



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

Date: Wednesday, 6 February 2019

**Committee:
Central Planning Committee**

Date: Thursday, 14 February 2019
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
Director of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Ted Clarke (Chairman)
Nat Green (Vice Chairman)
Nick Hignett
Pamela Moseley
Tony Parsons
Alexander Phillips
Ed Potter
Kevin Pardy
Keith Roberts
David Vasmer
Vacancy

Substitute Members of the Committee

Peter Adams
Roger Evans
Hannah Fraser
Ioan Jones
Jane MacKenzie
Alan Mosley
Harry Taylor
Dan Morris
Lezley Picton
Claire Wild

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for absence

To receive apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the Minutes of the meeting of the Central Planning Committee held on 17th January 2019.

Contact Shelley Davies on 01743 257718.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 24 hours prior to the commencement of the meeting.

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 Poulton Farm, Little Minsterley, Minsterley, Shrewsbury - 18/02023/EIA (Pages 9 - 52)

Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works.

6 Beacon Hotel, 156 Copthorne Road, Shrewsbury - 18/04372/FUL (Pages 53 - 64)

Installation of raised timber decking areas complete with balustrading and steps and erection of an open sided timber framed pergola structure (revised description).

7 Romney House, Pound Lane, Hanwood, Shrewsbury - 18/04723/FUL (Pages 65 - 78)

Alterations to existing annex to form living accommodation, and erection of a log store to aid existing biomass boiler.

8 Site Of The Cygnets, Hookagate, Shrewsbury - 18/05838/FUL (Pages 79 - 102)

Erection of 8no new dwellings and alterations to vehicular access.

9 5 Westhope Avenue, Shrewsbury - 18/05630/FUL (Pages 103 - 110)

Replacement enclosed front porch and enlarged room over.

10 Schedule of Appeals and Appeal Decisions (Pages 111 - 118)

11 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 14th March 2019 in the Shrewsbury Room, Shirehall.

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Committee and Date

Central Planning Committee

14th February 2019

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 17 January 2019

2.00 - 4.20 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

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

Present

Councillor Ted Clarke (Chairman)

Councillors Nick Hignett, Pamela Moseley, Tony Parsons, Alexander Phillips, Ed Potter, Kevin Pardy, Keith Roberts, David Vasmer and Roger Evans (Substitute for Nat Green)

83 Apologies for absence

An apology for absence was received from Councillor Nat Green (Substitute: Roger Evans).

84 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 20th December 2018 be approved as a correct record and signed by the Chairman.

85 Public Question Time

There were no public questions or petitions received.

86 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 to be considered at this meeting, Councillors Keith Roberts, Alex Phillips and David Vasmer stated that they were members of Shrewsbury Town Council. They indicated that their views on any proposals when considered by the Town Council had been based on the information presented at that time and they would now be considering all proposals afresh with an open mind and the information as it stood at this time.

The Chairman agreed to alter the order of the agenda to enable planning application 18/05041/FUL - Cressage Men's Club, Sheinton Road, Cressage, Shrewsbury to be the next item to be considered.

87 Cressage Men's Club, Sheinton Road, Cressage, Shrewsbury - 18/05041/FUL

The Consultant Planning Officer introduced the application under Section 73A of the Town and Country Planning Act 1990 for the formation of a decked area (retrospective) and drew Members' attention to the Schedule of Additional Letters which included a representation from a local resident.

Mr Richard Tipper, local resident spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Dr Ian Lawrence, on behalf of Cressage Parish Council spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

- The pavement on Sheinton Road was very narrow and it was usual for cars to be parked on the road;
- It was an inappropriate location for the decked area which was more suited to the rear of a residential property; and
- She was concerned in relation to safety issues for children and considered that the application had an adverse visual impact.

Mr David Sellers, Agent on behalf of the applicant, spoke in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members raised concerns in relation to safety issues for children and access for wheelchair users and considered the application to be contrary to Policies CS6 and MD2.

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

RESOLVED:

That the application be refused contrary to the Officer's recommendation for the following reason:

The proposed decking is not designed and built to a sufficiently high quality which respects and enhances local distinctiveness or to provide adaptable and safe access to constitute sustainable design and is therefore contrary to the Shropshire Local Development Framework Adopted Core Strategy (March 2011), Policy CS6 Sustainable Design and Development Principles and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015), Policy MD2 Sustainable Design.

