



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

Date: Friday, 18 August 2017

**Committee:
South Planning Committee**

Date: Tuesday, 29 August 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

David Evans (Chairman)
David Turner (Vice Chairman)
Andy Boddington
Gwilym Butler
Simon Harris
Nigel Hartin
Richard Huffer
William Parr
Madge Shingleton
Robert Tindall
Tina Woodward

Substitute Members of the Committee

Jonny Keeley
Heather Kidd
Christian Lea
Elliott Lynch
Cecilia Motley
Vivienne Parry
Kevin Turley
Leslie Winwood
Michael Wood

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 257716
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the minutes of the South Planning Committee meeting held on 1 August 2017.

Contact Linda Jeavons (01743) 257716.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5 pm on Wednesday, 23 August 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 Footbridge Farm, Tasley, Bridgnorth, Shropshire, WV16 5LZ (17/01033/EIA) (Pages 9 - 42)

Erection of four poultry buildings with feed bins, one gate house, one boiler house and circular water tank; and associated infrastructure and landscaping scheme.

6 Proposed Camping Site At Jenny Knoll, Woodside, Clun, Shropshire 17/01380/FUL (Pages 43 - 54)

Change of use of land to form camping site to include the erection of 6 self-contained yurts for holiday lettings; one amenity building; installation of sewage treatment plant (amended description).

7 Proposed Affordable Dwelling NE Of Lower Weston Farm, Clun, Shropshire (17/02528/FUL) (Pages 55 - 70)

Erection of affordable dwelling with detached garage; installation of sewage treatment plant.

8 Schedule of Appeals and Appeal Decisions (Pages 71 - 72)

9 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 26 September 2017, in the Shrewsbury Room, Shirehall.



Committee and Date

South Planning Committee

29 August 2017

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 1 August 2017

2.00 - 4.50 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

Present

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Gwilym Butler, Simon Harris, Richard Huffer, Madge Shingleton, Tina Woodward, Heather Kidd (Substitute) (substitute for Andy Boddington), Cecilia Motley (Substitute) (substitute for Robert Tindall), Vivienne Parry (Substitute) (substitute for Nigel Hartin) and Michael Wood (Substitute) (substitute for William Parr)

21 Apologies for Absence

Apologies for absence were received from Councillors Andy Boddington (Substitute: Heather Kidd), Nigel Hartin (Substitute: Viv Parry), William Parr (Substitute: Michael Wood) and Robert Tindall (Substitute: Cecilia Motley).

22 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 4 July 2017 be approved as a correct record and signed by the Chairman.

23 Public Question Time

There were no public questions or petitions received.

24 Disclosable Pecuniary Interests

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

With reference to planning applications 17/01199/FUL, 17/01372/FUL and 17/01387/FUL, Councillor Richard Huffer stated that his wife was the local Ward Councillor and she may have formed an opinion on these applications. Having taken advice from the Solicitor, he confirmed that he had not pre-determined the applications and remained open-minded and any decision he made would be based on the information presented to him. **Page 1**

With reference to planning application 17/01352/FUL, Councillor Heather Kidd declared that the applicant was her husband and she would leave the room and take no part in the consideration of, or voting on, this application.

25 **Change in Order of Business**

RESOLVED:

That agenda item 10 (Pumping Station, The Moors, Diddlebury, Shropshire, SY7 9JZ – 17/03071/TEL) be considered as the next item of business.

26 **Pumping Station, The Moors, Diddlebury, Shropshire, SY7 9JZ (17/03071/TEL)**

The Technical Specialist Planning Officer introduced the application and with reference to the drawings and photo montage displayed, she drew Members' attention to the location, layout and elevations. She confirmed that Members had undertaken a site visit the previous day and had viewed the site, walked the public footpath, walked around Diddlebury and had viewed the site from the points where the photographs had been taken, and had assessed the impact of the proposal on the surrounding area.

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

Councillor D Hedgley, representing Diddlebury Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members, Mr Hedgley confirmed that an invitation to Mono to meet with the Parish Council had been declined.

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

- Although the village is very linear in nature, actually all parts of the village related closely to each other to the extent that any development would affect the whole village;
- Diddlebury, in common with most of the Corvedale, suffered from dismal mobile signals – therefore, it was not the principle of the phone mast that was an issue but clearly the location and the concerns regarding whether the health of the villagers in the future could be affected;
- Location – Mono had advised by letter that a number of sites within Diddlebury had been considered and that this site was the preferred site. The letter indicated that a list of other sites had been considered and discounted. Two of them, Diddlebury village church and a grass verge to the east of the village, were appropriately discounted as being unsuitable. One of the listed option sites did not exist. This left two options other than the Moors which would have been suitable (one being a local farm just outside the main village and

the other land owned by a local landowner). Neither had been approached which was contrary to what had been stated in a letter from Mono. The postal address for the local farm was incorrectly stated in the letter which might explain why the landowner had not received anything and the local landowner who had indicated that he would be willing to accommodate a mast had received no communication from Mono;

- Residents and the Parish Council had expressed serious concerns regarding the siting of the phone mast and the close proximity to houses where young children live and play, as well as the local primary school. She noted that all CTIL and Telefonica installations were designed to be fully compliant with the public exposure guidelines but commented that such august bodies were not always infallible and could fail to calculate correctly the future risks; and
- In conclusion, she recommended that Vodafone and CTIL be requested to withdraw this application and resubmit a proposal on a suitable site of which there were many in the Corvedale.

Mr C Taylor, the developer, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members of the Committee, Mr Taylor explained the reasons for choosing this site and why other sites would be technically unsuitable, and confirmed that he was not able to make a decision to withdraw the application in order that other sites could be further investigated.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. Some Members expressed their disappointment regarding the lack of consultation and investigation of other sites that had taken place prior to submitting this application and hoped that Mr Taylor would feedback their comments.

RESOLVED:

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

27 Garages Off Rock Lane, Ludlow, Shropshire, SY8 1SF (17/01199/FUL)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations. She confirmed that Members had undertaken a site visit the previous day and had assessed the impact of the proposal on the surrounding area.

Councillor G Ginger, representing Ludlow Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- There had been inadequate consultation with the local people prior to submitting this application – more openness and transparency would have been very beneficial and may have culminated in a more acceptable proposal;
- The majority of residents welcomed the demolition of the garages as the area attracted anti-social behaviour. The garages were generally used for storage and not for the parking of vehicles;
- There was other social housing in the area and this further proposed accommodation would contribute favourably towards a local need for social housing in Ludlow.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. Some Members expressed concern regarding the openness and sloping of the side and rear gardens and it was:

RESOLVED:

That, planning permission be granted as per the Officer's recommendation, subject to:

- The conditions as set out in Appendix 1 of the report, subject to the following additional condition:

Before the bungalows are first occupied the rear and side garden areas to the properties shall be laid out in accordance with details of the finished levels to those garden areas, of any patios/decking to be provided within them and of the means of enclosure to those garden areas, which have first been approved in writing by the local planning authority. The approved levels, patios/decking and means of enclosure shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the residential amenities of the occupants of the bungalows.

28 Eastville, Chirbury, Montgomery, Shropshire, SY15 6BH (17/01352/FUL)

By virtue of her declaration at Minute No. 24, Councillor Heather Kidd left the room, took no part in the debate and did not vote on this item.

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He advised the meeting of an amendment to condition No. 4 and indicated that the wording "in the absence of any further specific condition in writing from the Local Planning Authority" should be deleted. This was because there were other formal routes for any future adjustments through either an application to vary a planning condition or by seeking a non-material amendment following the grant of planning permission.

In the ensuing debate, Members considered the submitted plans.

RESOLVED:

That, planning permission be granted as per the Officer's recommendation, subject to the Conditions as set out in Appendix 1 to the report, subject to the deletion of the following wording as set out in Condition No.4:

"in the absence of any further specific permission in writing from the local planning authority."

29 Proposed Dwelling South Of The Sidings Snailbeach Shropshire (17/01360/REM)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit on a previous occasion and had viewed the site and had assessed the impact of a proposal on the surrounding area.

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Heather Kidd, as local Ward Councillor, made a statement. She then left the table, took no part in the debate and did not vote on this item. During her statement, she indicated that the proposal would fit well within the landscape.

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans.

RESOLVED:

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

30 Housing Development Site, Poyner Close, Ludlow, Shropshire, SY8 1RQ (17/01372/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He advised the meeting of an amendment to condition No. 3 and indicated that the wording "in the absence of any further specific permission in writing from the Local Planning Authority" should be deleted. This was because there were other formal routes for any future adjustments through either an application to vary a planning condition or by seeking a non-material amendment following the grant of planning permission.

Members had undertaken a site visit that morning and had viewed the extent of the open space area, the existing trees, the relationship of the site to surrounding

properties, footpaths and the roads and had assessed the impact of a proposal on the surrounding area.

Mrs L Downey, a local resident spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor C Sheward, representing Ludlow Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- She questioned why it had been changed from two social bungalows which were needed to one open market bungalow;
- The bungalow would be unaffordable to most;
- Will not stop at one bungalow and a further application would follow to further develop the site;
- She acknowledged the garage was not fit for purpose and needed to be demolished for further appropriate development of the site;
- Shropshire Housing had not engaged with the public; and
- Concerned about loss of green space.

Mr P Oliver, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans and it was:

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be refused for the following reasons:

It is acknowledged that the proposed development would be in a sustainable location, contributing to the social and economic roles of sustainable development through the provision of a small bungalow, which is a type of accommodation for which there is an acknowledged need in Ludlow. However, the proposal, by reason of the loss of trees and open space, would remove features that make significant contributions to the character and quality of the townscape and local amenity. Consequently, the proposed development would not satisfy the environmental role of sustainable development as set out in the National Planning Policy Framework and would be contrary to Core Strategy Policies CS6, CS8 and CS17, and SAMDev Plan Policies MD2 and MD12.

31 Land at Sidney Road, Ludlow, Shropshire (17/01387/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He advised the meeting of an amendment to condition No. 7 and indicated that the wording "no material variation will be made from the approved Tree Protection Plan without the written agreement of the Local Planning Authority" should be deleted. This was because the correct route to seek any such adjustments would be through either a variation of condition planning application, or a request for a non-material amendment following the granting of planning permission. He explained that the application had been amended during the consideration of the proposals and there had been a reduction from seven to five affordable dwellings, which would now provide five one-bed bungalows.

Members had undertaken a site visit that morning and had viewed the site and had noted the existing trees on site, the locations of residential properties and the highway network in the locality and had assessed the impact of a proposal on the surrounding area.

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

Councillor G Ginger, representing Ludlow Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

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

- Trees were in good health and a significant feature of the area;
- She acknowledge the need for social housing but this proposal would be to the detriment of the area and would lead to a loss of green space;
- The footpath which was used daily ran concurrently in front of the bins; and
- Residents were not happy with the potential detrimental impact on the local area.

Mr P Oliver, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. Members acknowledged the need for this type of housing but expressed concerns relating to the number of bedrooms per dwelling, lack of parking provision for carers, security and the perception of fear and crime, drainage and the loss of green/open space. In response to concerns regarding drainage, the Principal Planner explained that the drainage team had assessed the proposal and had raised no technical concerns that could not be addressed by appropriate conditions.

RESOLVED:

That, contrary to the Officer’s recommendation, planning permission be refused for the following reasons:

It is acknowledged that the proposed development would be in a sustainable location, contributing to the social and economic roles of sustainable development through the provision of small affordable bungalows, which is a type of accommodation for which there is an acknowledged need in Ludlow. However, the proposal, by reasons of the loss of the large Maple tree, which is the subject of a Tree Preservation Order, and reduction in the area of open space, would remove features that make significant contributions to the character and quality of the townscape and local amenity. In addition, the proposed footpath layout within the development, with the path linking Charlton Rise with Sidney Road passing very close to the front doors of the bungalows, is likely to be used by the public and would adversely affect the amenity and perception of security for the occupants of the bungalows. Consequently, the proposed development would not satisfy the environmental role of sustainable development as set out in the National Planning Policy Framework and would be contrary to Core Strategy Policies CS6, CS8 and CS17, and SAMDev Plan Policies MD2 and MD12.

32 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 1 August 2017 be noted.

