated Site at Cole Mere and White Mere Ramsar.

The Significance test

There is no likely significant effect on European Designated Sites; Cole Mere and White Mere, from the proposed works under planning application 16/03239/MAW.

The Integrity test

There is no likely effect on the integrity of the European Designated Site at Cole Mere and White Mere from the proposed works under planning application 16/03239/MAW.

Conclusions

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

Natural England must be consulted on this HRA prior to a planning decision being granted.

This page is intentionally left blank



Committee and Date
 North Planning Committee
 12th December 2017

Item
6
 Public

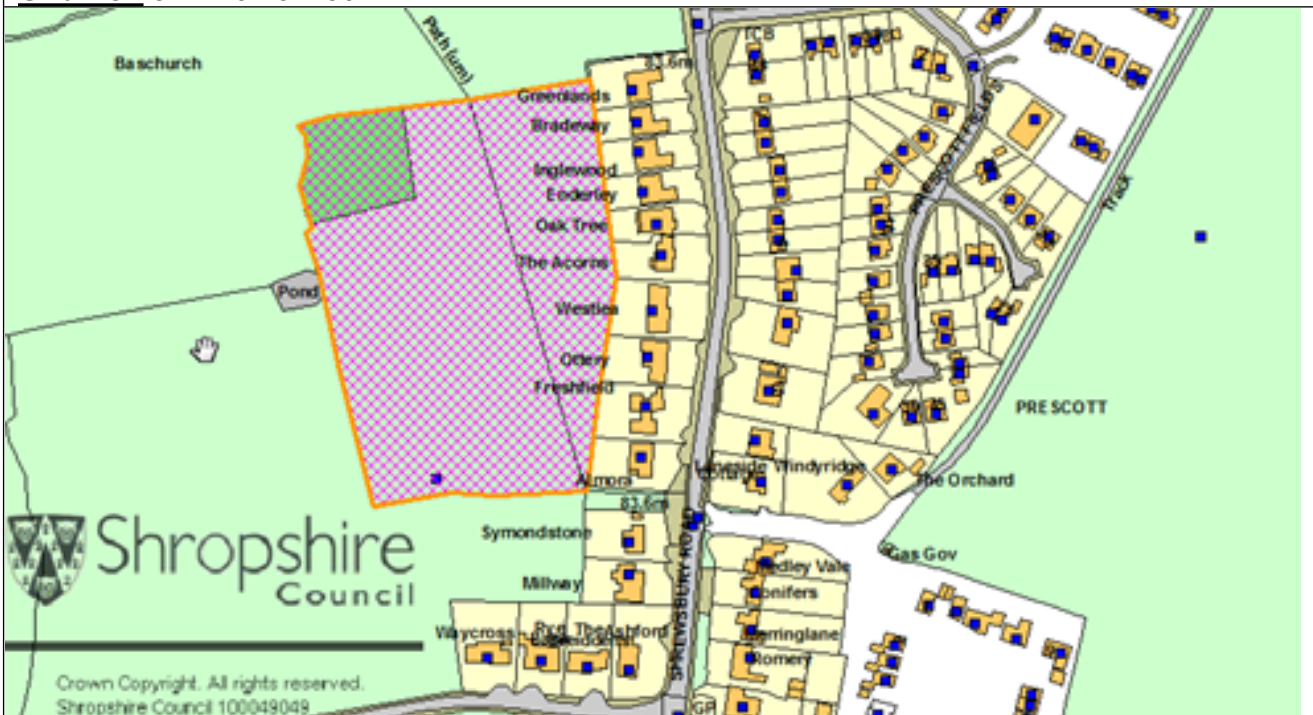
Development Management Report

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

Summary of Application

<u>Application Number:</u> 17/02954/REM	<u>Parish:</u>	Baschurch
<u>Proposal:</u> Approval of reserved matters (layout, scale, appearance and landscaping) pursuant to 14/01123/OUT for the erection of 34 dwellings and public open space (amended description)		
<u>Site Address:</u> North Of Milford Road Baschurch Shropshire		
<u>Applicant:</u> Mrs Emma MacDonald		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 342476 - 321364



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 This application is for the approval of reserved matters (layout, scale, appearance and landscaping) pursuant to 14/01123/OUT for the erection of 34 dwellings and the provision of public open space. The scheme when first submitted was for 36 and was then amended to 37 but this final amendment is for 34 dwellings including 5 three bedroom affordable homes.

1.2 The proposal includes a mix of housing types and sizes including 3 three bedroom bungalows, 6 three bedroom terraced, 4 three bedroom semi-detached and 2 three bedroom, 17 four bedroom and 2 five bedroom detached two storey houses.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is part of an agricultural field on the West side of the village of Baschurch. The site is situated behind a row of houses and bungalows that face Shrewsbury Road which runs through the centre of the village. There is an existing access to the site off Shrewsbury Road that will serve the development and there is a footpath which runs across the site known as 'The Coffin Path'.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 At the North planning committee when the outline application was approved members requested that the application for Reserved Matters be brought back to the planning committee for determination.

4.0 Community Representations**4.1 - Consultee Comments**

4.1.1 **SC Drainage:** Has confirmed that the proposed surface water drainage strategy and FRA is acceptable but that Highways should provide comments on the highway gully spacing which seems close.

4.1.2 **SC Highways:** No Objection ' subject to the development being carried out in accordance with the approved details and the suggested informative notes.

Observations/Comments:

No details have been provided for the area of the development identified for the Doctor's Surgery and car parking which is to take access from Milford Road and the residential layout is, therefore, currently being considered in isolation. It is considered that the layout of the Doctor's Surgery and car parking needs to be carefully designed to ensure that the residential access road does not provide a more convenient parking solution than the proposed formal car park.