88 Development Land To The West Of Lesley Owen Way, Shrewsbury - 18/04674/REM

The Technical Specialist Planning Officer introduced the reserved matters application (access, appearance, landscaping, layout and scale) pursuant to the Outline Planning Permission 16/00476/OUT for mixed residential development of 40 dwellings to include affordable houses; formation of vehicular access (from Lesley Owen Way) and estate roads and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

The Technical Specialist Planning Officer drew Members' attention to the Schedule of Additional Letters which included representations from the Heathgates Allotments Association and the Case Officer and noted that an additional representation from Shrewsbury and Newport Canal Trust had been received this morning in regard to the proposed footpath across the site and a request for this to be either re-routed or a footbridge over the canal installed.

The Technical Specialist Planning Officer explained that if Members were minded to approve the application she advised an amendment to Condition 4 as outlined on the Schedule of Additional Letters; an additional condition in relation to the maintenance of the open space; and an amendment to Condition 2 in relation to the Construction Method Statement.

Mr Stuart Holt, local resident spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Kevin Pardy addressed the Committee as the local ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, a number of points were raised including the following:

- He stated that more affordable homes were needed but considered the site was not appropriate for 40 dwellings;
- The doctor's surgeries and schools in the area were already oversubscribed; and
- There had been no information from Highways regarding traffic calming measures as noted in the outline application.

Ms Heather Sutton, Agent on behalf of the applicant, spoke in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members welcomed the smaller house types proposed but raised a number of concerns including the adverse impact on the highway network; the impact on already oversubscribed schools; and considered that the proposal constituted overdevelopment of the site.

In response to concerns raised by Members, the Area Planning Manager explained that Learning and Skills had been consulted in relation to funding for school places and stated that the outline application site layout showing 29 dwellings was for indicative purposes only. The Area Highways Development Control Manager addressed the concerns raised in regard to the impact on the highway network and explained a refusal on highways grounds was not sustainable and stated that a speed table on the entrance of Lesley Owen Way to influence speeds on entering the development could be conditioned if Members considered this to be necessary.

Having considered the submitted plans for the proposal and noted the comments of all the speakers the majority of Members expressed their support for the Officer's recommendation, subject to the amendments to Conditions 2 & 4 as outlined by the Technical Specialist Planning Officer and the additional conditions in relation to the maintenance of the open space and the inclusion of a speed table at the entrance to Lesley Owen Way.

RESOLVED:

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

- The Conditions as set out in Appendix 1;
- The following additional condition in relation to the maintenance of the open space:

Prior to the first occupation of any part of the development a management plan that sets out the future management responsibilities for the open space, to include details of the financial and legal means through which the management plan will be implemented, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved for the lifetime of the development or in accordance with an alternative management plan to be submitted to and approved in writing by the LPA.

Reason: To ensure the adequate future management and maintenance of the open space;

- The following additional condition to request the inclusion of a speed table at the entrance to Lesley Owen Way:

Prior to the commencement of any above ground works details of a speed table at the entrance to the site shall be submitted to and approved in writing by the

Local Planning Authority. The agreed details shall be fully implemented before any of the buildings are first occupied.

Reason: To ensure a satisfactory access to the site;

- An amendment to Condition 4 as detailed in the Schedule of Additional Letters; and
- An amendment to Condition 2 to refer to the Construction Method Statement submitted to 'include but not be restricted to details for' instead of 'shall provide for':

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include but not be restricted to details for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- a construction traffic management (& HGV routing plan) and community communication protocol.

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

89 Proposed Rural Exception Site North of Condover, Shrewsbury - 18/04797/FUL

The Consultant Planning Officer introduced the application for erection of 20 affordable dwellings; formation of vehicular access with visibility splay; all associated works and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

The Consultant Planning Officer drew Members' attention to the Schedule of Additional Letters which included a representation from Condover Parish Council and explained that if Members were minded to approve the application he advised that pre-commencement conditions 3, 4, 12 and 13 required amendment.

Councillor David Lane, Condover Parish Council spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

- He agreed with the concept of affordable housing and referred to a recent scheme in Condover;
- The consultation process with the developer had not been as in depth as it could have been and a number of points raised by the Parish Council had not been addressed; and
- He considered that the application be deferred to allow this consultation to take place.

Ms Julia Brion, Agent on behalf of the applicant, spoke in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to concerns raised, the Area Planning Manager noted that housing target figures in SAMDev referred to open market housing and explained that the Housing Enabling Team had identified a need for affordable housing in this area.