33 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 29 August 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and date
 South Planning Committee
 29 August 2017

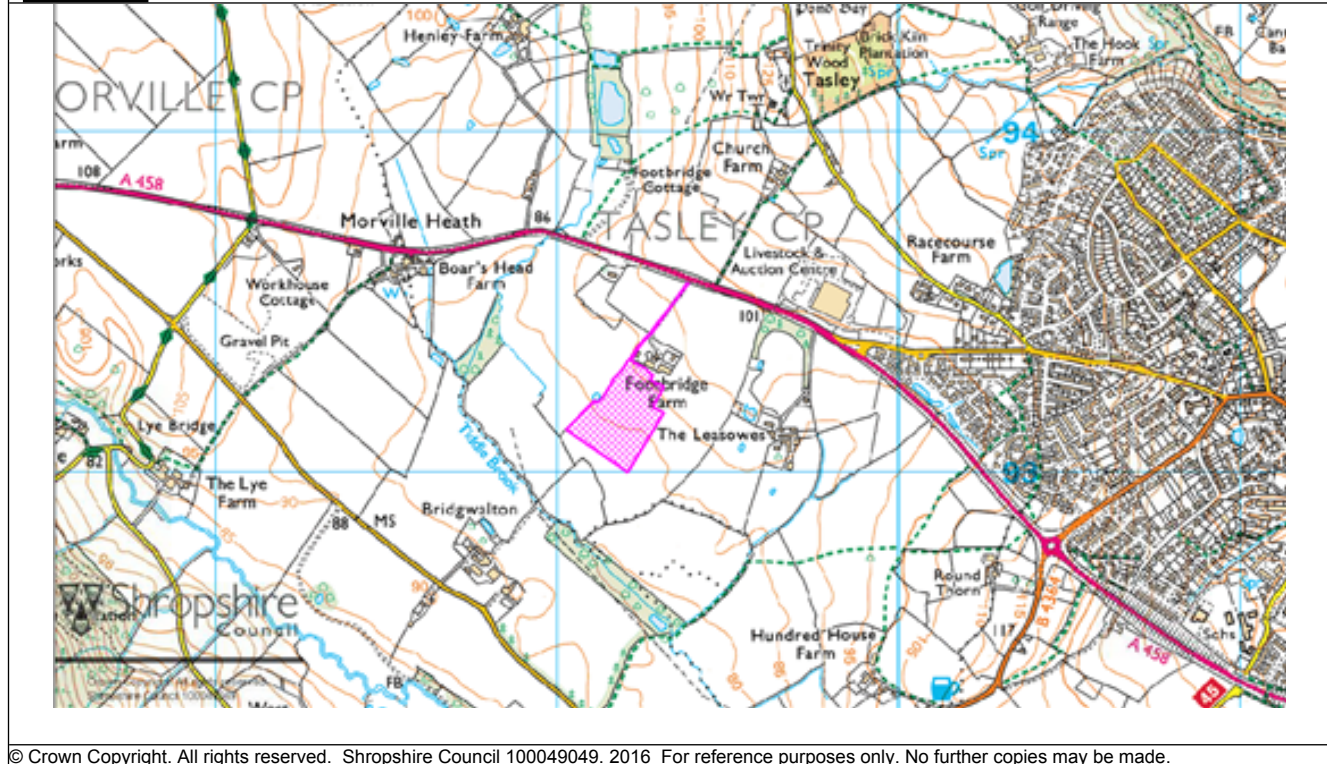
Development Management Report

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

Summary of Application

Application Number: 17/01033/EIA	Parish: Tasley
Proposal: Erection of four poultry buildings with feed bins, one gate house, one boiler house and circular water tank; and associated infrastructure and landscaping scheme	
Site Address: Footbridge Farm Tasley Bridgnorth Shropshire WV16 5LZ	
Applicant: Mr M Bower	
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk

Grid Ref: 369337 - 293339



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REPORT

Recommendation: That delegated authority is granted to the Planning Services Manager to grant planning permission subject to conditions as set out in Appendix 1, and any amendments considered necessary.

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the erection of four poultry rearing buildings and associated buildings and infrastructure including feed and wood pellet bins, a gate house, a boiler house, and a water tank. Each of the proposed buildings would house up to 52,500 birds, with a combined total of 210,000 birds. Each poultry building would measure approximately 94 metres x 25 metres with an eaves height of 2.95 metres and a ridge height of 6.4 metres. They would be of steel portal frame construction, with the walls and roof externally clad in polyester coated profile sheeting.
- 1.2 Other plant and building proposed are as follows:
- Eight feed bins, to be located in two groups of four adjacent to the poultry sheds, each measuring 3.7 metres in diameter x 7.5 metres high;
 - A gate house, measuring 12.5 metres x 9.5 metres with an eaves height of 2.6 metres and a ridge height of 3.4 metres;
 - A boiler house measuring 18 metres x 10 metres with an eaves height of 6 metres and a ridge height of 7.4 metres;
 - Two adjacent wood pellet bins, each measuring 3 metres in diameter and 6 metres high;
 - A water tank measuring 7 metres in diameter and 3 metres in height.
- 1.3 The buildings and feed bins would be coloured juniper green. The boiler house would contain a biomass boiler to provide hot water for the buildings. Ventilation for the proposed buildings would be provided by high velocity ridge fans, and gable fans for hot weather. A landscaped mound would be formed to the south-west of the proposed buildings. Beyond this there would be a surface water attenuation pond. Landscape planting would be undertaken within and around the site. Access to the poultry development would be via the existing farm access track that connects directly to the A458.
- 1.4 Production process: The poultry unit would produce standard birds. They would be brought to the buildings as day old chicks and reared for 38 days. At the end of this period the birds are removed and the buildings are cleaned out. This includes the removal of manure which would be used as a fertiliser on agricultural land, and the washing out of the buildings. Wash water would be drained to a sealed concrete dirty water tank that is emptied by tanker. Cleaning out and preparation of the buildings for the incoming flock would take place over a 10 day period, hence the operation is based on a 48 day cycle which results in 7.5 flocks per annum.
- 1.5 Construction phase: The construction phase would take place over approximately 20 weeks.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located immediately to the south-west of the existing farm buildings at Footbridge Farm, approximately 620 metres to the west of the edge of the built-up area of Bridgnorth. It is bounded to the north-west by a hedgerow and to the north-east by the farm buildings. Land surrounding the site is in agricultural use. The proposed development site covers an area of approximately 4.2 hectares, comprising an arable field.
- 2.2 Other than the applicant's residence, the nearest dwellings are Footbridge House, approximately 245 metres to the north-west; The Leasowes, approximately 290 metres to the east; Leasowes Farm, approximately 340 metres to the east; and Bridgwalton Farm, approximately 445 metres to the south-west. The two Leasowes properties are both Grade II listed buildings.
- 2.3 There are two parcels of land to the north east of the application site that are allocated for development in the Council's adopted Site Allocations and Management of Development (SAMDev) Plan. One is allocated for mixed use development including residential, hotel and health and fitness uses. The other is allocated for residential development. The nearest of these is approximately 410 metres to the north east of the proposed poultry farm site (at the site of the existing livestock market). In addition a parcel of land located approximately 430 metres to the east of the proposed development is allocated as an employment site to comprise offices, industrial and warehousing uses. Beyond this a site is allocated for the relocation of the existing livestock market.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Tasley Parish Council** Neither objects to nor supports the proposal.

Tasley Parish Council would like to be assured that the environmental impact of such a development on the residential properties in Tasley and the new houses proposed under SAMDEV, including the effects of noise, smells, traffic etc. are evaluated by a professionally qualified person or body, which is independent of the applicant, before the application is determined.

Further comments (21/5/2017):

The proposal for the development of a chicken farm facility at Footbridge Farm was thoroughly discussed at our Parish Council meeting on Wednesday 17th May. Residents of Tasley have expressed their deep concern about this project as it is so close to the housing development at Wenlock Rise and near to the proposed SAMDEV development in Tasley.

The main causes for concern are:

1. It is believed that dust from poultry sheds can cause or exacerbate asthma and there does not seem to be any provision for filters on the extractor fans proposed for the sheds.
2. The litter from the sheds is going to be placed on land very near to where the new housing for Tasley is proposed and some of it is land designated for housing or commercial development.
3. Some of the land where the litter is to be spread is crossed by a public footpath. Since it is known that cattle cannot be grazed on land for 2/3 weeks after spreading has taken place, does this mean that people will be unable to use the footpath during that period?
4. The Parish Council is concerned at the contents of the paper submitted by Professor Nicholas Lockerbie of Sterling University concerning the impact of odour and dust from installations such as that proposed.
5. The Parish Council feel that this application is so near to a built up area that it cannot be assessed using the standard criteria used for poultry units in more rural areas. This application needs to be examined with great care.

Consequently the Parish Council unanimously decided to ask Shropshire Councillors to ensure that this application goes to the full planning committee and will not be dealt with under delegated powers.

Further comments 24 July 2017

The Council were concerned that the consultant employed by Shropshire Council has not given sufficient consideration to the scientific evidence, including that presented by one of the objectors, which suggests that the dust from poultry developments such as that proposed at Footbridge Farm can cause an increase in the incidence of asthma in households within a radius of 2.5km of the development and that such developments should not be located within that distance of housing developments. This would mean that most of the existing and proposed housing development in Tasley would be at risk, together with a large part of Bridgnorth. It is worth noting that 5 schools are located within this 2.5km radius. Children who attend Castlefields Primary School would be especially vulnerable to an increased risk of asthma if the chicken farm was given permission to go ahead as Castlefields is only about 1km away from the proposed chicken farm.

In addition, research indicates that a zone of 0.5 miles from the poultry sheds would be affected by greatly increased fly infestation and that would include the area of land identified in SAMDEV for the relocation of the Cattle Market and other commercial development. Surely no commercial enterprise would want to locate in an area affected by the poultry sheds in this way.

The Parish Council would be very grateful if you could impress these serious concerns upon the Planning Committee when they consider this application.

- 4.1.2 **Morville Parish Council (adjacent parish approximately 120 metres to the south)**
No comments received.

4.1.3 **Bridgnorth Town Council (adjacent)** The Town Council boundary is approximately 1km to the east of the site. Initial consultation did not include the Town Council. They have now been formally consulted and have advised that they will be discussing the application at their meeting on 23rd August 2017. Any comments made will be reported to Members separately.

4.1.4 **Environment Agency** No objections.

Environmental Permitting Regulations: The proposed development will accommodate up to 210,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

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

A Permit application has been submitted and, whilst not issued yet, there have been no concerns raised by my Permitting colleagues. [Note that the Permit has now been issued, on 12th April 2017].

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

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off'. Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

Water Management: Clean surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP

will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via: <http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

- 4.1.5 **Natural England** No objection. 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.

Devil's Hole Morville and Thatchers Woods and Westwood Covert Site of Special Scientific Interest: Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Air Quality Assessments: A High Court judgment was handed down on 20 March 2017 in Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin) (copy attached *or link when available*). Wealden District Council brought a challenge against a Joint Core Strategy produced by two of its neighbouring authorities. Natural England provided advice to Lewes District Council and the South Downs National Park Authority on the assessment of air quality impact on Ashdown Forest SAC. This advice was based on nationally developed guidance agreed with other UK statutory nature conservation bodies. The court found that Natural England's advice on the in-combination assessment of air quality impacts in this case was flawed. We are considering the details of this decision and the implications for our advice.

Competent authorities should seek their own legal advice on any implications of this recent judgment for their decisions.

Other advice: Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Protected Species: Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Ancient woodland and veteran trees: You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forest Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement: Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is

in poor condition or clearing away an eyesore).

Rights of Way, Access land, Coastal access and National Trails: Paragraph 75 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty: Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat.

4.1.6 **SC Ecology** Recommends conditions and informatives.

Ecology: Ponds within 250m of the proposed development have been assessed using eDNA methodology. Presence of Great Crested Newt was not recorded. Temporary amphibian fencing will not be required during construction, and no further survey work is needed to support this proposal.

Ecologically interesting features on site, such as the hedgerow, the isolated oak tree and the small copse will be retained *in situ*. Lighting will be designed so that it does not have a negative impact on the wider environment.

If there are any steep-sided excavations created during construction, they will be covered/filled/provided with ramps to prevent any mammals becoming trapped.

In order to protect and enhance the site for biodiversity a landscaping plan should consist of native species and 2 bird and 2 bat boxes of mixed designs will be installed in the small copse adjacent to the site and on the isolated oak tree. The running water on the site boundary should be protected during and post construction.

Conditions should be on the decision notice to require the provision of two artificial nests and two bat boxes; the approval of a lighting prior to the erection of any external lighting; the submission of a buffer zone along the watercourse for approval (see Appendix 1).

Designated Sites: The Environment Agency has provided pre-application advice for 210,000 broiler places. Based on the information provided to the EA the applicant does not have to submit detailed modelling for an EA Permit. The EA, as a more competent authority when assessing aerial emissions, has screened out the ammonia impacts from the proposed development on SAC, SPA and Ramsar sites within 10km (none identified); SSSIs within 5km; NNRs, LNRs & LWS within 2km. The EA have stated that detailed modelling is not required.

The Habitats Regulations enables Shropshire Council, under Regulation 61, to rely on the 'evidence and reasoning' of another competent authorities when completing their assessment. Shropshire Council can therefore assume that the Environment Agency

has taken into account any in-combination affects when assessing ammonia emissions and the potential impact on designated sites.

SSSI	Thatchers Wood and Westwood Covert
SSSI	Devil's Hole, Morville
LWS	The Lye Woods
AW	Aston Hill Woods

The sites listed above have been assessed and have screened out below the Environment Agency’s thresholds.

Natural England has formally responded to the proposed development and has concluded that;

‘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’.

No further assessments of designated sites are required to support this proposal.

4.1.7 **Historic England** No specific comments. Makes the following general comments.

We refer you to the following published advice which you may find helpful in determining the application: The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3. July 2015. We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.1.8 **SC Conservation** No objections subject to conditions.

Comments 3/7/2017: I have reviewed the amended Heritage Statement and consider its contents and conclusions to be acceptable. If the development is to be approved I would appreciate conditions relating to materials (particularly finishes/colours) and landscaping to be added.