It is noted that conditions 6 and 8 of 14/01123/OUT require full engineering details of the means of access and full details of the design and construction of any new roads and footways as part of the first application for reserved matters. This has resulted in a number of technical/engineering and design drawings being submitted as part of this reserved matters application.

In order to satisfy the adoption requirements of the Highway Authority, the submitted details need to be technically approved to enable the completion of an adoption agreement under Section 38 of the Highways Act 1980. At present this process has not been completed and the drawings, which would be the subject of the discharge of the above (and any other relevant) conditions, cannot be confirmed as approved.

It is considered that upon completion of the technical approval process that the application for the discharge of the relevant conditions should be resubmitted on the basis of the technically approved drawings. This will enable the planning conditions to be partially discharged, with the full discharge of conditions being confirmed upon completion of the relevant construction works under the terms of the Section 38 agreement.

It should be noted that the latest Proposed Site Layout (Drawing No. 2168/03 Revision D) does not appear to be capable of being produced to the scale indicated for detailed assessment. The revised Section 38 Legal Plan (Drawing No. ENG-151 Revision P6) has, therefore, been used to assess the layout which is now considered to be acceptable.

- 4.1.3 **SC Rights of Way:** No objection subject to an informative advising the developer of the criteria that they should adhere to.

Observations/Comments:

In accordance with DEFRA's Rights of Way Circular 1/09 the Council try to avoid the use of estate roads wherever possible for the alignment of Public Rights of Way and preference is normally given to the use of made up routes through landscaped or open space areas away from vehicular traffic.

However, in this instance Officers are aware of the restrictions placed on the developers for this site and also that the Parish Council wish for the footpath to run on its current Definitive line.

- 4.1.4 **SC Parks and Recreation:** (comments on the original scheme for 36 homes)

Based on the current design guidance the development will deliver 128 bedrooms and therefore should provide a minimum 3840m² of usable public open space as part of the site design. The design will actually provide 4538 m² which we acknowledge as being suitable for the area.

For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the

provision.

4.1.5 **SC Trees:** (comments on the original scheme for 36 homes)

I would raise concerns about the proximity of some of the plots to existing trees. In particular in respect of plots 24 & 25 and tree T23 and the area of woodland in the north west corner of the site. (Tree numbers taken from the AIA not the site/landscape plan). The juxtaposition between trees and dwellings and associated amenity space is an important consideration because:

- (i) of the potential damage that a tree may cause to buildings, particularly on clay soils, unless precautions are taken in the design of foundations, and
- (ii) incoming occupiers of properties will want trees to be in harmony with their surroundings without casting excessive shade or otherwise unreasonably interfering with their prospects of reasonably enjoying their property leading inevitably to requests for consents to fell.

Advice given in BS 5837 which notes:

'A realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance for space for their future growth and maintenance requirements.'

and advises that the following factors are given consideration:

- Shading
- Privacy and Screening
- Direct Damage
- Future Pressure for Removal
- Seasonal Nuisance

The crown of T23, a category A oak tree extends across a significant portion of the garden area of plot 24 and extends to the north elevation of the detached garage. As a result the rear garden will be shaded and impacted by the overhanging crown and this will have a negative impact on residential amenity.

The dwelling on plot 25 is adjacent to an area of woodland. This woodland has significant value in terms of its contribution to the local landscape, character and amenity of the area as well as providing an important habitat resource. The proximity to the woodland of plot 25 will result in significant shade, seasonal nuisance and encroachment and will impact on the residential amenity of the property.

The above relationship between the dwellings on these plots and the trees and woodland, could lead to a situation where there will be requests to fell or inappropriately prune trees.

The structure of the landscaping plan is well thought out with an acceptable provision of large species trees situated in sustainable locations on public open space, complementing the existing retained trees.

Providing the site layout is amended to address the proximity concerns I would

have no further objection to this scheme, subject to a tree protection condition being attached to any grant of planning permission.

- 4.1.6 **SC Ecology:** No comments to make on this reserved matters application and looks forward to receiving information in relation to the discharge of conditions application.
- 4.1.7 **SC Regulatory Services:** No objection in principal
- 4.1.8 **SC Affordable Housing:** The application shows the correct number of on site affordable dwellings.
- 4.1.9 **SC Learning and Skills:** Shropshire Council Learning and Skills reports that the local primary school is currently close to capacity and this development may cause some capacity pressures. It is therefore essential that the developers of this and any other new housing in the area contribute towards the consequential cost of any additional places/facilities considered necessary at the school. It is recommended that any resulting capacity pressures from this development are addressed by use of the CIL tariff.
- 4.2 - **Public Comments**
- 4.2.1 **Baschurch PC:** The Parish Council have not yet commented on the latest revised plan for 34 received 13 November but on the proposal for 37 homes provided the following comments:

03.10.2017: Baschurch Parish Council continues to support the development of this site in principle and adds further comments following consultation.

Scale of development:

Baschurch Parish Council notes the applicant's comments that SAM Dev was not intended to be a maximum. The number of dwellings has now increased to 37 and, as advised by the officer, this is likely to be seen as acceptable and in accordance with the adopted plan. Baschurch Parish Council would still have preferred the number of dwellings be kept at 30, so we do not alter our stance on this point.

However, it is noted that the application now includes three bungalows. This is welcomed, but a larger number of bungalows would have been more appealing. Should the applicant revisit this decision and increase the number of bungalows, it would gain the support of Baschurch Parish Council and our view is that these properties would be extremely marketable.