Having considered the submitted plans for the proposal and noted the comments of all the speakers the majority of Members expressed their support for the Officer's recommendation, subject to the amendments to Conditions 3, 4, 12 and 13 as outlined by the Consultant Planning Officer.

RESOLVED:

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

- The Conditions as set out in Appendix 1; and
- The amendment of Conditions 3, 4, 12 & 13.

90 Proposed Concierge Glamping Site at Hencote Farm, Cross Hill, Shrewsbury - 18/04537/ADV

The Technical Specialist Planning Officer introduced the application to erect and display 2 externally illuminated roadside feature display entrance name signs and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

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

- He does not object in principle to the proposed signs;
- He noted the objections received from Shrewsbury Town Council and local residents; and
- He requested that the application be deferred to allow the Council the opportunity to further consider its position on signage.

In response to concerns raised by Members, Technical Specialist Planning Officer noted that if Members were minded to approve the application a condition could be added in regards to the request for a detailed landscaping scheme and that Condition 8 could be amended to ensure that illumination of the sign ceased at midnight.

Having considered the submitted plans for the proposal and noted the comments of all the speakers the majority of Members expressed their support for the Officer's recommendation, subject to an additional condition in relation to the request for a detailed landscaping scheme and the amendment to Condition 8 to ensure that illumination of the sign ceased at midnight.

RESOLVED:

That advert consent be granted as per the Officer's recommendation subject to:

- The Conditions as set out in Appendix 1;
- The following additional condition in relation to the request for a detailed landscaping scheme:

No above ground works shall commence until a detailed landscaping scheme to include planting plans, written specifications and schedules of plants, noting species, planting sizes and proposed numbers/densities has 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 landscaping scheme within the first planting season following commencement of development. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

- Condition 8 be amended as follows to ensure that illumination of the sign ceases at midnight:

The signs permitted by this consent shall only be illuminated between the hours of 14:00 and 24:00.

Reason: To minimize the potential for light pollution and safeguard residential and local amenity.

91 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 17th January 2019 be noted.

92 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Central Planning Committee be held at 2.00 p.m. on Thursday, 14th February 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