Comments 7/4/17: In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS5 Countryside and Greenbelt, CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the erection of 4 poultry buildings of approximately 94m x 24m in footprint and 6.4m in height to ridge, 8 feed bins of approximately 7.6m in height, 1 gate house building of 12.5m 9.5m in footprint and 3.4m in height to ridge, 1 boiler house of 18m x 10m in footprint and 7.38m in height to ridge and 1 water tank of 3m in height. The total site area of the development is 5 hectares. The proposed poultry buildings and associated structures are to be located to the south west of the existing

farmstead at Footbridge Farm. Footbridge Farm is located to the west of the town of Bridgnorth and consists of a traditional farmhouse and former traditional farmstead that has been expanded/built over with modern farm buildings. The farmstead is recorded on the Shropshire Historic Environment Record as follows: Footbridge Farm, a farmstead first identified and classified by the Historic Farmsteads Characterisation Project, 2008 & 2010, (ESA6427), largely from the digital version of the c.1900 OS large scale mapping. Description: Regular Courtyard U-Plan. Additional Plan Details: Covered Yard. Date Evidence from Farmhouse: 19th Century. Date Evidence from Working Building(s): None. Position of Farmhouse: Farmhouse set away from yard. Farmstead Location: Isolated. Survival: Farmhouse only survives. Confidence: High. Other Notes: Large modern sheds on the site of the historic farmstead are either obscuring the historic buildings or may have destroyed them. Modern farm. Very short returns on the RCu, with small covered yard, covering half the yard.

The farm lies close to the edge of Bridgnorth town in a relatively open landscape, albeit screened from the road. The nearest farmstead to the site, known as The Leasowes contains two grade II listed buildings and has the potential to be impacted by this development due to its close proximity. A heritage impact assessment has assessed the impact upon The Leasowes and other heritage assets within a 1km radius of the site. The assessment concludes that: the development would not cause any direct or indirect physical impact on known heritage assets and allowing for appropriate mitigation, the proposed development will have no permanent adverse residual effect on the cultural heritage of the application site and its environs. These conclusions are generally concurred with however it is considered that the proximity to The Leasowes makes the relationship between the site and the listed buildings located there to be important and landscaping and mitigation measures should take this into account.

The proposal has the potential to have an adverse impact upon the landscape character of the area. However, this is not something which the Historic Environment Team can advise on. We would therefore recommend that Development Management consider obtaining the opinion of an appropriately qualified landscape professional.

4.1.9 **SC Archaeology** No objections subject to a condition to require the implementation of a programme of archaeological work.

The proposed development lies in an area rich in archaeological remains of the prehistoric through to the post-medieval periods. A desk-based archaeological assessment of the proposed development (Castlery Archaeology, Report No. 569, November 2016) submitted with this application has concluded that while there is no firm evidence of archaeological remains within the application site, the proximity of known sites indicates a low to moderate potential for archaeological remains to be present on the application site, and recommends a mitigation strategy to allow for a programme of archaeological work. We concur with this assessment.

In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. The first phase of this programme of archaeological work should comprise a geophysical survey of the site; subject to the results of the geophysical survey, targeted trial trenching of any anomalies identified may be required.

This will determine the extent of any further mitigation, though this is likely as a minimum to comprise an archaeological watching brief.

4.1.10 **SC Public Protection** No objections.

Reconsultation – 14/7/17 comments: It is my professional opinion that a poultry operation of this size and scale can operate without causing significant impact on the surrounding area. As such I have no objection to the application and have no conditions to recommend with the exception of recommending that poultry numbers are conditioned as these were the basis of input parameters on environmental reports reviewed.

The site will be regulated under an Environmental Permit issued and regulated by the EA. As a result it is not the place of the planning system to condition aspects that the permitting regime will address which included odour and noise.

Comments 28/6/17: Having reviewed comments from the odour modelling consultant in response to concerns raised regarding the odour assessment I can confirm I am in general agreement with the odour consultant and have no concerns regarding odour.

Comments 16/5/17 on detailed objection from Professor Lockerbie:

In relation to wind direction although the odour assessment in support of the planning application did not explicitly mention the prevailing wind this parameter has been taken into account in modelling and therefore the odour assessment is not considered to be lacking.

The reference provided regarding public experience of poultry houses is not from the UK and therefore holds little relevance. The classification of odour from chicken farms is stated in the odour assessment as Moderately Offensive in line with UK guidance provided by the Environment Agency. I do not consider it is suitable to suggest anything different to that proposed in national guidance. In addition it is not appropriate to discuss rotting chicken carcasses as this is not something that is common place in poultry houses due to welfare standards in the UK and general good animal husbandry practices which are encouraged through environmental permitting. Finally the table referenced by Lockerbie contradicts his view and supports that in the applicants odour assessment as it refers to intensive livestock rearing as Moderately Offensive and NOT Most Offensive as Lockerbie suggests. This is due to Lockerbie's misinterpretation of the odour sources from the proposed development.

Professor Lockerbie's comments are generally correct however the size of particles leaving the sheds and the amount are not anticipated to produce any long lived odour in the environment due to the fact they are well aired as they leave the sheds and exposed to the environment.

Professor Lockerbie correctly states the odour assessment does not take into consideration spreading of manure. This is a common agricultural practise taking place in the UK and can occur on the land currently. Although spreading of manure does cause localised odour it is short lived where agricultural best practice e.g. ploughing in asap, takes place. Stockpiled manure produces odour for a time until a crust forms at which point little to no odour is emitted. Again this could occur without the development

and is not considered relevant. Should manure be stockpiled inappropriately close to receptors legislation exists to address this. In respect of dead carcasses closed bins are provided for this and odour is not generally considered a consideration requiring note given distances to nearest properties.

Three chimneys were modelled to be representative of the overall air exchange required without increasing the complexity of the model unduly. This is quite common and I have no specific argument against this methodology although it is always preferred that the model is constructed to be as accurate and robust as possible.

I have no concern with the averaging methods used. This again is common place for these type of assessments. Steve Smith, the author of the odour assessment, may wish to provide further comments on this aspect for clarification.

It is good practice for the author of a report to note credentials. However, Steve Smith has written many reports submitted to Shropshire Council LPA in support of development and I am aware of his expertise in this area.

The Australian government guidance referenced by Lockerbie addresses the geography, climate and farming practices in Australia. This guidance is not appropriate for the UK has different geography, climate and population spread than Australia.

As a result I do not consider any additional odour assessment is necessary to support this application and find the initial assessment submitted to be generally satisfactory.

Having considered the amended noise and odour assessment I do not consider it likely that the development will have a significant adverse impact on existing properties or areas where properties may be proposed in future. As a result I have no objections to the proposed development as it is possible to be developed in such a way which will not have a significant impact on nearby land uses. As a result the EA permit is sufficient to control noise and odour.

I would advise that a condition is placed to specify the number of birds to be kept on site at any one time as should additional birds be introduced this would have an impact on odour in particular. As a result should additional birds be proposed in future it is relevant and necessary for additional assessments to be carried out to consider amenity impacts further.

4.1.11 SC Highways Development Control No objections subject to conditions and informatives.

The Transport Statement submitted as part of this planning application, is considered to be sufficiently robust and adequately demonstrates the likely increased traffic movements and impact thereof that these proposed poultry units will have, on the adjacent public highway network. In the circumstances, it is unlikely that this development, if carried out as proposed, will create a situation where 'severe' harm could be demonstrated to substantiate a reason for refusal on highway safety grounds.

Notwithstanding the above, in the interests of highway safety, the revised access layout should not be gated to ensure that all HGV traffic can turn from, and be clear of, the

adjacent public highway. Any proposed gates should be erected within 25 metres of the nearside edge of the A458 carriageway. In order to provide unencumbered simultaneous entry and exit to the site, by all HGVs.

4.1.12 **SC Drainage** No objections. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. The proposed surface water drainage as described in the Assessment of Flood Risk and Surface Water Management should be detailed and submitted for approval. Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. Details and plan on how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system should be submitted for approval. Reason: To ensure that polluted water does not enter the water table or watercourse.

4.1.13 **Fire and Rescue Service** As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

4.1.14 **Department for Communities and Local Government** DCLG has been provided with a copy of the Environmental Statement and has confirmed that it has no comments to make on it.

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition 29 residential properties and businesses in the vicinity were individually notified. 275 representations have been received. Of these, 235 are objections, 38 are of support, and 2 contain general comments. The full representations are available on the planning register online, and are summarised below:

4.2.2 Objections:

Odour, noise and dust; health:

- The presence of odour from manure, ammonia and cleaning chemicals.
- Concerns over the methodology and findings of the odour report
- Noise caused by chickens, machinery, ventilation fans and traffic accessing the site.
- Poultry dust being transported by wind into the nearby residential area.
- The odour and dust will prevent the use of residential gardens; washing can't be dried can't enjoy outside space, won't be able to open windows and children won't be able to play outside.
- Flies and vermin will be attracted to the site.
- The site is too near the residential area and residential gardens.
- Toxic dust and bacteria in the air and its health impacts on the community.
- Increase the existing strain on the NHS and local doctors due to asthma and breathing complaint increase as a result of airborne dust and toxins.
- Impact on human rights due to risk of avian influenza.
- Impact on nearby irreplaceable stock of free range rare breed chickens due to

spread of disease and bacteria.

- Effect on residents if there was a disease outbreak and subsequent quarantine zone.

- Impact on tranquillity including Tasley churchyard.

Scale and type of development:

- The proposal is large scale industry and not farming.
- Better options available for farm diversification.
- Intensive farming is outdated and not a sustainable method of farming.
- The impact on local house prices and a reduction in the demand for housing.
- Animal welfare and cruelty due to the practices involved in this type of farming.

Traffic and public rights of way:

- Traffic concerns including; heavy haulage traffic, substantial increase in vehicle movements, vehicles will travel too fast and will in turn endanger cyclists, walkers and horse riders using the access road.
- Vehicles will travel to and from the site at unsuitable hours.
- The increase in vehicles and the type of vehicles will worsen the condition of the existing roads in need of repair.
- The dangerous highways junction is not suitable for the traffic increase. Unsuitable infrastructure serving the site.
- Restriction of access to Public Right of Way.
- Harmful manure on Public Right of Way which is harmful to dogs and PROW users. The submitted documents do not explain how this will be addressed.

Landscape impact:

- Impact on the landscape due to large industrial style buildings.
- The site is too large and will be visible from all around.
- Impact on character of the countryside.
- Scale of the building is out of context with countryside use.
- Design of building is an eyesore.
- Health risk to potential employees working in the sheds.
- Transporting chickens to and from the site will spread dust and disease even further.

Tourism and economy:

- Impact on tourism; no one will want to visit and the town's economy relies on tourism.
- People will move away from the area which will impact on the town centre shops and business.
- Not enough jobs are created by the proposal to warrant the other issues.
- Impact on local events such as the carnivals and art festivals.
- Closure of nearby pubs due to the lack of visitors.
- Proximity to the park and ride and decrease in likely users.
- Impact on nearby Church and its functions.
- Impact on achievements of the town; Best High street and Fairtrade awards.
- Effect on the reputation of Bridgnorth as an ethical, sustainable town which promotes small independent business.

Pollution and ecology:

- There will be an increase in waste both manure and carcasses.
- Impact on nearby environment due to waste spreading on fields and drainage into rivers and water ways.
- Soil and groundwater contamination through waste disposal.

- Harm to surrounding wildlife and biodiversity.
 - Some of the fields for manure spreading flood regularly.
 - Increase in carbon footprint of the town of Bridgnorth and overall impact on climate change.
 - New development should be strictly controlled in the countryside as per policy CS5.
- Planning policy and procedure:
- The negative impact on SAMDEV.
 - A further 500 are allocated to be built on land nearby, the proposal would impact these plans.
 - There has been a distinct lack of advertisement or knowledge of the proposal.
 - Lack of notification of people bordering the manure disposal fields, not just the area for the chicken sheds construction.
 - The supporters who have submitted representations are related to the applicant and do not live nearby.

4.2.3 In addition to the above **Bridgnorth District CPRE** has objected on the following grounds:

- While our Committee has no problem with small-scale economic developments this proposal is a large industrial size farm development that brings unacceptable environmental impacts. Reports on behalf of the applicant will look at the proposal in the most favourable light and just attempt to minimise the harmful effect of the development on the surrounding local community.
- It does not appear that the Environment Agency as yet has granted a permit covering control of odour, noise, ammonia waste, dirty water management or other possible associated harmful side-effects.
- For a number of reasons Bridgnorth CPRE oppose this proposed development:-
- 1) Location: The development is too close to a residential area and there is additional concern on what effect the site will have on the future proposed housing development in the locality. Many people will worry about the likely devaluation of their property that will become unattractive sales because of the presence of the chicken farm.
- 2) Landscape: These huge chicken units will be an unwanted dominating feature with serious potential of being an eye-sore on the country landscape.
- 3) Pollution: There are valid fears by many local residents of likely pollution from odour, excessive noise, toxic dust and water contamination.
- 4) Local economy: There will be little economic benefit to local people with very few new employment opportunities. It could also badly affect the tourism attraction.
- 5) Traffic: The road infrastructure does not lend itself to such an increase in heavy lorries along a country lane and cause road hazards.
- 6) General environment: The proposed development in no way enhances the countryside vitality or character and brings no substantial community benefits.
- For these reasons the proposed development should be refused planning permission.

4.2.4 **Shropshire Ramblers** have raised the following concerns:

- Concern over impact of manure spreading on public right of way users
- chicken manure may be spread on fields in which a Public Right of Way (Tasley Footpath 0148/4/1) runs

- unclear whether the manure is harmful to walkers (it would be harmful to their dogs if ingested)
- query what mitigation measures are to be taken to ensure that it is safe for walkers (and their dogs) to use the footpath immediately after the spreading of the manure

4.2.5 The letters of support make the following comments:

- The proposal will produce locally reared chicken which is in demand.
- The facility has good design and layout.
- The proposed landscaping scheme will enhance the visual characteristics, diversity and ecology of the area.
- The application will support British farmers, British based agriculture and British produce.
- Good for local economy.
- The location won't affect the general public.
- Sheds will use improved ventilation technology and design so smell and noise is reduced.
- The site will support existing local jobs and create new local jobs will both directly and indirectly.
- Farm diversification should be encouraged in a rural county like Shropshire whose main industry is agriculture.
- The site has good access to a main A road.
- Policy CS5 allows development for agriculture in the countryside.
- The application encourages the younger farming generation
- The additional journeys of lorries to the site will not affect other uses of the A458.
- The site will support chicken produce for Britain post following Brexit.
- Manure use will reduce reliance on artificial fertilizers.
- Buildings are well screened by existing and proposed landscaping.
- An established farm of over 25 years should be supported.