The applicant states that the additional dwelling is to balance the number of bed spaces with the original application. Our figures indicate that the bed spaces have actually increased to 133 (the bungalows have been stated as two bedrooms, whereas the Elevations and Floor Plans for the Minsterley dwellings clearly shows three bedrooms). It should be noted that this error also affects the calculation for public open space. Whilst this still accords with guidelines, it should be noted that any further revisions to the plans could alter that.

It is also noted that the revised layout provides for a greater distance between existing and new dwellings and that is supported by Baschurch Parish Council.

The Coffin Path:

It is noted that the revised application leaves the Coffin Path in the position stated on rights of way maps and we are grateful for this.

Baschurch Parish Council still asks for the following point to be considered -

When considering the likely traffic generated from the proposed new medical practice, it would be helpful if the junction with Shrewsbury Road and Dyers Lane be changed to a raised mini roundabout. This would remove the priority for traffic using Shrewsbury Road and would assist with slowing the traffic generally along this route. With the two developments either side of Shrewsbury Road having access points almost facing each other, a mini roundabout would assist with access and egress from all directions.

The PC provided the following comments in relation to the initial submission for 36:

08.08.2017: Baschurch Parish Council supports development of this site in principle, but objects to the reserved matters application as currently submitted.

The main reasons for objection are:

The application is for 36 dwellings, which is 20% more than agreed at reserved matters stage and is contrary to SAMDev, which is the current agreed and adopted plan. There is no material justification for a 20% increase in the number of dwellings agreed.

It was clearly stipulated in the SAMDev plan that the Coffin Path is a historically significant footpath within the Parish and it was made very clear that any diversion was completely unacceptable. The position of Baschurch Parish Council remains unchanged and we cannot support the significant diversion proposed.

In comments submitted by Baschurch Parish Council at reserved matters stage, it was requested that consideration be given to building bungalows to the rear of existing dwellings on Shrewsbury Road. This request has not been incorporated in the current design. The developer should note that bungalows achieve a premium price within the Parish due to the shortage of supply of this type of dwelling and we again request that consideration be given to incorporating this type of dwelling in the development.

Should officers be minded to approve this application, Baschurch Parish Council would like the following points noted and considered:

The provision of affordable dwellings lies in one corner of the development. It is preferable that the dwellings be split across the site (it is acknowledged that they are semi-detached or terraced, so two sites of two and three dwellings would be acceptable).

When considering the likely traffic generated from the proposed new medical practice, it would be helpful if the junction with Shrewsbury Road and Dyas Lane be changed to a raised mini roundabout. This would remove the priority for traffic using Shrewsbury Road and would assist with slowing the traffic generally along this route. With the two developments either side of Shrewsbury Road having access points almost facing each other, a mini roundabout would assist with access and egress from all directions.

Baschurch Parish Council is actively pursuing options for the new medical practice with interested parties and other agencies. Consideration must be given to transferring ownership of the land allocated for the medical practice to public ownership to allow for wider funding streams to be accessed.

4.2.2 Two letters of objection received to the final amended layout for 34 (received on 13 November 2017) summarised as follows:

- ❑ Unfair that the applicant has time and resource to produce lots of plans and in great detail when the public only have 2 weeks.
- ❑ National and Local policy are supposed to foster community engagement and neither the landowner, applicant or their consultants have consulted the local residents.
- ❑ Density is still far too great for this rural area and not in accordance with the original 30.
- ❑ Noise and disturbance due to increased activity behind existing houses (during construction and when occupied)
- ❑ Bungalows were promised behind the homes facing Shrewsbury Road and it is unfair that some homes have got bungalows but some have got houses and garages.
- ❑ The proposed landscape strip is garden and it should be a separate landscape strip in addition to gardens
- ❑ The houses should all be pushed further into the field, or the open space should be relocated to the houses behind Shrewsbury Road.
- ❑ Requests working hours of 9am - 4pm and not at all at weekends and bank holidays.
- ❑ Requests that the same restrictions are placed on this development as were placed on others in the area including control of dust during dry weather, road cleaning when wet/clearing the site and during construction, noise reduction methods including machinery and plant, and restrictions on delivery hours to 7.30am and no earlier
- ❑ Concerned that fire engines and emergency vehicles should have access to all existing and proposed dwellings and that this proposal might not have satisfactorily considered accessibility for the access and parking of such

vehicles.

- ② The selling point of this proposal to Baschurch PC to include it within SAMDev as an allocated site was the provision of land for a medical centre which has a 10 year restriction on its provision.
- ② This proposal is only for the residential part of the outline proposal and suggests that the developer should have bought that land and offer it to the PC at cost as the PC are seeking a way to take that part of the land into public ownership.
- ② Considers that a mini-roundabout should be provided on Shrewsbury Road to serve this and other development.
- ② The proposal will put pressure on existing infrastructure (drainage, water supply, schools and medical centre) and this needs to be considered.
- ② The proposal could include more two bedroom bungalows allowing older residents to down size and freeing up houses for the younger generations.