<u>Committee and date</u>
Central Planning Committee
14 February 2019

<u>Item</u>
5
Public

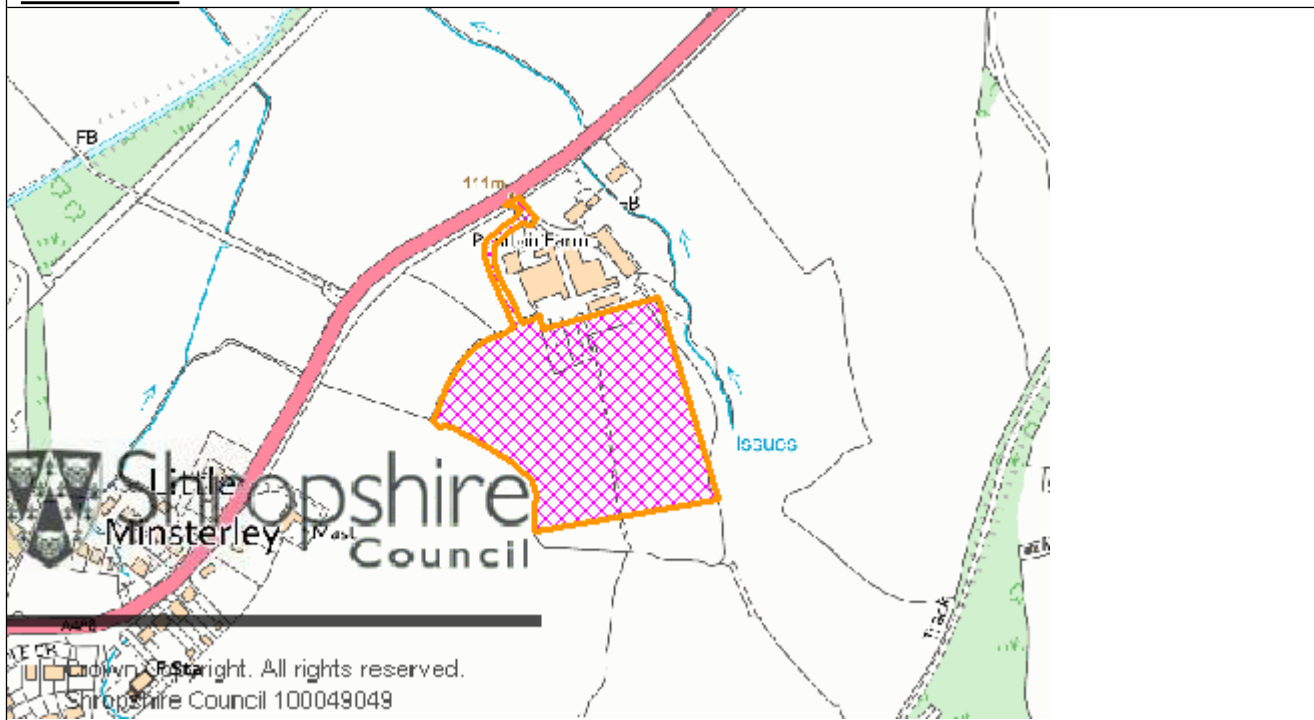
Development Management Report

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

Summary of Application

Application Number: 18/02023/EIA	Parish: Minsterley
Proposal: Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works.	
Site Address: Poulton Farm Little Minsterley Minsterley Shrewsbury Shropshire	
Applicant: DP & MA Jones	
Case Officer: Philip Mullineux	email: planningdmnw@shropshire.gov.uk

Grid Ref: 338345 - 305589



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REPORT

Recommendation:- Delegated approval subject to the conditions as outlined in appendix 1 and any modifications to these conditions as considered necessary by the Head of Planning Services.

1.0 THE PROPOSAL

- 1.1 Application is made in 'Full' and proposes erection of 2 number poultry sheds, storage shed; feed bins and associated landscape works at Poulton Farm, Little Minsterley, Minsterley Shrewsbury.
- 1.2 The application is accompanied by an Environmental Statement, design and access statement, planning statement, elevation and floor plans, block plan, site location plan, landscape and visual impact assessment, odour impact assessment, flood risk assessment, amenity risk assessment, ammonia report, historic impact assessment, noise assessment, and ecology assessment. During the application processing further information was received in relation to ammonia issues and clarification with regards to odour and location of receptors.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located directly to the south of the existing farmstead at Poulton Farm and the proposed development will be built either side of the existing two intensive poultry units on site. The site has been partly levelled in relation to the existing sheds but is set on slightly undulating ground which in general slopes upwards from the existing buildings towards the south of the site. The land then slopes up towards a Coppice and the edge of the Shropshire Hills AONB and Pontesbury to the north-east. To the north the land drops down towards the Rea Brook and Minsterley to the south-west. In addition to the farmhouse at Poulton Farm there is a single residential property known as Greenfields and this is located approximately 150 metres from the sheds and screening is afforded by the existing farm buildings. Poulton Farmhouse is occupied by the applicants and Greenfields by Mrs Jones senior, all of whom have a financial interest in the proposed poultry development.
- 2.2 Information as part of the Environmental Statement indicates that there are currently two poultry buildings situated to the rear of the farm yard which were commissioned early in 2016 and house up to 120,000 broiler chickens. It is proposed to erect 2 new buildings either side of these existing sheds to increase total number of birds on site to 250,000. A permit variation (number EPR/RP3237WW/V002) has been issued by the Environment Agency to cover the additional sheds and increase in bird numbers.
- 2.3 The two additional buildings will be operated on the same cycle as the existing poultry units. With the broilers brought in as day old chicks at a 50-50 mix of males and females. At the end of the growing period they will be collected and

transported to a processing plant. The growth cycle will result in the birds being around 1.9kg in weight by clear out. This is the same cycle as those birds reared in the existing poultry buildings. The break between crops will be at least 10 days, leading to an average of 8 crops per annum.

- 2.4 The poultry sheds will measure the same size as the existing sheds on site which is 26.61 metres wide and 122.12 metres long. The height of each shed will measure 5.76 metres to the ridge and 2.24 metres to the eaves. The two sheds will be located one each either side of the existing sheds. The poultry sheds will be of standard construction comprising portal steel-framed buildings with box profile sheet cladding to the sides and roof and it is proposed that the sheds will be of the same material as the existing sheds, finished in recognised colour code BS12B29 Juniper Green so as to complement the existing sheds.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The proposal comprises Schedule 1 EIA development, as such the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4.0 **Community Representations**

- 4.1 Minsterley Parish Council has responded indicating support for the application.