5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
 - Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character
 - Historic environment considerations
 - Highways access and traffic considerations
 - Ecological considerations
 - Impact on water resources
 - Residential and local amenity considerations

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 came into effect on 16th May 2017, however as part of transitional arrangements planning applications that were submitted before that date fall under the provisions of the previous Regulations, i.e. the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. These specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is

85,000 or more. The proposed development proposes 210,000 birds at the site and as such it is 'EIA development'.

6.1.2 The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations. This includes a detailed set of reports that have been prepared by consultants to assess the potential impacts of the development. These include: a Noise Impact Assessment; an Odour Impact Assessment; a Landscape and Visual Impact Assessment; a Transport Statement; a Flood Risk and Surface Water Management Assessment; a Heritage Assessment; and an Ecological Assessment.

6.2 Planning policy context; principle of development

6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF), and this advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

6.2.2 The proposed development is located in an area of countryside, and Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture. Core Strategy policy CS1 states that, outside community hubs and clusters settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.

6.2.3 In terms of the economic benefits of the proposal the planning application states that it involves an investment in buildings and infrastructure of approximately £3 million, and the operation would require one additional full time worker and one part time worker. The proposal would also contribute to other service industries within the poultry sector

such as haulage contractors, chick suppliers, feed suppliers, catching contractors, etc. Social benefits include the contribution that the proposal would make to UK food production and food security, and to maintaining the success of a rural farming business.

6.2.4 The potential environmental impacts of the proposal are discussed below, however in term of the principle of the development it is considered that the proposal can be supported in relation to national and local planning policies that provide support for the development of agricultural businesses.

6.2.5 Relationship between planning application and Environmental Permit: The NPPF requires that planning decisions ensure that new development is appropriate for its location, to prevent unacceptable risks from pollution. It states that the effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area of the proposed development to adverse effects from pollution should be taken into account (para. 120).

6.2.6 However the NPPF also makes clear that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively (para. 122).

6.3 Siting, scale and design; impact on landscape character

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.

6.3.2 Siting and alternatives: The applicant's landownership includes agricultural land surrounding the farm buildings at Footbridge Farm and the Environmental Statement states that the proposed site was selected in order to maximise separation distance with neighbours, and also to provide a compact grouping of buildings. The site would be physically well related to the existing farm buildings, and in relation to the nearest public viewpoints would be visually screened from the A458 by the farmstead. In principle officers consider that the siting is acceptable in relation to policy MD7b. Nevertheless potential impacts on amenity are assessed later in this report.

6.3.3 Site design and context: The Environmental Statement includes a Landscape and Visual Impact Assessment (LVIA) which has been prepared by a chartered landscape architect. The LVIA provides an assessment of the magnitude and significance of the landscape and visual effects of the proposal.

6.3.4 It is noted that the site does not fall within an area of designated landscape value, such as the Area of Outstanding Natural Beauty. Nevertheless the LVIA assesses that the

local landscape has Medium landscape quality. Features of note in the local landscape include steeply sloping wooded slopes associated with the Mor Brook valley to the south-west; sand and gravel mineral workings including Bridgwalton Quarry to the south-west; and the A458 public highway to the north-east.

- 6.3.5 The applicant site falls gently from the north-east to the south-west, from approximately 90 metres to 85 metres. It is proposed that the finished floor levels of each poultry house would be at 87.8 metres AOD, i.e. lower than the adjacent farm buildings. This would result in a ridge height of 94.2 metres, compared to a ridge height of the adjacent farm buildings of 101.2 metres.
- 6.3.6 Public viewpoints of the site are limited. The proposed development would be largely screened from the viewpoints to the north, including the A458, by the intervening large agricultural buildings and also by trees and hedgerows alongside the highway. Potential public viewpoints from other directions include public rights of way. Other than from the north, the nearest rights of way lie approximately 440 metres to the south-east and approximately 740 metres to the west. Views of the site from these locations are limited due to intervening vegetation and the distance involved.
- 6.3.7 Landscaping mitigation: A grassed mound would be formed along the south-western side of the site to a height of 90 metres AOD, with the outer face comprising a gentle slope to key into the adjacent arable field. A hedgerow, with hedgerow trees, would be planted on top of the mound. Other landscaping proposals include the planting of a new native hedgerow along the south-eastern boundary of the site, to be managed to a height of 3 metres or more, to include hedgerow trees. The existing hedgerow along the north-western site boundary would be managed at a height of 3 metres or more, and trees would be planted along this boundary, and also along the existing field boundary to the south-west and around the proposed attenuation pond to the south-west. All planting would comprise native species. The LVIA states that the landscaping would result in an increase of approximately 315 metres of new hedgerow planting and 33 new trees.
- 6.3.8 Impact on landscape character and visual effects: Once established to the proposed height of three metres, the top of the hedgerow would be at 93 metres AOD compared to the ridge height of the buildings which would be 94.2 metres AOD. In terms of the overall effects on landscape character the LVIA considers that the proposed development would be of Minor adverse significance at a site specific level and of Minor/Moderate adverse significance in terms of the immediate adjoining countryside and the wider Mor Brook valley.
- 6.3.9 In terms of visual effects of the proposal from public rights of way the LVIA concludes that they are of Minor adverse significance. It considers that the level of effect on all the other publicly accessible views is of Negligible adverse significance. In relation to private views from residential properties in the area the LVIA acknowledges that there would be potential middle distance views of the proposed development, it considers that visual effects would be of Minor/Moderate adverse significance.
- 6.3.10 Officers consider that the conclusions of the LVIA in respect of the likely landscape and visual effects of the proposal are reasonable. Officers consider that the proposal is

generally well site to take advantage of screening by existing buildings and vegetation. In addition the construction level of the site and the landscaping measures would provide an appropriate degree of mitigation such that impacts on the landscape would not be unacceptable.

6.4 **Historic environment considerations**

6.4.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses.

6.4.2 A Heritage Assessment was undertaken as part of the Environmental Impact Assessment, updated in May 2017. This assessment the impact of the proposal on heritage assets in the area. It considers that no scheduled monuments, registered parks and gardens, registered battlefields or conservation areas would be affected by the proposed development. In relation to Leasowes Farm grade II listed building to the east it notes that this is enclosed within its own landscaped garden, and that there is no intervisibility between the application site and the building. In relation to The Leasowes the Assessment states that there is some minor intervisibility between first floor level of the building and the application site. It considers however that this would be mitigated by a reduction in ground levels for the proposed sheds, and the creation of a bund and landscaping.

6.4.3 The Heritage Assessment identifies that there is no firm evidence of archaeological remains within the application site, but that a mitigation strategy comprising a programme of archaeological work would be appropriate to allow for the recording of potential below-ground remains.

6.4.4 In conclusion the Heritage Assessment states that the proposed development would not cause any direct or indirect physical impact on known heritage assets. Furthermore, allowing for appropriate mitigation, the proposed development will have no permanent adverse residual effect on the cultural heritage of the application site and its environs. The Council's Historic Environment team find that these conclusions are acceptable and have raised no objections. The conditions recommended, to require approval of the external colour and materials to be used in the buildings, landscaping and archaeological work including a geophysical survey of the site, can be added to the decision notice if permission is granted (see Appendix 1).

6.5 **Traffic and access considerations**

6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 6.5.2 A Transport Statement, undertaken by traffic consultants, has been submitted as part of the planning application. This states that the busiest periods in terms of HGV generation would be on days 30 (bird thinning), and 37 and 38 (bird removal) of the 48 day cycle. At its peak, the proposed development would generate 9 HGVs (18 two-way movements) on day 30; and 10 HGV visits (20 two-way movements) on day 37 and day 38. During bird thinning and removal the poultry unit would operate between 0200 hours and 1500 hours. Therefore during these 13 hour periods there would be two HGVs per hour. It notes that for 44 days of the cycle there would be between zero and two two-way movements. The maximum daily car, van and tractor movements would take place on day 40, comprising 11 visits (22 two-way movements). The Statement advises that the existing access to the farm would be upgraded to provide sufficient radii for a 16.5 metres articulated lorry to manoeuvre into and out of the site.
- 6.5.3 The Council's Highways consultant considers that the Transport Statement is sufficiently robust and that it is unlikely that the proposed development would result in a 'severe' level of impact for which a reason for refusal could be substantiated. The submitted site access design drawings include vehicle tracking detail to confirm that the required access upgrading can be achieved. A condition can be imposed on any planning permission requiring that this is undertaken prior to the operation of the poultry development, and also to require that any gates are set back into the site as recommended by the Council's Highways consultant. Subject to this it is considered that the proposed development is acceptable in highways terms.
- 6.6 **Ecological consideration**
- 6.6.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.
- 6.6.2 Ecological impacts from proposed construction: The Environmental Statement includes an Extended Phase 1 Habitat Survey. This includes habitat suitability surveys for Great Crested Newts and bat assessments of all trees and buildings. The Habitat Survey concludes that the site as a whole is not of sufficient ecological value to warrant whole scale protection from development. It states that the affected habitats are common and widespread and are of low intrinsic biodiversity value.
- 6.6.3 It should be noted that the water body shown on some plans to be located along the western side of the site is not present – the area is a small woodland. The nearest pond is located approximately 245 metres to the east, and the Council's ecologist has advised that no further survey or action is required regarding great crested newts. Natural England has advised that the proposed development would not have significant adverse impacts on designated sites. Features of ecological interest in and around the site include a hedgerow, oak tree and small copse. These are proposed to be retained.
- 6.6.4 No significant ecological concerns have been raised by either Natural England or the Council's ecologist. It is considered that the proposed landscaping of the site, to include

approximately 315 metres of new hedgerow planting and 33 new trees would provide ecological benefits to the area. To provide further protection and benefit, it is considered that the conditions recommended by the ecologist regarding the provision of two artificial nests and two bat boxes; the approval of a lighting prior to the erection of any external lighting; and the submission of a buffer zone along the watercourse for approval can be imposed should permission be granted.

6.6.5 Ecological impacts from atmospheric emissions: Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. These emissions can potentially impact on nearby nature conservation sites, damage vegetation and affect sensitive habitats.

6.6.6 The Environment Agency has undertaken an assessment of likely ammonia emissions from the operation as part of the associated application for the Environmental Permit (EP). The assessment is based upon potential impacts upon designated ecological sites in the wider area, i.e. two Sites of Special Scientific Interest (2.5km and 1.9km away); a Local Wildlife Site (1.6km away) and an area of Ancient Woodland (1.8km away). The results of the ammonia screening tool are that these sites screen out under the Agency's thresholds for significant impacts. As such detailed modelling is not required. Based upon this assessment, and the absence of any significant concerns raised by Natural England, it is considered that the proposal would not have any significant impacts upon these designated sites.

6.6.7 On the basis of the available evidence it is considered that the proposed development would protect and enhance the natural environment, and is therefore in line with Core Strategy policy CS17 and SAMDev Plan policies MD2 and MD12.

6.7 **Impact on water resources**

6.7.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water. It is proposed that foul and surface water drainage at the site would be separated to prevent discharge of dirty water to watercourses. Officers acknowledge that these pollution prevention measures are also controlled under the Environmental Permit for the operation.

6.7.2 Surface water drainage: The planning application is supported by a Flood Risk Assessment (FRA). This confirms that the site is located entirely within Flood Zone 1, i.e. outside of any area identified as having a higher risk of flooding. It assesses the risk of flooding from all sources as being very low. Due to the ground conditions at the site the FRA advises that attenuation would be the most appropriate system for surface water management. An attenuation basin would be constructed at the south-western side of the site. Clean surface water runoff from the site and buildings would be directed into drainage channels adjacent to the poultry buildings and conveyed to the attenuation basin. This would store the water and allow it to be released downstream at a normal greenfield runoff rate. To protect against overtopping of the basin, eg. as a result of rainstorm events, it is proposed that excess water would be directed towards a brook during such conditions.

6.7.3 Contaminated water drainage: During normal bird rearing periods the poultry buildings would be sealed. A switch system would be used to ensure that any dirty water from

the buildings and adjacent concrete apron that arises during the washing out and manure removal operations is directed into dirty water containment tanks.

6.7.4 The Council's drainage consultant has raised no objections to these proposals, but has advised that detailed measures should be submitted for approval. This can be secured by a planning condition (see Appendix 1).

6.7.5 Manure management: The planning application is accompanied by a Manure Management Plan (MMP), prepared by agricultural consultants, which identifies the land available at the farm for safely spreading poultry manure and indicates how much would need to be exported. Officers recognise that poultry manure is an agricultural product and fertiliser, and that spreading to farmland is controlled under the Nitrate Pollution Prevention Regulations regulated by the Environment Agency. It is noted that should the broiler operation become operational then stock would no longer be kept on the holding so the only manure arising would be that of the poultry. Some of this manure would be spread on farmland at Footbridge Farm. Due to controls over nitrogen loading the MMP states that there would be a need to export some of the manure to other farms. The MMP states that manure would be covered with polythene sheeting in suitably sited field heaps prior to spreading to land. The Environment Agency has confirmed that these matters are controlled under the Manure Management Plan that is required as part of the Environmental Permit. As such it is considered that there is an appropriate mechanism for regulating this element of the overall poultry operation.