4.2.3 Six letters of objections were received to the proposal as first submitted for 36 homes and initially amended to 37. One letter also represents the occupiers of three other properties. The comments were as summarised above but with the following additional comments and concerns:

- ② The SAMDev policy, application, supporting statement, indicative layout and report at the outline stage all refer to 30 dwellings. 6 additional dwellings in an increase by 20%.
- ② There is no justification for an increase in the number of dwellings at this reserved matters stage.
- ② To approve a reserved matters application for dwellings in excess of the number reported to committee at the outline stage would be unlawful and open to judicial review.
- ② The layout does not respect that this is open countryside, rather it seeks to cram in as many dwellings as possible so as to maximise developer profit.
- ② The D and A statement at the outline stage stated the following '*the open market housing will be a mix of 3 and 4 bed detached two storey houses and bungalows. Bungalows are shown for plots 11 – 13, 21 and 22 all with hipped roofs to minimise impact on the occupiers of the existing Shrewsbury Road dwellings*'. There are now no bungalows included and with no justification provided.
- ② Bungalows were indicated on the indicative illustrative plan and to not include bungalows now would be unlawful and open to judicial review.
- ② A landscape strip should be provided and more of the field should be used to effect a proper separation. The development should be pushed further down

the field and toward the River Perry.

- ② Residential amenity is not being respected but comprehensively ruined.
- ② 36 dwellings are going to result in increased noise and disturbance to existing occupiers.
- ② Overlooking of existing bungalows from proposed first floor windows.
- ② Loss of an open outlook and fresh air and enjoyment of the view of the countryside, wildlife and the dark sky and stars at night form the rear of properties in Shrewsbury Road.
- ② Loss of afternoon sunlight in existing rear gardens
- ② Noise during construction and particularly if houses have pile foundations.
- ② The submitted information indicates piling but there is no justification for this and why it is necessary
- ② Increased traffic on Shrewsbury Road and impact the safety of road users.
- ② Impact on education provision and a shortage of primary school places.
- ② That provision is made for access to the mains drain that runs along the hedge behind the properties in Shrewsbury Road.
- ② In determining the outline application, considerable weight was attached to the potential delivery of a health centre on land owned by the applicant but this is unlikely to be delivered due to financial constraints and was a 'red herring'.
- ② The land earmarked for the medical centre should be protected for this future purpose alone by restrictive covenant
- ② Objects to the public footpath being diverted and that it should follow the direct and shortest route that the original 'coffin path' followed.
- ② It would be preferable if the 'Coffin path' was not pavement but a green route through the site. It should not be a narrow enclosed corridor but open to surveillance.

4.2.4 Ramblers association: (Comments on application as first submitted). The proposed new route for the 'coffin path' does not follow the original historic route and the direct line of footpath 43 should be preserved as a 'green' route across the site.

5.0 THE MAIN ISSUES

5.1 Planning permission was originally approved for this site in 1961 (Ref: 60/1691) but the only part of that permission that was implemented are the homes that face Shrewsbury and Milford Road and the access to the field behind where the

additional homes were to be built and which is the site now the subject of this reserved matters application.

- 5.2 The principle of residential development of the site was established at the outline stage when outline planning permission (14/01123/OUT) was granted for '*mixed residential development and medical centre to include access*'. This outline planning permission did not stipulate the number or type of dwellings in the description of the development or approve a layout plan, and no conditions were imposed to restrict the number of dwellings or the scale and design of the buildings. A condition was imposed to make this clear and stated the following:

4. This permission does not purport to grant consent for the layout or the number of dwellings shown on the deposited plan Number SA1277/02 submitted with this application.

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

All details other than access to the site were therefore reserved for later approval.

- 5.3 The main issues to consider at this outline stage are therefore as follows:

- ☐ Number of dwellings
- ☐ Layout including landscaping, trees, open space and public right of way
- ☐ Scale, design and appearance
- ☐ Impact on existing residents
- ☐ Access and parking
- ☐ Drainage
- ☐ Developer contributions

6.0 OFFICER APPRAISAL

6.1 Number of dwellings

- 6.1.1 The site is an allocated site within Baschurch which is a community hub under policy MD1 and MD4. Policy S16.2 (Community Hub and Cluster Settlements) states the following regarding allocated sites:

The development of the allocated sites identified on the Policies Map should be in accordance with Policies CS6, CS9 and CS11, Policies MD2, MD3, MD4 and MD8, and the development guidelines and approximate site provision figures set out in this schedule.

- 6.1.2 The approximate site provision figure for this allocated site is 30 and the development guideline for this allocated site within policy S16.2 (i) states the following:

Development subject to satisfactory access, layout and design and the provision of land adjoining Milford Road for a new Medical Centre and associated parking, protection of the integrity of the coffin path crossing the site, and high quality landscape design to minimise the visual impact of the development on the

surrounding area and existing adjoining residential properties.

6.1.3 At the outline stage the officers report stated the following:

The number (and density) of dwellings is therefore not part of the proposal and would not be fixed by approval of this application. The number of dwellings and the layout could change completely and will be considered fully (along with scale and appearance) at the Reserved Matters stage as will the impact on existing residents and residential amenity. However it is considered that a development of an appropriate scale and design could be achieved that would not significantly and adversely affect the character and appearance of the locality and without any significant adverse impact on residential amenity.

6.1.4 Concern has been raised by some residents that the outline application and the housing allocation indicated 30 dwellings and that anymore would be unacceptable and should be refused. However as detailed above the Outline permission does not limit the amount of houses that can be applied for and the site provision figures on the allocated sites are only approximate and they are not a maximum figure.

6.1.5 The site provision figure of 30 can be exceeded provided regard is given to policy CS6 and MD2 when assessing whether the density, scale and layout is appropriate. Both national and local policy (including CS6) requires proposals to make the most effective use of land and optimise the potential of the site whilst ensuring that proposals are appropriate in density, scale, design and appearance. Whether the proposal accords with CS6 and MD2 and the development guidelines for this allocated site will be considered in the paragraphs below.