4.2 **Consultee Comments**

- 4.3 **Natural England** have responded to the application indicating:

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is within the Impact Risk Zone of the The Stiperstones and the Hollies Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the Stiperstones and the Hollies Site of Special Scientific Interest (SSSI). The site is also within the Impact Risk Zone of the Midlands Meres and Mosses Phase 1 Ramsar site (Marton Pool, Chirbury).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Habitat Regulations Assessment required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats

Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

1 Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that the likely environmental pathways relate to air pollution and deposition.

Sites of Special Scientific Interest (SSSI)

The development site is also within the Impact Risk Zones of a number of SSSIs including

Minsterley Meadows, The Stiperstones and Hollies, Marton Pool Chirbury and Earl's Hill &

Haberley Valley SSSIs. Natural England is aware that Shropshire Council has its own guidance for assessing intensive livestock unit proposals and Natural England would advise that your authority assesses the proposal in line with this.

4.4 **Historic England** have responded to the application indicating:

The development of two poultry sheds, storage shed, feed bins and associated landscape works is within the setting of the Scheduled Ancient Monument known as Callow Hill Camp: a small multivallate hillfort (UDS: 1019828). Small multivallate hillforts are rare with around 100 examples recorded nationally. Their significance lies in allowing an understanding of the nature of settlement and social organisation within the Iron Age period. The setting or surroundings in which a heritage asset is experienced allows us to further appreciate the context in which the monument was occupied and inappropriate development within this setting could have a negative impact on the significance of the monument. We are currently working with the owners of the hillfort to reduce tree cover on the Scheduled Ancient Monument which will make it more prominent in the landscape and increase the impact of the proposals on the monument.

If the proposed development is approved, planning conditions should be applied which require the prior approval of design details and finished in order to minimise the visual impact on Callow Hill Camp Scheduled Ancient Monument.

Recommendation

Historic England has no objection to the application on heritage grounds.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

4.5 The Environment Agency has responded to the application indicating:

Environmental Permitting Regulations: The proposed development will accommodate up to 130,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, as amended. This will take the total number of birds on site to 250,000.

The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents and will include the following key areas:

- ☒ Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.
- ☒ Operations - including permitted activities and Best Available Techniques (BAT).
- ☒ Emissions - to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration, monitoring.
- ☒ Information – records, reporting and notifications.

Our consideration of the relevant environmental issues and emissions as part of the EP only apply to the proposed poultry installation and where necessary any Environment Agency regulated intensive farming sites.

We granted a variation to the existing EP on the 12 December 2017. A copy of the Permit was submitted with the planning application for completeness.

EP controls: The EP will control relevant point source and fugitive emissions to water, air and land; including odour, noise, dust, from the intensive poultry farming activities within the permit 'installation boundary'. 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.

Odour and Noise: As part of the permit determination, we do not normally require the applicant to carry out odour or noise modelling. We require a 'risk assessment' be carried out and if there are sensitive receptors (such as residential properties or businesses) within 400 metres of the proposed installation boundary. In this instance odour and noise management plans are required to reduce emissions from the site.

An Odour Management Plan (OMP) and Noise Management Plan (NMP) should help reduce emissions from the site, but it will not necessarily completely prevent all odour and noise. A Management Plan should set out the best available techniques that the operator intends to use to help prevent and minimise odour and noise nuisance, illustrating where this is and is not possible. There is more information about these management plans at:
<https://www.gov.uk/government/publications/intensive-farming-introduction-andchapters>

A management plan will not necessarily completely prevent all odours, or noise, or at levels likely to cause annoyance. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level. In addition, the OMP/NMP requirement is often a reactive measure where substantiated complaints are encountered. This may lead to a new or revised OMP/NMP to be implemented and/or other measures to be in place.

Note - For the avoidance of doubt, we do not 'directly' control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. However a management plan may address some of the associated activities both outside and inside of the installation boundary. For example, a NMP may include feed delivery lorry operation hours / vehicle engines to be switched off when not in use on site. Bio-aerosols and dust: Intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health. Sources of dust particles from poultry may include feed delivery, storage, wastes, ventilation fans and vehicle movements.

As part of the permit determination, we do not normally require the applicant to carry out dust or bio-aerosol emission modelling. We do require a 'risk assessment' be carried out and if there are relevant sensitive receptors within 100 metres of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plan is required.