6.8 **Residential and local amenity considerations; impact upon tourism**

6.8.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity. One of the core planning principles of the NPPF is that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings. Core Strategy policy CS16 seeks to deliver high quality sustainable tourism.

6.8.2 Officers acknowledge the significant number of public representations that have been made in relation to concerns over impacts of the proposal on residential amenity. Officers have given due consideration to these concerns, and have consulted with the relevant specialist bodies such as the Environment Agency and Public Protection team in order to assess the acceptability of the proposals.

6.8.3 As explained in the NPPF the control of processes and emissions are matters regulated under the Environmental Permitting regime. In relation to the current proposal the Environment Agency issued an Environmental Permit in April 2017. This allows a poultry rearing operation at the site of the same capacity for which planning permission is sought. The Agency has confirmed that the Permit controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the Permit, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise

and operation will be addressed. Nevertheless, as explained in paragraphs 6.2.5 and 6.2.6 above, it is necessary to ensure that the proposed operation is appropriate for its location, including in relation to potential impacts on residential amenity.

- 6.8.4 Noise: A noise impact assessment is included in the submitted Environmental Statement. This assesses noise that would be generated by the poultry operation in relation to properties in the area and also takes into account the land use allocations for residential, mixed use and employment development to the north-east and east of the site, as described in paragraph 2.3 above. The main source of plant noise would be the roof-mounted extractor fans on the poultry buildings and the gable end fans. Transport noise would include delivery/collection vehicles on the access road and manoeuvring and loading/unloading.
- 6.8.5 The noise impact assessment includes a survey of background noise levels, and notes that the dominant noise affecting the area at present is from road traffic on the A458. The noise impact assessment has taken into consideration the likely frequency of use of the fans and the timing of vehicle movements which would include night-time bird collections. The assessment concludes that the noise impact of the proposed development during the night from both the extractor fans and transport activities would be negligible.
- 6.8.6 The Public Protection Officer considers that it is unlikely that the development would have a significant adverse impact on existing properties or allocated residential sites. It is noted that an Environmental Permit has been issued and that this provides an additional level of control over noise.
- 6.8.7 Odour: A significant level of public concern has been raised regarding the potential odour impacts of the proposal. This has included detailed objections and queries over the methodology and findings of the submitted odour impact assessment. Officers have considered these concerns and have sought further technical advice and clarification where necessary.
- 6.8.8 The submitted Environmental Statement includes an assessment of odour impacts of the proposed development. This has included a dispersion modelling study which has been undertaken by a specialist odour consultant. The odour report has sought to quantify odour emission rates from the proposed development, using an emissions model that considers the internal odour concentrations and ventilation rates of the poultry houses. This has been used to calculate odour exposure levels in the surrounding area, taking account of meteorological data such as wind speed and direction. It also takes into account the land use allocations for residential, mixed use and employment development to the north-east and east of the site, as described in paragraph 2.3 above.
- 6.8.9 The odour assessment has calculated the likely odour levels at 23 receptors around the site, including the nearest residential properties. The results are presented in terms of the 'predicted maximum annual 98th percentile hourly mean odour concentrations'. This is as used in Environment Agency guidelines and equates to the hourly mean odour concentration that is equalled or exceeded for 2% of the time. The report recognises that peak odour emission rates are likely to occur when the sheds are being cleared of litter at the end of each crop.

- 6.8.10 In respect of Environment Agency guidance the results suggest that at below 5.0 ou_E/m³ odour concentration, complaints are relatively rare. In addition the Agency's guidance sets benchmark exposure levels. For the moderately offensive odours such as that produced by poultry units, the benchmark is 3.0 ou_E/m³. The results indicate that the only receptor where the 98th percentile odour concentration would be greater than 3.0 ou_E/m³ would be at the site itself. Other than this the identified receptor with the highest odour concentration would be Footbridge House to the north-west, with a value of 2.61 ou_E/m³. A small area of land within the ownership of Footbridge House would experience odour levels of between 3.0 ou_E/m³ and 5.0 ou_E/m³. However it is understood that this land is in agricultural use and not part of the residential curtilage of the dwelling.
- 6.8.11 The modelling report concludes that the 98th percentile mean odour concentration at nearby residences would be below the Environment Agency's benchmark for moderately offensive odours. The odour contour map in the odour report indicates that odour levels would be less than 1.5 ou_E/m³ at the livestock market on the edge of Bridgnorth (the report suggests that 1.0 ou_E/m³ is the limit of detection).
- 6.8.12 The specific concerns over the methodology and findings of the odour assessment raised by members of the public include:
- Australian Planning Guidance would require a minimum distance of 2.5km between the installation and other third party residences
 - Odour report is fundamentally flawed as it takes no account of the odour from the manure which would be spread on adjacent fields
 - Would expect odour to be classified in the 'most offensive' category
 - Odour report does not mention dust
 - The report refers to three exhaust chimneys per shed when 15 per shed are proposed, suggesting that odour may be five times higher than modelled
 - The report uses average values but a more balanced approach should be to focus on those periods towards the end of each crop cycle when odour emissions are at their highest and more likely to breach statutory limits
 - The odour assessment underestimates the level of odour that would be produced
 - The qualifications of the author of the odour report are queried
 - the impartiality of the odour assessment is queried.
- 6.8.13 The Public Protection Officer has provided further comments following the receipt of the above concerns. The Officer has confirmed that he concurs with the findings of the report and that a poultry development of the scale and size proposed can operate at this site without causing a significant impact on the surrounding area. In addition further clarification has been provided by the applicant's agent and consultant. Officers consider that the odour report has been based upon relevant Environment Agency guidance. The report author has confirmed that the number of chimneys referred to is a modelling simplification and does not affect the results. No concerns have been raised over the methodology of the report by either the Agency or the Public Protection team. The proposal should be considered in relation to local and national planning policy and in making a decision it is not considered that weight can be given to guidance relating to broiler facilities in Australia. The proposal does not seek permission for manure spreading. This is an agricultural activity and any permission granted for the broiler

operation would not seek to control the location for manure spreading. This matter is controlled by other regulations.

6.8.14 Officers note that the results of modelling do not suggest that odour from the proposed development would not be detectable beyond the site boundary at certain times. However it is reasonable to conclude that odour impacts would not be significant. There is clearly a significant level of public concern over odour. However the technical advice from the pollution control authorities is that the submitted odour assessment is fit for purpose and that there are no significant issues.

6.8.15 Dust: Dust can be emitted into the atmosphere through the ventilation systems of the proposed buildings. The Environmental Statement provides an assessment of potential impacts from dust emissions. It refers to a Defra research which demonstrated that emissions from poultry units in terms of particulate matter reduced to background levels by 100 metres downwind of even the highest emitting poultry houses. As such it considers that dust impacts would be negligible. It is understood that the Environment Agency would only seek a risk assessment for dust where there is a sensitive receptor within 100 metres of the installation. Whilst there have been public concerns raised over dust emissions and potential health effects from the proposed facility, based upon the advice received from technical consultees it is considered that there is a sufficient separation distance between the site and receptors to ensure that the risk of such adverse effects is not significant.

6.8.16 An Environmental Permit for the operation has been issued and the Environment Agency has confirmed that, through this, issues such as odour, noise and dust will be addressed. Officers consider that this will provide an effective system for controlling emissions from the facility. Furthermore it is concluded that the proposal is in an acceptable location and would not give rise to adverse impacts on residential and local amenity, including that of residents of Bridgnorth. As such it is not considered that the proposal would adversely affect tourism in the area.

7.0 CONCLUSION

7.1 The proposal for a poultry rearing development at Footbridge Farm would be satisfactorily sited and designed, with an appropriate level of landscape mitigation, such that impacts on the landscape would not be unacceptable. The proposal would not adversely affect the setting of heritage assets, and site access proposals are satisfactory. The pollution control and water management measures proposed are acceptable in principle for the nature of the development. No significant ecological issues have been raised, and the proposed planting would provide ecological enhancement. The concerns raised regarding the potential impacts of the proposal, including in relation to residential amenity issues such as odour, have been given due consideration. Officers consider that the technical assessments submitted as part of the Environmental Statement are generally satisfactory. No significant concerns have been raised through consultation with the relevant pollution control bodies to suggest that the proposal is not an acceptable use of land. Officers consider that adverse impacts on residential and local amenity can be satisfactory safeguarded. In addition the Environmental Permit that has been issued for the operation would provide an additional level of control. The proposal would provide benefits to the rural economy through diversification of the existing agricultural enterprise and investment in the

development. Whilst the proposal would have some impact on the local area due to its scale and nature, on balance it is considered that it can be supported in relation to Development Plan and national planning policies. As such it is recommended that delegated authority is given to the Planning Manager to grant planning permission subject to conditions as set out in Appendix 1, and any amendments considered necessary.

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.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

Shropshire Core Strategy:

- Policy CS1 (Strategic Approach)
- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS16 (Tourism, Culture and Leisure)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)

SAMDev Plan:

- Policy MD2 (Sustainable Design)
- Policy MD7b (General Management of Development in the Countryside)
- Policy MD8 (Infrastructure Provision)
- Policy MD12 (Natural Environment)
- Policy MD13 (Historic Environment)

Relevant Planning History:

09/00591/AGR Erection of general purpose agricultural building GRPAN 30th June 2009

09/00715/FUL Erection of a single storey agricultural worker's dwelling WDN 4th August 2009

BR/01/0005/HRM Remove four hedgerows approximately 120, 217, 200 _ 260 metres long.

NOOBJC 27th June 2001

17/01033/EIA Erection of four poultry buildings with feed bins, one gate house, one boiler

house and circular water tank; and associated infrastructure and landscaping scheme PDE

BR/APP/FUL/04/0989 Erection of a rear two storey extension and conservatory GRANT 20th December 2004

BR/APP/FUL/04/0520 Erection of a two storey extension REFUSE 9th August 2004

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning application ref. 17/01033/EIA, including Environmental Statement

Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Members Cllr Les Winwood Cllr Elliot Lynch
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Appendices APPENDIX 1 - Conditions

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STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4. No development hereby permitted shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.

Reason: To ensure an acceptable appearance to protect visual quality.

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

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

6. No development shall take place (including demolition, ground works and vegetation clearance) until a plan showing a buffer zone along the watercourse has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a minimum [10m] buffer temporarily fenced off parallel to the bank[s] along the length of the watercourse. No access, material storage or ground disturbance shall occur within the buffer zone.

Reason: To ensure the protection of the watercourse, and associated wildlife, during construction works.

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

7. The poultry buildings hereby permitted shall not be occupied by birds until the site access has been constructed to the specification as shown on drawing no. 18390-01 (Proposed Site Access and Visibility Splays)

Reason: To provide an acceptable site access in the interests of highway safety.

8. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

9. The landscaping shown on the Landscaping Proposals drawing no. 1477.03 shall be undertaken no later than the first available planting season following completion of construction of the poultry buildings. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

10. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first use of the buildings hereby permitted.

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

11. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. 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

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

12. Any gates provided to close the proposed access shall be set a minimum distance of 25 metres from the carriageway edge and shall be made to open inwards only.

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

13. (a) The number of birds at the site within the poultry rearing buildings shall not exceed 210,000 at any time.

(b) Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to local planning authority on request.

Reason: To avoid adverse impacts due to intensification of the development.

Informatives

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

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

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

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

3. 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

Note: 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.

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

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

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.

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

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal plan 1477.03 dated 07/11/2016 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.

4. Protection of visibility splays on private land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

The applicant should in the first instance contact Shropshire Councils Street works team.