6.2 **Layout, landscaping, open space and public right of way**

6.2.1 The proposal as now amended indicates 34 homes (to provide 123 beds) and the amount of open space provision of over 4000 square metres exceeds the requirements of the policy guidance. The open space is situated to the North and West of the site and is proposed as semi-natural informal open space. If any play provision is required this would be funded by CIL at the Parish Councils request.

6.2.2 A landscape plan has been submitted that indicates areas of wildflower meadow, wildflower wetland areas and woodland planting. The tree and landscape officer has commented that the structure of the landscaping plan is well thought out with an acceptable provision of large species trees situated in sustainable locations on public open space, complementing the existing retained trees. The proposed open space serves a combined function of ecological enhancement and an area for public recreation and enjoyment.

6.2.3 The tree officer initially raised concern regarding the proximity of some of the plots to existing trees but commented that providing the site layout is amended to address the proximity concerns, would have no further objection to this scheme, subject to a tree protection condition. The layout has been revised so that the dwellings to the North West now face the trees and are positioned further away from the trees and separated by a road, and the rear gardens will not be shaded by these existing trees. A tree protection condition is recommended.

- 6.2.4 It has been suggested that the open space should be provided between the rear of the existing houses and the proposed houses and that the separation distance between the proposed and existing houses should be increased by extending the built development further into the field. However the development cannot not extend beyond the boundary of the site allocation and red line boundary of the outline permission as further development into this field would not be acceptable and contrary to policy. It is also considered that the open space provision on the edge of the development is acceptable in this location as it softens the edge of the development and marks the transition from the built development to open countryside.
- 6.2.5 It has also been suggested that a landscape buffer of 10 metres should be provided between the rear of the existing and proposed houses and that this landscape buffer should be in addition to the proposed rear gardens, and that the site allocation and outline permission makes provision for this. However no landscape buffer is secured by the outline permission and the site allocation only refers to *'high quality landscape design to minimise the visual impact of the development on the surrounding area and existing adjoining residential properties'*
- 6.2.6 It is considered that the landscape proposals are acceptable and that the separation distance of between 20 and 30 metres between the rear of the existing and proposed properties is a more than satisfactory distance and far greater than that found within urban residential proposals.
- 6.2.7 The proposal initially indicated a diversion to the public footpath referred to as the 'coffin path' so that part of it was adjacent to the proposed open space. However due to strong objection to it being diverted it was considered more important to retain the direct route (albeit on pavements within the development site) rather than divert it around the edge of the field or open space. The Public Rights of way officer has no objection to this.
- 6.3 **Scale, design and appearance**
- 6.3.1 The proposal when first submitted included predominantly 4 bedroom detached two storey houses and no bungalows. The row of detached houses proposed to be situated behind the existing row of bungalows and houses along Shrewsbury Road were situated so closely together that it was considered that they would appear like a terrace and effectively a continuous wall of development to the rear of these existing properties. It was also considered that they would appear urban in nature so tightly spaced along the Southern side of the proposed access road.
- 6.3.2 The applicant was advised that this was unacceptable and that the proposal should be amended to include a reduction in the number of units, the introduction of some bungalows and also a mix of house types to include some with integral garages and some with single storey garages to the side. The latest amended plan has reduced the number of dwellings from 37 to 34 which has enabled an increase in the spacing between the houses.
- 6.3.3 There has also been a change to the size and mix of house types and the proposal now includes 3 three bedroom bungalows and a mix of three and four bedroom terraced, semi-detached and detached houses. The change in the number and mix

of house types has introduced a variety in roof heights which creates wider spacing between the houses and therefore reduces the overall bulk of the built development and lessens the visual impact.

- 6.3.4 There are a variety of housing types, scale and plot sizes within Baschurch and within the vicinity of the site. The properties immediately adjacent to the site are a mix of bungalows and houses of different architectural style. Although the rear of the new homes will be seen from the rear of these existing homes the proposed development will not be visible from Shrewsbury Road itself or Milford Road to the South as the site is screened by the existing houses.
- 6.3.5 The proposed houses are of a traditional design incorporating a variety of architectural features including front facing gables, decorative brick work, chimneys, arched brick window heads, reconstituted stone sills and bay windows. This traditional design coupled with the now mix of house size and types and the variety of plot sizes is commensurate with the variety in the scale of properties and plots sizes in the locality. It is considered that the proposed scale, layout and appearance are acceptable and that the development is appropriate in scale, density, pattern and design, taking into account the local context and character, and therefore the proposal is considered to accord with CS6 and MD2.
- 6.4 Impact on existing residents**
- 6.4.1 CS6 also requires proposals to safeguard residential amenity. Whilst it is accepted that the proposal will affect the outlook from properties that currently enjoy a view of tranquil countryside there is no right to a view. It is considered that the buildings will not appear unacceptably overbearing or obtrusive at a distance of over 20 metres apart and that they will be positioned a sufficient distance away not to result in overlooking or a loss of privacy. Whilst the new dwellings will introduce some noise and activity of families enjoying their rear gardens this is not considered to be unacceptable in a residential area and the noise from additional vehicular movement will not be significant compared to the existing vehicular traffic on Shrewsbury Road.
- 6.4.2 The main impact on residential amenity is likely to be during the construction phase due to on site activity and deliveries to the site, but this phase is inevitable with any development and is short lived. The submitted information initially indicated that the proposal would include piled foundations and some residents were concerned about this. The agent has confirmed that the amended Construction Method Statement clarifies that no piling will take place and that all foundations will be traditional strip footings. A condition is recommended to ensure that the submitted construction management plan is adhered to in addition to a condition to restrict hours of working.
- 6.5 Access and parking**
- 6.5.1 The application provides details of the residential layout with access from the B5067 (Shrewsbury Road) following the Outline approval 14/01123/OUT and the

subsequent detailed access clarification application 15/03593/FUL. Conditions 6 and 8 were imposed requiring engineering details of the design and construction of the means of access and the new roads and footways. Whilst Highways have confirmed that the details submitted are acceptable they are not formally approved until the submitted details are technically approved to enable the completion of an adoption agreement under Section 38 of the Highways Act 1980.