A dust management plan (DMP) will be required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' (available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/geho0411btra-e-e.pdf) explain the methods the operator should use to help minimise and manage these emissions.

Note - For any associated human health matters you are advised to consult with your Public Protection team and/or Public Health England (PHE).
Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged 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, sludge, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and

drainage channels around sheds are normally concreted. Buildings which have roof or side ventilation extraction fans present, may deposit aerial dust on roofs or “clean” yards which is washed off during rainfall, forming lightly contaminated water. The EP will normally require the treatment of such water, via french drains, swales or wetlands, 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, in cases where this is done 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 regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled “How to comply with your environmental permit for intensive farming.” <https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

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. In cases where the applicant proposes to pass the manure to a third party they are required to keep quantity records of where the by-product has been transferred to and have a contingency plan in place for alternative disposal or recycling sites in cases of an emergency. Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Vulnerable Zone (NVZ) Rules where they are applicable, in line with Nitrate Pollution Prevention Regulations. Further NVZ guidance is available at: <https://www.gov.uk/guidance/nutrient-management-nitrate-vulnerable-zones>

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>

4.6 **SC Land Drainage** have responded indicating:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

The proposed surface water drainage is acceptable

Earlier responses indicated:

Further to our comment dated 8th June 2018, no calculations have been provided

An earlier response indicated:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

Condition:

No development shall take place until a scheme of the 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.

Informative Notes:

1. The surface water proposal in the FRA is acceptable in principle, however, on drainage calculations have been provided.

4.7 SC Regulatory Services have responded to the application indicating:

I have no specific comment on the proposals put forward since last comments in August 2018. The manure management will take place in line with an agricultural Code of Practice. This is considered the minimum requirement for any operation where residents are in close proximity.

An earlier response indicated:

Having reconsidered the information provided I am of the opinion that due to some additional betterments on top of the proposed impacts represented in the odour assessment isopleths of odour impact I consider that my previous comments are too strong and that the odour impact on nearest properties will be slight. As a result I have no objection to the proposed application. However, should the operation look to increase in size in future any units brought forward are likely to require odour abatement technology to be employed

Earlier responses indicated:

Having considered the odour assessment and Council maps of the area it is noted that at least 7 properties are predicted to be exposed to more than 3 odour units for more than 2% of the time. As a result the current application is not deemed suitable. In order to progress I would recommend that the applicant considers

abatement technologies which would reduce odour emissions from the site. Abatement technology for ammonia, dusts and odour are already being considered by at least one other poultry operator currently seeking planning approval which suggests that abatement technologies are available and a financially viable option for the industry.

Without abatement it is my opinion based on the applicants submitted information that a significant detrimental impact to residential amenity will be created at 7 or more properties in the locality should this development be granted approval.

Earlier responses indicated:

Having considered the noise report submitted with this assessment I have no objections to the proposed development and no conditions to recommend.

Having considered the odour assessment it is noted that properties 10-12 Station Road have not been included in the assessment. I would advise that these properties are added as relevant receptors and noted in Table 6-1 in order that the impact can be assessed. In addition can the consultant please state the emission rate per bird at different times in the cycle and how this was calculated in order that the input parameters can be considered.

Once the additional information has been submitted please consult me for additional comment

An earlier response indicated:

The proposal is set to create a large increase in the number of birds on this site. Having considered the odour assessment I have noted that the assessment does not consider the residential property called Greenfields to the north of the site adjacent to the residential property under the applicants control at Poulton Farm. Having regard to the odour assessment odour is expected to reach 10 odour units in the garden area which would be considered to be a significant as it is double the moderate adverse impact of 5 odour units which the assessment itself states would be regarded as significant.

As Greenfields is not shown as being within the control of the applicant on the location plan it is assumed that this receptor is not financially linked to the farm activities. As the development has been modelled to show a likely significant impact on this property I recommend the application is refused.

I have noted a noise assessment has also been submitted however it is not deemed necessary to spend time on this aspect due to resource implications as the application seems to be a non starter having considered the information above.

Please consult Regulatory Services for additional comment should more information and clarification be provided. As addition comment on the odour assessment is that it does not mark the receptors assessed on the site map making it hard to interpret the information presented. Should any future information be submitted for review in relation to the odour assessment this aspect will need to

be addressed. It is not acceptable to assume any consultee or member of the public to reference the report separately against grid references and seems a deliberate attempt not to highlight particularly the property known as Greenfields mentioned in comments above.