This link provides further details

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

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



Committee and date

South Planning Committee

29 August 2017

Development Management Report

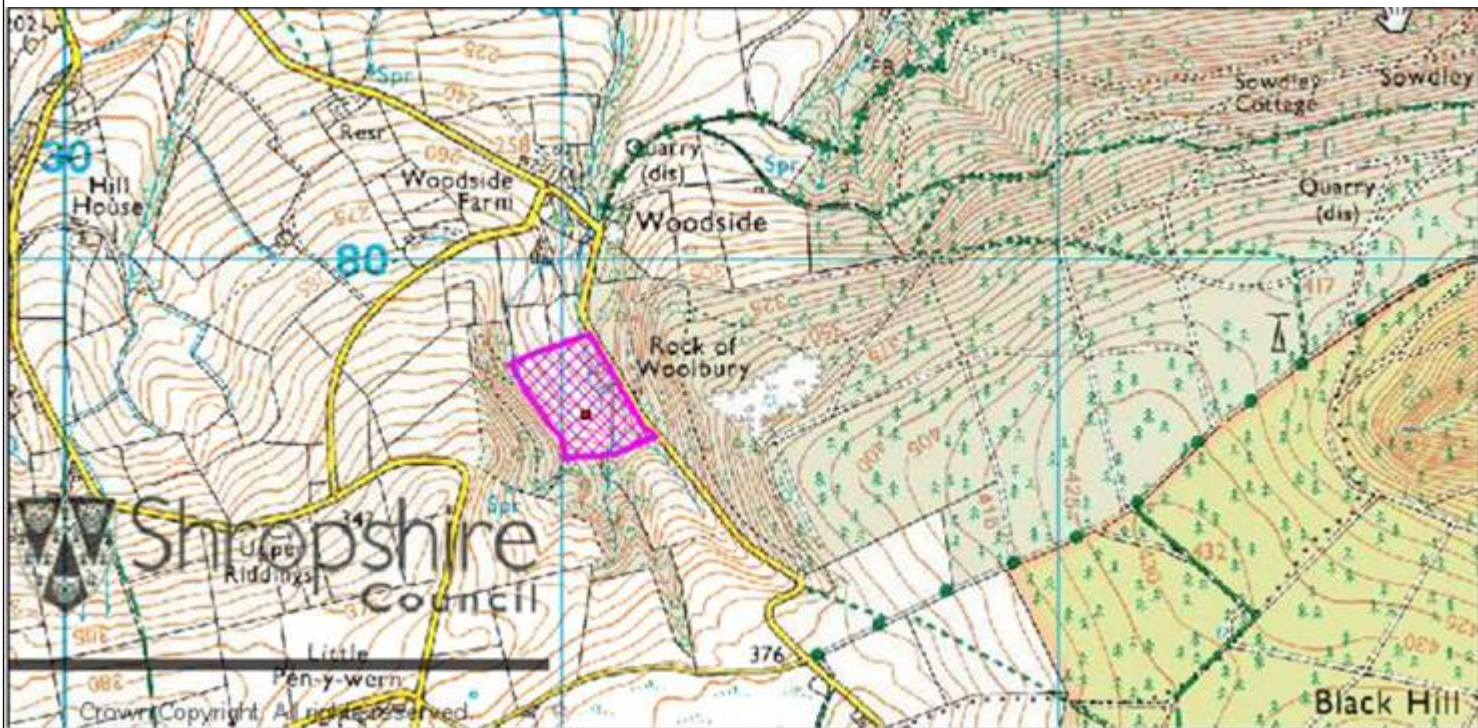
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 17/01380/FUL	Parish: Clun
Proposal: Change of use of land to form camping site to include the erection of 6 self-contained yurts for holiday lettings; one amenity building; installation of sewage treatment plant (amended description)	
Site Address: Proposed Camping Site At Jenny Knoll Woodside Clun Shropshire	
Applicant: Mr & Mrs D Roberts	
Case Officer: Vincent Maher	email: planningdmsw@shropshire.gov.uk

Grid Ref: 331049 - 279692



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application (as revised) would provide for six “yurts” (portable round tents), an amenity block and parking area to be provided as tourist accommodation. Each yurt would measure 5.5m in diameter and up to 3.2m in height and be of canvas construction (green and sand colour) constructed on a timber platform. Each yurt would have its own “bathroom pod”, a separate building measuring 3.5m in length, 2.5m in width and 2.6m in height. A communal single storey amenity block with veranda (approximately 3.4m in height, some 4 m in width and 14.35m in length) would contain a kitchen, common room and a WC. A car parking area would be located just off the access and passing road. The applicant proposes that this area be laid down over an eco-mesh seeded with meadow grass mix seed to maintain the rural appearance of the site.
- 1.2 The applicants are promoting this proposal as a low energy “sustainable glamping site” forming part of a larger farm holding currently used for alpaca and angora goat rearing and woodland. They propose a number of initiatives to demonstrate its “green” credentials. These include: using solar panels to provide electricity and not having a connection to either the electricity grid or gas mains (supplying bottled gas only); sourcing yurts from a firm in Clun and timber locally; supplying visitors with torches to avoid the need for lighting; and ensuring that no detergents with phosphates are provided.
- 1.3 Sewerage would be collected in a septic tank. Surface water drainage would be managed via a soakaway.
- 1.4 The application was initially accompanied by a planning statement, a “Phase 1 Environmental Report” (an ecology report) which contains a series of recommendations to mitigate environmental impact and to enhance the habitat value of the site; and a plan showing the SUDs Applicability. A highways access report and highways plan was submitted later in response to initial consultation comments from the highway authority.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is an agricultural field at Jenny Knoll, Woodside, some 1.3km south of Clun. It forms part of a larger farm (some 28.3ha or 70 acres) recently acquired by the applicants.
- 2.2 The field sits within a scenic valley setting within the Shropshire Hills AONB. It is wooded on three sides. Land levels fall steeply to the south affording some views towards the neighbouring property (Hollybush Farm) and further afield into the wider countryside. A stream crosses the middle of the site that forms part of the Clun Catchment Area.

2.3 Vehicular access to the site would be onto the unclassified “Woodside to Pen-y-Cwm” road, the U7706, a single-track rural unlit road where the national speed limit theoretically applies. There are two passing places on this road created by tracks off it. The opportunity for passing places is currently restricted by the hill (Rock of Woolbury) rising to the east and falling to the west. The aspect of the road is enclosed by the hill with overhanging trees opening out to hedging toward the south.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This proposal is being reported to the South Planning Committee because the officer recommendation is at odds with the consultation responses from Clun Town Council. The Chair of the Committee, in consultation with the Principal Planning Officer, considers that the application raised material planning considerations that warrant consideration by the Committee in this case.

4.0 Community Representations

Consultee Comments

4.1 Clun Town Council: Objection

- Not appropriate for this location and not close to a settlement so contrary to Policies CS5 and CS16.
- Highway concerns.
- Amenity building has potential to become accommodation or residential rather than incidental support.
- Concern that open fires may occur.
- How will pets be managed on site?

4.2 SC Drainage – require detailed drainage plan if permission is granted

4.3 SC Rights of Way – no comments.

4.4 SC Archaeology – no comments.

4.5 SC Trees – no objection based on revised plans and reduced scheme.

4.6 Shropshire Hills AONB – advise of policy context for decision making.

4.7 SC Regulatory Services (Public Protection) - – recommend informative regarding private water supply.

4.8 SC Highways – initially objected but now have no objection following submission of a highways access report, access plan and amended layout. Specifically, they advise that:

- Access onto the U7706 is adequate as long as the visibility splay is maintained. It would be preferable if the access could be set at 90 degrees to the road so that an emerging driver can have an easily obtainable view in both directions.
- The applicant needs to provide appropriate facilities for storage/ collection of household waste.

4.9 SC Ecology Comment

- Site close to Rock of Woolbury Local Wildlife Site. Shropshire Wildlife Trust should be consulted on this application and their comments received prior to a planning decision being made.
- Site within water catchment for the River Clun and upstream of the River Teme SSSI and the River Clun SAC. The River Clun SAC is currently failing its water quality targets.
- Development within catchment needs to be supported by detailed information relating to drainage/ foul water treatment. Details available online. Request an FDA1 form. This has subsequently been submitted.

Public Comments

4.10 Eleven objections raising the following matters:

- Anomalies/ errors in planning application documentation.
- Unsupervised site – noise/ litter/ fires/ extra occupants cannot be controlled.
- Spacing of yurts far apart maximising visual impact and harm to AONB.
- Impact on infrastructure – would more than double population of Woodside. Light pollution because electricity supply would be required.
- Traffic concerns – road poorly maintained and steep; difficult to cross in snow or rainy conditions; impacts on cars, walkers and horse riders
- Ecological impacts – surveys submitted inadequate, how will sewerage/ waste be disposed of, impact on Clun Catchment Area.
- Amenity building is a residence, a precedent for permanent dwellings.

5.0 THE MAIN ISSUES

- Principle of development
- Impact of the development on the countryside/ AONB
- Highways impact
- Ecological impact
- Other impacts arising from activities on site

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application site is located in the open countryside south of the settlement of Clun where Core Strategy (CS) Policy CS5 applies. This imposes strict controls on new development. However, proposals on appropriate sites which maintain and

enhance the vitality and character of the countryside will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. This is particularly where they relate to sustainable rural tourism and countryside recreation proposals in accordance with CS Policies CS16 and CS17 which seek to promote high quality visitor accommodation that are appropriate to their location while respecting the county's environmental assets. Policy CS13 seeks to support farming but also other complementary economic activity such as green tourism and leisure consistent with the NPPF (paragraph 28).

- 6.1.2 Clun is designated as a community hub in the development plan (refer CS Policy CS4 and SAMDev Policies MD1 and S2.2(iii)). The services in Clun also support existing tourism enterprises within the town and immediate surrounding area.
- 6.1.3 At face value, a new tourist development in relatively close proximity to Clun could therefore theoretically complement the existing cluster of facilities and activity in the town and support local businesses and make a modest contribution towards supporting a prosperous local rural economy too but would need to be carefully controlled and managed. There is therefore no objection to the principle of the development at this site.
- 6.1.4 Acknowledging perceived concerns about the proposal being interpreted by some local people as allowing permanent structures on the site, the applicant has proposed a condition restricting the times of the year when the yurts can be erected. This makes clear that the development is not a precedent for housing. Nothing in the application would lend support for the amenity block to be used as a dwelling and another condition is proposed to confirm this cannot be occupied independently as such.

6.2 Impact of the development on the countryside/ AONB

- 6.2.1 Both national planning policy and the development plan attach great weight to conserving the landscape and scenic beauty of the AONB. The proposal can be assessed to have minimal impact on the surrounding countryside and AONB chiefly because it would be screened from the road and from three sides and there would be limited views in to the site. In addition, the ecological report accompanying the application recommends the introduction of additional native planting that would serve both as a chance to provide additional habitat for indigenous animals as well as a further visual screen. Overall it is concluded that this proposal would support relevant development plan policies (CS Policy CS6, CS17 and SAMDev Policies MD2 and MD11) and be broadly consistent with the AONB Management Plan.

6.3 Highways impact

- 6.3.1 The highway authority has not objected to a development of a reduced scale subject to revisions that improve the angle of access onto the site. It can be assumed that the additional traffic generated by the proposal would not affect highway safety on this lightly trafficked road significantly. The highway authority's advice is addressed in a relevant access condition.
- 6.3.2 Notwithstanding this advice, there is the potential for conflict between walkers, horse riders and vehicles on the U7706 and the manoeuvring of two passing vehicles was observed on a site visit. Acknowledging this, the applicants have

agreed to a Grampian condition (that is, a planning condition requiring off site works to be carried out before a development is implemented) to provide a scheme of passing places on the approach road from Clun.

- 6.3.3 This is considered to be necessary and consistent with the development plan as it would both support CS Policy CS7 which seeks to promote safe transport infrastructure while at the same time improving the appearance and quality of the development to facilitate pedestrian and other movements consistent with CS Policy CS17 and SAMDev Policy MD2. The provision of additional passing spaces would give opportunities for some tourists using the facility to walk into/ back from Clun instead of driving consistent with CS Policy CS6 and the NPPF (paragraph 35) which directs councils to exploit opportunities for the use of sustainable transport modes. This Grampian condition would incidentally deliver community benefits to other road users of the U7706.

6.4 Ecological impact

- 6.4.1 The ecology report confirms that the proposal would not affect any protected species and states that the introduction of yurts in place of grazing would reduce the potential impact on the Clun Catchment area by causing a net reduction in nitrogen leaching into the watercourse. Neither the Council's ecological expert nor Shropshire Wildlife Trust object to the proposal on the basis of the findings of the report prepared that forms part of the application. Conditions are proposed to enhance the site in line with the applicant's ecologist advice (additional landscaping, introduction of bat boxes) consistent with CS Policies CS6, CS13 or SAMDev Policies MD2 and MD12.
- 6.4.2 Some residents have raised concerns about potential run off affecting the Clun Catchment Area. This can be addressed by a drainage condition and the drainage condition requires the applicant to construct a temporary bund during the construction of the sewerage pipe system to protect the brook and wider catchment area from pollutant run off. A lighting condition would also serve to reduce the potential conflict between the introduction of human activity and fauna and the wider AONB. In this respect the proposal would not conflict with the development plan (refer CS Policies CS13, CS17 and SAMDev Policy MD2 in particular).

6.5 Other impacts arising from activities on site

- 6.5.1 Some local residents have raised concerns about how the campsite will be managed given that it will be unsupervised. They suggest there is also the possibility of additional campers using the site. In response to this, the applicants confirm they live nearby and have supplied a short statement confirming how they would manage the site to ensure there would be no local disturbance in time to come. Nonetheless, noting that planning control runs with the land and that this could be a standalone facility at a later date, a site management plan condition is proposed to formalise how the proposal would be managed as well as a control requiring the applicants to maintain a register of campers using the facility consistent with CS Policy CS6 and advice in the NPPF (paragraph 123). Breaches of these conditions or the erection of additional tents on site could be swiftly addressed via planning enforcement action and prosecution. The Council also has Public Protection powers that it can use to enforce noise nuisance or other forms of disturbance.

6.5.2 There would be no overlooking into the dwelling to the south.

7.0 CONCLUSION

Planning for a new tourist activity in an AONB over 1km from the nearest settlement is a very sensitive matter and the development plan directs the Council to control such development strictly. This report has demonstrated that there are likely to be modest economic and social benefits associated with the proposal both for the farm and the provision of a new facility in a picturesque setting. The environmental challenges of the development such as protecting the Clun Catchment watercourse and ensuring safe access to the site can be addressed by condition. Accordingly, it is recommended that planning permission be granted.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and SAMDev Plan policies

CS4 - Community Hubs and Community Clusters
 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
 CS17 - Environmental Networks
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD11 - Tourism Facilities and Visitor Accommodation
 Settlement: S2 - Bishops Castle

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=ON8CZSTDKM200>

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

Planning Statement

Ecology Report

Surface Water Management Plan

Highways Report

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Nigel Hartin

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until details of the design and construction of localised road improvements (passing places), have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the accommodation is occupied, for the first time.