6.5.2 Highways have confirmed that the submitted plans to indicate access to the site and the layout of the new roads are acceptable and this includes the submitted plan which illustrates that large refuse vehicles and emergency vehicles will be able to manoeuvre within the site. The PC and some residents have requested that a mini-roundabout be provided. However the access to the site was approved as part of the outline application (and subsequent detailed full planning permission for the access) and Highways have confirmed that the access is acceptable. The developer cannot be requested to provide road improvements such as a mini-roundabout if this is not considered necessary to make the proposal acceptable

6.5.3 The submitted layout includes two parking spaces for each property in addition to a garage that will be provided for the majority of the houses. It is considered that the proposal provides satisfactory parking provision, that the road layout is acceptable, a safe means of access will be provided and that the proposal will not result in congestion on the existing highway. The separate access to the proposed medical centre to be provided off Milford Road will be considered when the reserved matters application for that part of the site is submitted.

6.6 **Drainage**

6.6.1 Condition 5 and 9 imposed on the outline consent required a Flood Risk assessment and drainage details to be submitted with the Reserved matters application. Drainage have confirmed that the FRA and proposed surface water drainage strategy is acceptable but that the surface water drainage for the new roads including finished road levels and gully spacing should be assessed by highways. These details will be assessed and technically approved under a Section 38 agreement.

6.6.2 One resident has raised concern regarding the mains drain that runs along the hedge line at the rear of the properties on Shrewsbury Road and that access will still be required to maintain it. The agent has confirmed that STW's sewer is marked on the submitted engineering drawings and that the proposed development will not impact on the existing sewer and STW's access to it.

6.7 **Developer contributions**

6.7.1 The proposal includes affordable housing at the current prevailing rate of 15% which provides 5 affordable homes on site and the balance as a financial contribution, and this is secured by the S106 at the outline stage.

6.7.2 The S106 also made provision for the land outlined on the indicative plan for a medical centre to be made available at nil cost to any person able to demonstrate their ability to provide funding for a doctors surgery on the medical centre land within the Development plan period. There is currently 9 years remaining but the

S106 does not require the surgery to be built before the end of the plan period but that the land owner will have to release the land at nil cost if it is demonstrated that funding is available. There is therefore no requirement for additional developer contributions from the applicant for this reserved matters application.

6.7.3 Any funding required for Education will be provided for by CIL and the contribution for this site will be approximately £160,000.

7.0 CONCLUSION

7.1 The development of this site for housing is acceptable in principle as it is an allocated site within SAMDev and this is established by the outline permission. Although the numbers are higher than the approximate housing provision indicated in the allocation it is considered that the proposal makes effective and efficient use of land, as required by local and national policy, and that the layout, scale, design and appearance of the development is acceptable and would not adversely impact on the character and appearance of the locality or significantly impact on residential amenity.

7.2 The proposal would not adversely impact highway safety, includes more than adequate open space provision and the route of the 'coffin path' will be maintained. CIL funds can be used to provide any equipped play area and contributions to education and land for a medical practice and 5 affordable houses is secured by the existing S106. The proposal is therefore considered to accord with SAMDev policies MD4 and S16.2 (i) and Core Strategy policies CS6, CS11 and CS17 and the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy policies: CS6, CS11 and CS17 and the NPPF.

SAMDev policies: MD4 and S16.2 (i)

RELEVANT PLANNING HISTORY:

14/01123/OUT Outline application (access for approval) for mixed residential development and medical centre to include access GRANT 22nd December 2014

15/03593/FUL Formation of access to serve approved outline application 14/01123/OUT GRANT 6th November 2015

11. Additional Information

List of Background Papers: File 17/02954/REM

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Nick Bardsley

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Arboricultural Report by Future Arbor dated January 2017 and indicated on the Tree Protection Plans ref:CH/B2/003 B have been fully implemented on site.

c) All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site.

d) Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

e) A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with.

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

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

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

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

4. On completion of the approved landscaping and provision of public open space (and prior to occupation of the final dwelling) a public open space and landscaping management plan shall be submitted to and approved in writing by the LPA. The plan shall include full details of the future maintenance, management and monitoring of all public open space and landscaped areas (other than privately owned, domestic gardens) including a 5 year project register, annual work plan and the means by which the plan will be rolled forward annually and details of who shall take responsibility for implementation of the plan. The future maintenance, management and monitoring of the public open space shall be implemented in accordance with the approved details in perpetuity or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To ensure the adequate future management and maintenance of the public open space and landscaped areas.

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

5. The submitted and approved Construction Method Statement (CMS) shall be strictly adhered to throughout the construction phase of the development. This includes construction and deliveries restricted to take place only between the hours of 07.30 to 18.00 on weekdays and 08.00 to 13.00 on Saturdays.