Reason: To promote sustainable transport and in the interests of highway safety.

4. No development shall proceed until a detailed car parking and lighting plan has been submitted to and approved in writing by the local planning authority. The plan shall show details of on site lighting (number of lights and levels of lighting) and to confirm the areas, layout and materials to be used in the proposed car parking area. The development shall be implemented in accordance with the approved scheme and the approved layout retained thereafter in perpetuity.

Reason: In the interests of the visual amenity of a site within the Shropshire Hills Area of Outstanding Natural Beauty and to ensure safe access to and around the site.

5. No development shall take place until a site management scheme for visitors has been submitted to and approved in writing by the local planning authority. The scheme shall cover the following matters:

how guests will be welcomed and inducted on site;
measures that will be taken to manage on site activity to prevent fires and noise, to control pets on site, and to mitigate the potential for social behaviour; and
details of refuse management including where bin stores will be located on site and how refuse and recycling facilities will be collected.

The development shall be implemented and the site thereafter managed on first occupation in accordance with the approved scheme.

Reason: In the interests of amenity.

6. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') and a scheme of bat boxes have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become 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 and in accordance with the ecological advice set out in the Phase 1 Environmental Report accompanying the planning application.

7. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a temporary bund for the duration of construction works contained in the recommendations of the Phase 1 Environmental Report submitted with the planning application to protect the Clun Catchment Area. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

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

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

8. The site shall be completely cleared of all yurts between the 1st November and 28th February in the succeeding year.

Reason: In the interests of the amenity of the area and to prevent a permanent settlement being established on site contrary to the provisions of the development plan.

9. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 1987, the development hereby permitted shall be used to provide holiday accommodation only and they shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any recognised settlement and is in an area where unrestricted residential accommodation would not be appropriate. The lodges are permitted as they provide holiday accommodation.

10. A register shall be maintained of the names of occupiers of the units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the local planning authority.

Reason: General residential development in this location would be contrary to adopted local and national policy.

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



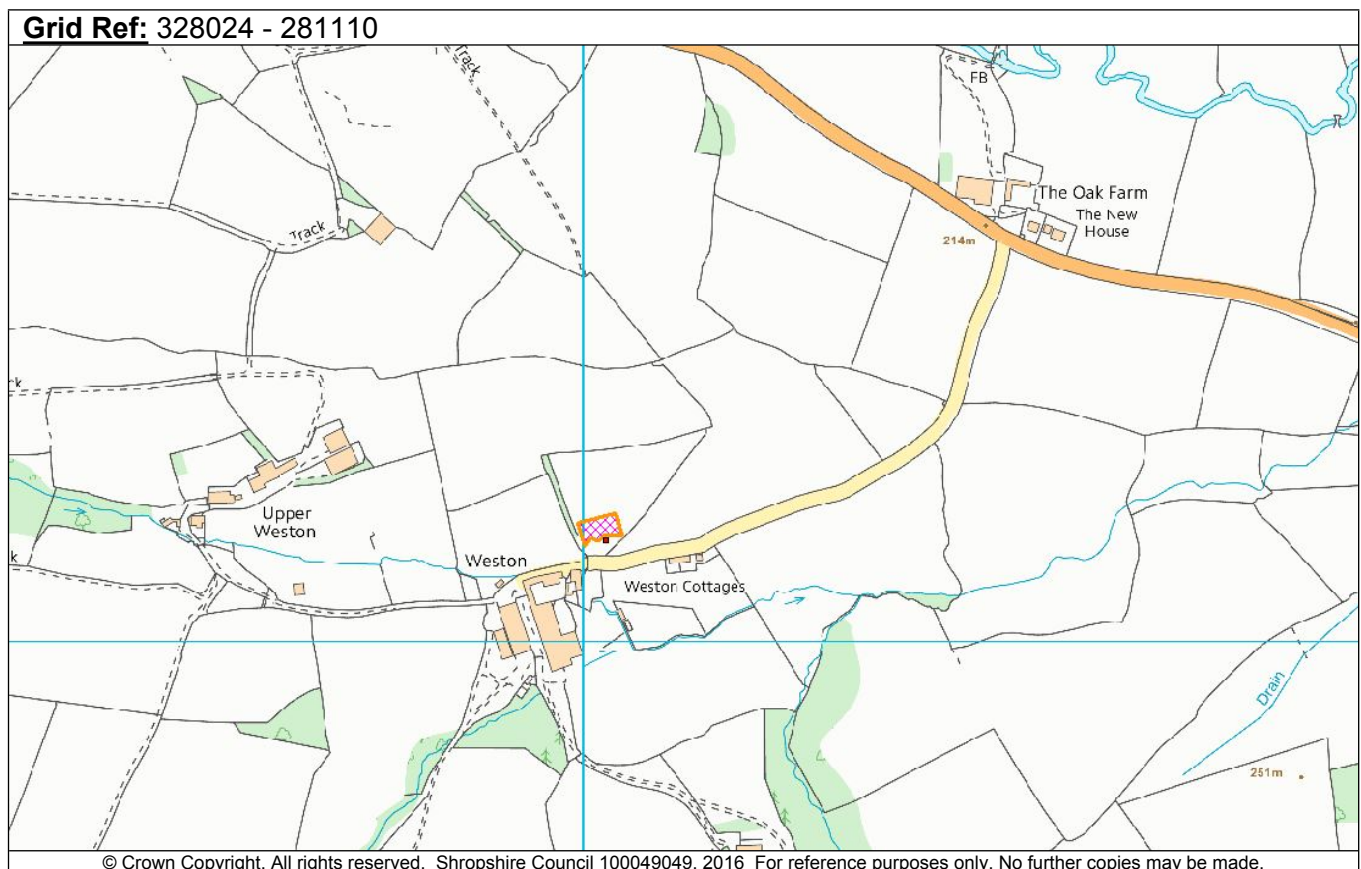
Committee and date
 South Planning Committee
 29 August 2017

Development Management Report

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

Summary of Application

Application Number: 17/02528/FUL	Parish: Clun
Proposal: Erection of affordable dwelling with detached garage; installation of sewage treatment plant	
Site Address: Proposed Affordable Dwelling NE Of Lower Weston Farm Clun Shropshire	
Applicant: Miss. N. Morris And Mr. C. Webb	
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk



Recommendation: Refuse**Recommended reasons for refusal:**

1. The site is in open countryside and not within or adjoining any recognisable named settlement. Consequently, and notwithstanding the fact that the applicants have been found to fulfil the local connections and housing need criteria for a designated affordable home, the principle of the proposed development is contrary to the National Planning Policy Framework, Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.
2. By reason of its countryside location with only sporadic existing housing, and its detachment from and elevation above the established building complex at Weston Farm, the development would detract from the essentially open character and scenic quality of this part of the Shropshire Hills Area of Outstanding Natural Beauty. It would, therefore, be contrary to the National Planning Policy Framework, Policies CS5, CS6, CS11 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

REPORT**1.0 THE PROPOSAL**

- 1.1 This application seeks full planning permission to erect a single-storey 'affordable' dwelling for occupation by named individuals in local housing need. It is also proposed to erect a detached double garage and form an access drive off an existing farm track (a second access was proposed originally, but is omitted on an amended plan).
- 1.2 The proposed bungalow would have a 'T' shaped floor plan, providing a kitchen/lounge/dining area; study; utility, two bedrooms (one ensuite) and a bathroom. The external facing materials would be a combination of stone and timber cladding, with a slate dual pitched roof. Hot water solar panels would be provided on the south facing roof slope. There would be a stone and brick chimney stack on the north elevation. The east facing gable end would have a deep roof overhang formed, with the gable area below fully glazed. The detached garage would have an eaves and ridge height matching that of the bungalow, with walls clad in horizontal timber boarding and the south elevation being two open fronted bays.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Weston Farm lies in a small valley in the east side of Weston Hill, at the end of a no-through lane off the B4368, 1.25 miles west of Clun and within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The farm complex is large and comprises a variety of traditional and modern barns beyond a Grade II-listed late 16th or 17th Century 2½-storey farmhouse. This is timber-framed but partly refaced and extended in stone, its principal elevation facing east, and with a cross-wing and massive stone chimneystack on the north side abutting the road. A small stone and

timber-clad outbuilding is cut into an embankment opposite, on top of which, and slightly further along behind a native hedge, is the application site. This is in fact the lower, southern corner of a triangular-shaped field bounded to the west by a belt of trees and surrounded by further agricultural land. The closest neighbouring properties are a pair of mid-20th Century semi-detached houses ('Weston Cottages') 65 metres to the east, again on the south side of the lane. Meanwhile Upper Weston Farm lies 400 metres to the west, along a track beyond the end of the lane.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to the planning committee for determination because the officer recommendation of refusal is contrary to the Local Member's and Parish Council's support. The Chair of the Committee, in consultation with the Principal Officer, considers that whether the site forms part of a recognisable settlement and the issue of landscape impact warrants consideration by the Committee in this case.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Clun Town Council – support:

The applicant is a local person who wishes to stay in the community and works in an industry related to agriculture (as a vet).

4.1.2 Shropshire Council Flood and Water Management – comment:

An informative should be attached to advise the developer of the need for a sustainable surface water drainage system designed in accordance with the Council's '*Surface Water Management: Interim Guidance for Developers*' document. The provisions of the Government's Planning Practice Guidance should also be followed, particularly Section 21 which aims to reduce the causes and impacts of flooding. Preference should be given to measures which allow rainwater to soak away naturally, with connection to existing drains or sewers being a last resort.

4.1.3 Shropshire Hills AONB Partnership – comment:

The local planning authority has a statutory duty to take into account the AONB designation, with the National Planning Policy Framework (NPPF) giving such areas the highest level of protection in terms of landscape conservation. The application also needs to conform to the Council's own Core Strategy policies and Site Allocations and Management of Development (SAMDev) Plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the Partnership should not be interpreted as suggesting that the application raises no landscape issues.

4.1.4 Shropshire Council Highways Development Control – objection:

The details submitted are insufficient to inform a technical assessment of the proposed vehicular access arrangements. Revised or additional plans need to show the precise position of the access, and visibility splays for emerging vehicles (which should measure 43 metres in each direction, from a point 2.4 metres back from the edge of the highway carriageway and 1.05 metres above ground level). Although the access exists already it is currently only used by agricultural vehicles.

Domestic cars tend to have a lower driving position and hence different visibility requirements.

4.1.5 If permission *is* granted, informatives should be attached to advise of the need to keep the highway clear of mud and surface water run-off, and the requirement for a licence for any works on or abutting highway land.

4.1.6 Shropshire Council Historic Environment (Conservation):

21/6/17 – objection:

The siting and design of any new dwelling here clearly needs to respect and preserve the setting of the listed farmhouse, bearing in mind the local planning authority's statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and also the NPPF guidance and Core Strategy policies concerning the historic environment.

4.1.7 According to the submitted Design and Access Statement the single-storey height of the proposed dwelling would minimise its visual impact when approaching from the lane. However, its effect on the setting of the historic farmstead, including the curtilage-listed outbuilding adjacent to the site access, has not been fully assessed. Potentially the outbuilding could also be affected directly through changes required to create a satisfactory access.

4.1.8 A heritage assessment should therefore be prepared in accordance with NPPF Paragraph 128 and SAMDev Policy MD13. This should comprise a photomontage showing current and proposed views towards and from the farmhouse, together with a statement summarising any impacts and making recommendations for mitigation.

4.1.9 26/7/17 – comment:

A heritage assessment has now been submitted, but is not in a standard format and so should be treated with some caution. It does, however, present and discuss the development's potential visual effects on the setting of the listed farmhouse and curtilage-listed outbuilding, and it is determined that these would be of only minor detriment and that the overall impact on the significance of the heritage assets would be negligible.

4.1.10 Nevertheless the high level glazing in the end gable of the new dwelling is likely to increase its visibility and prominence, especially at night, so it is suggested that this gable should instead be clad with timber. External lighting should also be minimised.

4.1.11 Direct or physical impacts on the curtilage-listed outbuilding would now be avoided by omitting the second access route from this point on the amended plans. This is acceptable from a conservation perspective.

4.1.12 If the application is approved, a sample panel of walling materials, including the mortar mix, should be secured by condition.

4.1.13 Shropshire Council Ecology – comment:

Given the site's location within the catchment area of the River Clun and upstream

of its Special Area of Conservation (SAC), a Habitat Regulations Assessment (HRA) has been completed. It is concluded that the development is unlikely to affect the SAC's significance or integrity. The HRA screening matrix must be included in the planning officer's report.

4.1.14 Any permission granted should include informatives setting out the legal status of nesting birds and advising on the protection of wildlife in general.

4.1.15 Shropshire Council Affordable housing – comment:

The applicant, Miss Natalie Morris, has demonstrated strong local connections to the Clun Town Council with Chapel Lawn administrative area. After considering her housing needs and personal circumstances, it is confirmed that the requirements of the Council's Supplementary Planning Document (SPD) relating to the 'build your own affordable home' scheme are satisfied as follows:

- Miss Morris and her partner intend to construct a 100m² (max.) affordable dwelling for occupation as their long-term family home.
- The dwelling would be subject to a Section 106 agreement prescribing local occupancy criteria and restricting its potential future sale value.
- Miss Morris currently lives in tied accommodation linked to her employment, some distance from the application site. Given its location and the nature of the tenure it is deemed unsuitable for her long-term housing needs. She has also expressed a wish to become a homeowner, but due to recent changes in her employment status she is currently unable to purchase a property within the local area.
- Alongside her paid employment as a vet, Miss Morris regularly assists her parents at Weston Farm. This involves providing additional labour and veterinary care for the livestock, as well as family support. This is especially important during peak times in the spring and autumn, but the distance which Miss Morris currently lives from the farm limits her response time during emergencies.
- Clun Town Council with Chapel Lawn has confirmed that Miss Morris has local connections to the parish.