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

This page is intentionally left blank



Committee and Date
 North Planning Committee
 12th December 2017

Item
7
 Public

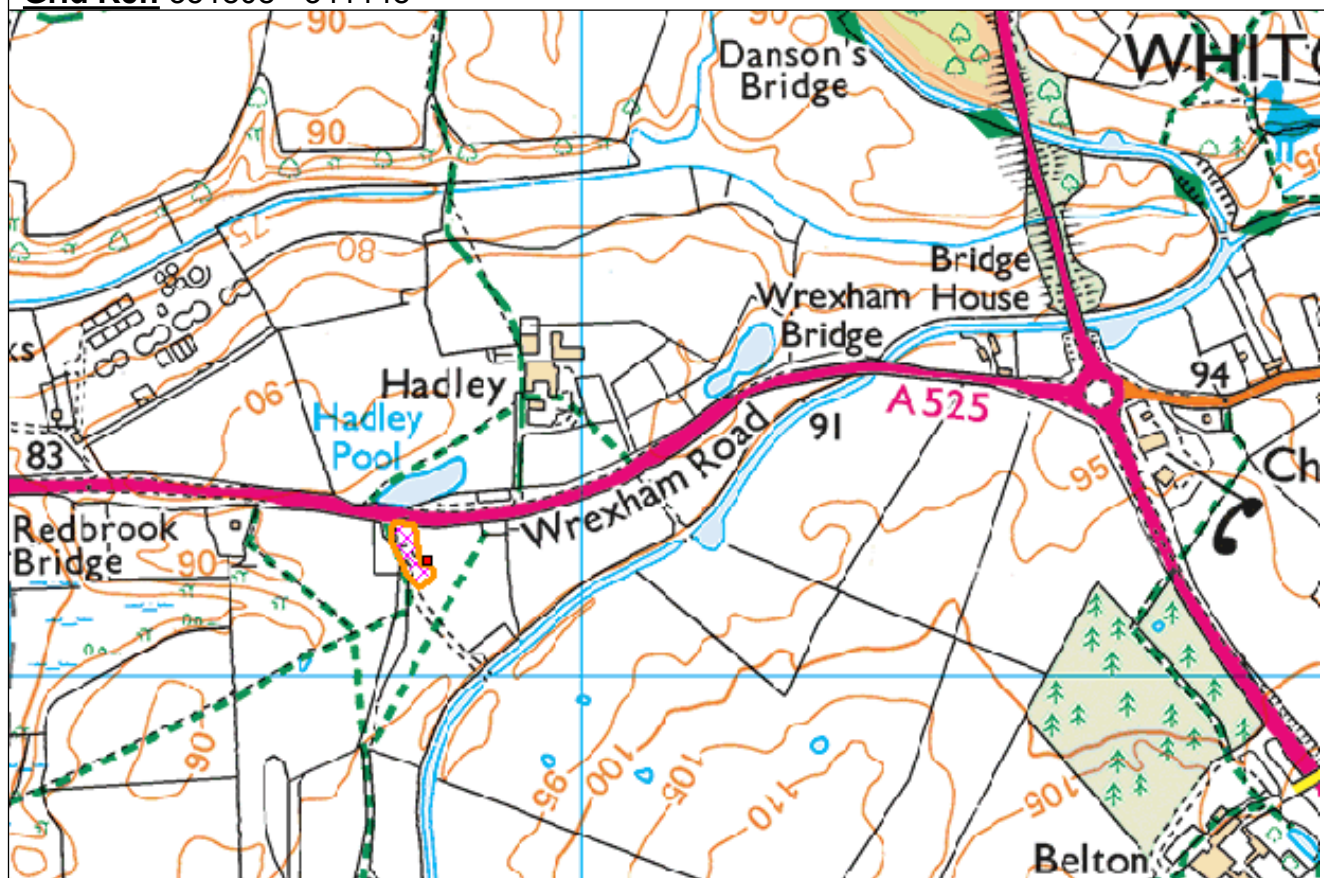
Development Management Report

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

Summary of Application

Application Number: 17/05115/VAR	Parish: Whitchurch Urban
Proposal: Variation of conditions number 2 (Approved Plans) and 3 (Materials) attached to Planning Permission reference 15/00329/FUL dated 6th August 2015	
Site Address: Proposed Cafe At Hadley Farm Wrexham Road Whitchurch Shropshire	
Applicant: Mr And Mrs P & J Wynn	
Case Officer: Sue Collins	email: planningdmne@shropshire.gov.uk

Grid Ref: 351808 - 341148



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2016 For reference purposes only. No further copies may be made.

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 This application is for a variation to the approved plans for the erection of café in replacement to the catering unit and toilet block which was granted permission on the 6th August 2015 reference number 15/00329/FUL.

2.0 SITE LOCATION/DESCRIPTION

2.1 The equestrian centre and the application site lie on the south side of the A525 and is in an area identified as being in open countryside in the North Shropshire Local Plan. The land is relatively flat and is at a lower level than the adjoining highway with the boundary to the highway defined by a mature, high hedge which screens the majority of the site from view. The building will be sited on part of an existing car park which is surfaced in hardcore and it is separated from the remainder of the equestrian centre through post and rail fencing.

2.2 There are no residential properties within close proximity of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application requires Committee consideration as it falls into the category of applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Group Manager Environment.

4.0 Community Representations**- Consultee Comments**

Shropshire council Drainage: No objection provided the requested conditions and informatives referred to in the previous application are added to any decision notice

Shropshire Council Ecology:
No comment

Shropshire Council Highways: No objection
From the submitted Location, Site and Floor Plans published on the 20.10.2017, the application would appear to be seeking consent for a smaller building built within the footprint of the approved café facility. The variation to the design of the building and its location is not considered to affect the highway and raises no objection subject to the development being completed in accordance with the approved details.