4.1.17 Miss Morris has therefore demonstrated strong local connections and a housing need which cannot be met through the open market.

4.1.18 Shropshire Council Historic Environment (Archaeology) – comment:

The site is located c260 metres southeast of a cropmark enclosure possibly of prehistoric to Roman date (Historic Environment Record No. PRN 02422). Further evidence of prehistoric activity in the wider landscape includes a number of flint scatter find spots (PRNs 01995, 02545, 02547). The site can therefore be deemed to have some archaeological potential, and so an archaeological inspection of groundworks should be secured by condition.

4.1.19 Additionally, the Conservation Officer's request for a heritage assessment to establish and minimise any impacts on the setting of the listed farmhouse is supported.

4.2 Public comments

4.2.1 Three separate households support the application, giving the following reasons:

- The applicant and her family have been associated with Clun and its community for many years. It is vital that younger people are given every opportunity to remain in the area if the community is to survive.
- It would be very beneficial to have a vet in the area.

5.0 THE MAIN ISSUES

- Principle of development
- Scale, layout, design and impact on historic environment
- Impact on wider landscape
- Residential amenity
- Access and highway safety
- Ecology and foul drainage

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.

6.1.2 One of the exceptions mentioned under Core Strategy Policy CS5 and SAMDev Policy MD7a is where named individuals with strong local connections and who are in demonstrable housing need wish to build their own 'affordable' home. Detailed guidance on this initiative, including definition of the terms 'strong local connections' and 'housing need', can be found in the SPD referenced by the Housing Enabling Officer (Paragraph 4.1.15), who in this case is satisfied that these two aspects of the policy are met. If Members *are* minded to grant planning permission this would need to be subject to prior completion of a legal agreement to control both initial and future occupancy of the house, and to cap its resale value.

6.1.3 Returning to the issue of location, even affordable homes on rural exception sites are required by the SPD to be within or adjoining "recognisable named settlements". Isolated or sporadic development in open countryside, or where it would otherwise adversely affect the landscape or an area's local distinctiveness or historic character, is unacceptable. The SPD explains that all settlements comprise a group of houses occupied by households from different families, with the group becoming a settlement on account of the number houses and their proximity. Its limits are defined by where the relationship between the different properties peters out, and hence a site divorced slightly from a dispersed or loose-knit settlement might be considered to adjoin it, whereas another a similar distance from a tightly clustered or nucleated settlement would not.

- 6.1.4 Clun is clearly a recognisable settlement, and indeed is designated a Community Hub in the SAMDev Plan. Although effectively divided in two by its river, it is nevertheless well nucleated around its historic market square and has a reasonably compact form. Indeed SAMDev Policy S2 draws a development boundary tightly around its established built-up area, which contrasts distinctly with the open character of the surrounding agricultural land. The application site nowhere near borders this outer edge, instead being over a mile away as the crow flies, and in fact nearly one third of the way along the B4368 to the neighbouring village of Newcastle. Clearly, therefore, it cannot be described as adjoining Clun.
- 6.1.5 Furthermore, officers feel that 'Weston' does not comprise a settlement in its own right. Essentially it is a single farmstead, albeit a large one, plus the two semi-detached cottages which presumably were once associated with it. Even the latter do not immediately adjoin the farm complex, however. Although there are four further dwellings at Oak Farm opposite the turning down to Weston Farm, besides the farmhouse these comprise an agricultural worker's dwelling and two barn conversions, so again are essentially a farm grouping where the properties are or were historically related, as opposed to a settlement. In any event these properties are $\frac{1}{3}$ of a mile away from Weston Farm, with no inter-visibility in-between. The same applies to Upper Weston Farm 400 metres to the west.
- 6.1.6 For these reasons officers consider that the site does not form part of a settlement, instead being in open countryside with only sporadic housing which either predates current planning policy or would have been judged under different policies (i.e. those applicable to essential agricultural workers' dwellings or barn conversions). The applicants' agent acknowledges this but argues that the proposed development would at least be seen in the context of the farmstead and Weston Cottages. Whilst this is true to a point, allowing a further new dwelling in this rural landscape would inevitably erode its open character to some extent, as discussed further in Section 6.3.
- 6.1.7 The agent also emphasises that a new affordable house would bring social benefits, primarily to the applicants but also in terms of increasing the stock of such homes for other qualifying local people in the future, and potentially by increasing participation in community life and patronage of local facilities. However, whilst acknowledging that these particular applicants do not have land available to them elsewhere, it should be remembered that similar if not greater public benefits might well be achieved through other developments in more policy-compliant and sustainable locations nearby. In any event officers consider that the benefits would not be sufficient to justify departing from the adopted policy, particularly given the inevitable degree of visual harm.
- 6.2 **Scale, layout, design and impact on historic environment**
- 6.2.1 The site's area accords with the 0.1 hectare limit imposed by the SPD, whilst the gross internal floor space of the dwelling itself would not exceed the 100m² threshold. Its design is also considered satisfactory, with a T-shaped form breaking up its overall bulk and massing, and giving its gable ends and roofs a reasonably narrow span which reflects the vernacular tradition. The overall effect, particularly given the choice of facing materials (stone and weatherboarding) and the main section's alignment with the similarly-clad and open-fronted garage, would be

somewhat akin to a converted barn, so again responding to the local context.

6.2.2 Since precise details of the external finishes (including recessed pointing using lime mortar) and joinery have been provided upfront, pre-commencement conditions in these respects would be unnecessary. However, in order to help ensure the property remained affordable in perpetuity, conditions *would* be needed to reinforce the 100m² limit on floor space, remove ‘permitted development’ rights and prevent the garage’s conversion into additional habitable rooms.

6.2.3 It is also noted that, following the submission of a heritage assessment and the revisions to the access proposals, the Conservation Officer accepts that the scheme would have a negligible impact on the setting of the listed farmhouse and would not impact directly on the curtilage-listed outbuilding. Significantly, the assessment shows how the established hedges and trees along the field boundaries would screen the development, or at least separate it, from the farmstead. Although the Conservation Officer suggests omitting the east gable glazing, such features are in fact welcomed in Historic England guidance on converting traditional farm buildings, and moreover the deeply oversailing roof here would avoid excessive glare or light spillage. It could also be argued that any external lighting would have little impact on the setting of the listed buildings in this fairly remote location, which is unlikely to be experienced by the wider public at night-time, although controlling this aspect may be desirable for other reasons (e.g. minimising light pollution in the countryside in general, and avoiding disturbance to bats).

6.3 **Impact on wider landscape**

6.3.1 Whilst a degree of visual separation between the site and the historic farmstead might be desirable in terms of minimising the development’s impact on the setting of the listed buildings, conversely its detachment and higher elevation on the opposite side of the road would not help to integrate it into the landscape in general. Once they have been cut the roadside hedges would be less effective in screening or filtering views when approaching along the lane, and the new property is also likely to be seen in relative isolation in some of the wider views included in the heritage assessment. Officers consider that the very presence of further sporadic housing here, however well designed, would erode the essentially open character of the landscape. Furthermore, given that NPPF Paragraph 115 affords AONBs the highest level of protection in terms of landscape conservation, it is felt that this visual harm would not be offset by the scheme’s social benefits.

6.4 **Residential amenity**

6.4.1 There are no concerns in this regard given the proposed dwelling’s distance from the farmhouse and Weston Cottages.

6.5 **Access and highway safety**

6.5.1 Notwithstanding the Highways Development Control Team’s objection, officers do not consider that refusal of the application is warranted on highway safety grounds. This final stretch of the no-through-road off which the site would be accessed is very lightly trafficked, and this, combined with its narrow width and transition into the farmyard at this point, also means that drivers are likely to be travelling at low speeds. Consequently the risk of emerging vehicles colliding with passing traffic

would be low, even in the absence of longer visibility splays (which would be undesirable since they would require hedgerow removal and increase the scheme's visual impact).

6.6 Ecology and foul drainage

6.6.1 To elaborate on the Ecology Team's comments, the River Clun SAC is a European-designated site notified because of the presence of the rare freshwater pearl mussel. It is currently in an unfavourable condition, largely due to excess nutrients and sedimentation in the river. In particular any additional phosphate entering the river is likely to worsen its water quality, and a major source of phosphate is treated waste water from residential properties. Only with certainty that there would be no significant impact on the SAC can planning permission legally be granted.

6.6.2 In this case the application contains sufficient details of the proposed foul drainage system (comprising a sewage treatment plant and soakaway) to avoid significant effects, as is confirmed by the Ecology Team's HRA screening matrix (attached as Appendix 2). Furthermore because significant effects have been ruled out, consultation with Natural England is not required.

6.6.3 There are no other designated ecological sites nearby, and the Ecology Team is also satisfied that informatives would be sufficient to safeguard protected and priority species and habitats.

7.0 CONCLUSION

7.1 The applicants have been found to fulfil the local connections and housing need criteria for an affordable home, which would provide clear social benefits. However, the scheme is contrary to the relevant planning policies since the site is remote from any recognisable named settlement, and, notwithstanding the reasonably high standard of design, the very presence of further sporadic housing here would detract from the essentially open character and scenic beauty of the landscape. For these reasons it is recommended that planning permission is refused.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk management

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

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

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications if the decision and/or imposition of conditions are 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.

10.0 BACKGROUND

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS1 – Strategic Approach

CS4 – Community Hubs and Community Clusters

CS5 – Countryside and Green Belt

CS6 – Sustainable Design and Development Principles

CS7 – Communications and Transport

CS11 – Type and Affordability of Housing

CS17 – Environmental Networks

SAMDev Plan Policies:

MD1 – Scale and Distribution of Development

MD2 – Sustainable Design

MD7a – Managing Housing Development in the Countryside

MD12 – Natural Environment

MD13 – Historic Environment

S2 – Bishop’s Castle Area Settlement Policy

Supplementary Planning Documents:

Type and Affordability of Housing

Relevant Planning History:

None

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OQI2M9TD0IP00>

List of Background Papers:

Application documents available on Council website

Cabinet Member (Portfolio Holder):

Cllr R. Macey

Local Member:

Cllr Nigel Hartin

Appendices:

Appendix 1 – Informatives

Appendix 2 – Habitat Regulations Assessment Screening Matrix

APPENDIX 1 – INFORMATIVES

1. Despite the Council wishing to work with the applicant in a positive and proactive manner as required in Paragraph 187 of the National Planning Policy Framework, the proposed development is contrary to the policies set out in the planning committee report and referred to in the reasons for refusal, and as such it has not been possible to reach an agreed solution in this case.

APPENDIX 2 – HABITAT REGULATIONS ASSESSMENT (HRA) SCREENING MATRIX

Application name and reference number:

17/02528/FUL
Land northeast of Lower Weston Farm, Clun, Shropshire
Erection of affordable dwelling with detached garage; installation of sewage treatment plant

Date of completion for the HRA screening matrix:

26th June 2017

HRA screening matrix completed by:

Nicola Stone, Planning Ecologist

Table 1: Details of project or plan

Name of plan or project	17/02528/FUL Land northeast of Lower Weston Farm, Clun, Shropshire Erection of affordable dwelling with detached garage; installation of sewage treatment plant
Name and description of Natura 2000 site	The River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . It is currently failing its water quality targets, particularly relating to ortho-phosphates, and Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Annex II Species that are a primary reason for selection of site: • Freshwater pearl mussel <i>Margaritifera margaritifera</i>
Description of the plan or project	Erection of affordable dwelling with detached garage; installation of sewage treatment plant
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement:

An interim 'Guidance note for developers on requirements for waste water management for any development in the Clun Catchment' has been published by Shropshire Council, based on information from and discussions with Natural England (NE) and the Environment Agency (EA), who have subsequently endorsed it. This guidance will be followed by the planning authority when making planning decisions until the Nutrient Management Plan for the Clun Catchment has been finalised by NE and the EA.

In this case the application includes details of the proposed foul drainage system. Foul water from the proposed 2-bedroom dwelling will be treated by a new Kingspan Klargestert treatment plant discharging to soakaways. Percolation testing has been completed and indicates that the ground is suitable for a drainage field.

Provided the development is carried out according to these details, it will not lead to significantly increased concentrations of nutrients within the River Clun, and hence there should be no adverse effect on the integrity of the SAC, either alone or in combination with other projects.

The Significance test:

The works proposed under planning application No. 17/02528/FUL are unlikely to have any significant effect on the European-designated River Clun SAC.

The Integrity test:

The works proposed under planning application No. 17/02528/FUL are unlikely to have any adverse effect on the integrity of the European-designated River Clun SAC.

Conclusions:

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

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process:

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

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

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

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

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

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

Habitat Regulation Assessment Outcomes:

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

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

Duty of the Local Planning Authority:

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

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Committee and date

South Planning Committee

29 August 2017

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISION AS AT 29 AUGUST 2017

LPA reference	15/03805/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs E Jones
Proposal	Erection of one dwelling and detached double garage; improvements to existing vehicular access
Location	Land East Of Field Lane Bishops Castle Shropshire
Date of appeal	01.08.2017
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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