It is noted that the variation to the development will not reduce the approved parking area with the site area having been extended slightly and the proposed site plan drawing no. PW-011 Rev B being annotated as car park.

Canal & Rivers Trust:

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS13 of the Shropshire Council Core Strategy indicates the Council's approach to positively develop and diversify the Shropshire Economy through supporting enterprise and delivering sustainable economic growth and prosperous communities. Furthermore policy CS16 encourages appropriate development to deliver high quality sustainable tourism, cultural and leisure facilities.

6.1.2 Planning permission was granted in 2011 for the erection of a toilet facility and catering unit. The buildings were required in order to provide additional facilities for the users of the equestrian centre. At the time the need had been demonstrated for these units and a temporary planning permission was granted to assess the success of the operation over a period of five years. Since this time the applicant has run a successful venture and wishes to replace these existing facilities with a more permanent, robust building. Planning permission was thereafter granted in 2015 for a permanent structure. The current application seeks to vary the 2015 consent.

6.1.3 The on-site provision of such facilities will enable the centre to potentially attract more users and increase its popularity. As such these will have the potential to help the business to prosper further and to continue to operate in this area providing a benefit to the local economy. Customers include the users of the equestrian business and members of the public. As a local attraction it is important to encourage necessary development where appropriate to support the continued success of such operations.

6.1.4 In view of the above, the principle of the small scale proposed development is considered to be in accordance with the requirements of policies CS13, CS16 and MD11 of the Shropshire LDF. Furthermore, the principle has previously been accepted in granting the 2015 consent.

6.2 Siting, scale and design of structure

6.2.1 The previously approved scheme (2015) was for a single building incorporating toilet facilities, seating area, kitchen and servery. It was to be a single storey structure and constructed using timber.

6.2.2 The new scheme will provide a kitchen area, seating area store and office but no toilet facilities. This will remain within the existing detached buildings.

6.2.3 The amended building is smaller in its scale being a flat roof it will be significantly lower in height and the footprint is significantly smaller. The appearance of the structure will be a rectangular "box" similar in appearance to the existing structure on site, but larger than the existing. However it would be clad in timber and as such would be a visual improvement on the existing facilities. While this is acceptable, in this rural location, it is Officer's opinion that it is a shame that the

previously approved scheme could not be implemented as this would have provided a modern well designed structure more aesthetically pleasing.

- 6.2.3 However, it is considered by officers, that the development is of a scale which will not be visually intrusive in the rural landscape making use of timber cladding which will help integrate it into the rural surroundings. Therefore it is advised that officer opinion is that the proposed development is of a scale and design that is appropriate for the location and the development is in accordance with policies CS5, CS6 and MD2 of the Shropshire LDF.

7.0 CONCLUSION

The proposed development will provide an improvement to an established and what appears to be a popular facility, associated with a local attraction and it is appropriate in its design and scale and it will have a minimal impact upon the character and appearance of the rural landscape. Therefore the proposed development is in accordance with policies CS5, CS6, CS13 and CS16 of the Shropshire Council Core Strategy.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

recommendation.

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

MD2 - Sustainable Design

MD11 - Tourism Facilities and Visitor Accommodation

Relevant planning history:

11/02093/FUL Provision of catering unit and toilet block GRANT 21st July 2011

15/00329/FUL Erection of a replacement cafe GRANT 6th August 2015

11. ADDITIONAL INFORMATION

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Thomas Biggins Cllr Peggy Mullock
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 6th August 2015 being the date of the original planning permission reference 15/00329/FUL.

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. The external materials for the proposed building hereby approved shall be as follows:

Main body: plastisol - willow green 12 b 17

Fascia: plastisol fascia - moorland green 12 b 21

Corners: plastisol - moorland green 12 b 21

Jacklegs: 60 / 70 painted - moorland green 12 b 21

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

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

4. The car parking area as depicted by the site plan area shown on Drawing No. PS-011 Rev B shall be at all times available for the parking of vehicles in connection with the Café facility and for no other purpose; the car parking area shall be maintained in perpetuity for the lifetime of the development.

Reason: To provide adequate off highway parking in the interests of highway safety.



<u>Committee and Date</u>
North Planning Committee
12 th December 2017

<u>Item</u>
8
Public

Development Management Report

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

SCHEDULE OF APPEALS 12TH DECEMBER 2017

Appeals Lodged

LPA reference	17/00744/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs C Beasley
Proposal	Outline application for the erection of 5No dwellings (to include access)
Location	Land South West Of Tetchill
Date of appeal	22.11.2017
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/00732/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs C Beasley
Proposal	Outline application for the erection of 5 no. dwellings to include means of access
Location	Land West Of B5009 Babbinswood, Whittington, Oswestry
Date of appeal	23.11.2017
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/00760/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr E J Jackson
Proposal	Outline application (all matters reserved) for the erection of a residential dwelling and detached garage
Location	Proposed Dwelling South East Of Lane Farm St Martins Oswestry Shropshire
Date of appeal	23.11.2017
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/02765/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	SEHS Global Ltd
Proposal	rection of single storey retail units, extension to existing cafe building and provision of new childrens play area with associated landscaping and parking area
Location	Enigm, Shotatton, Ruyton Xi Towns, Shrewsbury Shropshire, SY4 1JH
Date of appeal	22.11.2017
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/02605/REF
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Jones – C/O ARH Architectural Design
Proposal	Outline application for the erection 1 No dwelling (all matters reserved)
Location	Proposed Dwelling To The South Of Talisman Golf House Lane Prees Heath
Date of appeal	23.11.17
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

This page is intentionally left blank