4.8 **Shropshire Fire and Rescue Service** have responded indicating:

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>

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m²

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. 'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting – Building Size

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

4.9 **SC Public Rights of Way** have responded indicating:

The public rights of way, FP 51 and FP 66A are directly affected by the proposal, as acknowledged by the applicant.

The applicants have already applied to divert these footpaths under section 119 of the Highways Act 1980 and this is being processed by officers.

4.10 **SC Planning Ecology** have responded to the application indicating:

Please note application 15/03927/DIS has landscaping. The proposed planting from the previous application (drawing SA17258/02) includes 3 bands of trees. The additional 2 poultry units will impact this.

The applicant has provided an ammonia mitigation strategy drawing number SA28959/08 dated January 2019, this includes 1.9 hectares of tree planting. Providing the planting is carried out as proposed SC Ecology is minded to support this proposal.

I have attached a Habitat Regulations Assessment Matrix to this response. Please formally consult Natural England and take their comments into account prior to granting a planning decision.

There are currently two poultry buildings situated to the rear of the farm yard which were commissioned early in 2016 and house up to 120,000 broiler chickens. It is proposed to erect 2 new buildings either side of these existing sheds to increase total numbers to 250,000.

Designated Sites

European Designated Sites

There is one European protected site in 5km of this proposal. A summary of the ammonia assessment is provided:

A change of more than 1% of the Critical Level or Critical Load does not necessarily indicate that a significant effect (or adverse effect on site integrity) will occur. Referring to the England Commissioned Report NECR210 (March 2016), table 21, If your background level is between over 20kg N then, for example, a sensitive habitat (Upland Heath) would have to increase N deposition (in kg N ha yr) by 2kg N ha yr to reduce measured species richness by 1.

The SCAIL modelling which has been undertaken is known to be precautionary, i.e. if detailed modelling was undertaken for planning application 18/00473/FUL the process contribution is likely to decrease at the designated sites listed.

In-combination the two planning proposals listed would add 0.25 kg N/ha/yr to the wildlife receptor. SC Ecology would not expect this proposal to result in the loss in integrity of the designated site assessed based on the current background level.

Under planning policy MD12 & in line with NPPF to mitigate for the increase ammonia and nitrogen deposition an additional area of tree shelter belt planting has been conditioned.

(Please note: Lower Wigmore Farm, 18/03056/FUL, was not including in the incombination assessment as this proposal will result in the reduction in ammonia emissions from the poultry site).

Nationally Designated Sites

There are 3 Nationally Designated sites in 5km of this proposal:

A change of more than 1% of the Critical Level or Critical Load does not necessarily indicate that a significant effect (or adverse effect on site integrity) will occur. Referring to the England Commissioned Report NECR210 (March 2016), table 21, If your background level is between over 20kg N then, for example, a sensitive habitat (Upland Heath) would have to increase N deposition (in kg N ha yr) by 2kg N ha yr to reduce measured species richness by 1.

The SCAIL modelling which has been undertaken is known to be precautionary, i.e. if detailed modelling was undertaken for planning application 18/00473/FUL the process contribution is likely to decrease at the designated sites listed.

In-combination the two planning proposals listed would add 1.319 kg/N/ha/yr to the wildlife receptor. SC Ecology would not expect this proposal to result in the loss in integrity of the designated site assessed based on the current background level.

Under planning policy MD12 & in line with NPPF to mitigate for the increase ammonia and nitrogen deposition an additional area of tree shelter belt planting has been conditioned.

From the planning portal the following in-combination process contribution should be taken into account at Earl's Hill & Habberley Valley SSSI:

Habitat Type	Habitat Name	Application Reference	PC N Dep. (kg N/ha/yr)	
	PC as % of CLo			
SSSI	Earl's Hill & Habberley Valley	18/02023/EIA	0.431	4.31
SSSI	Earl's Hill & Habberley Valley	18/00586/FUL	0.08	1.6
SSSI	Earl's Hill & Habberley Valley	18/05747/EIA & 16/02752/EIA	0.3	0.03
SSSI	Earl's Hill & Habberley Valley	18/05388/FUL	0.03	0.3

Due to the high background level (24kg N/ha/yr), although the proposal will add to the nitrogen deposition listed above, the small increment are unlikely to have a significant impact on the sites integrity alone or in-combination (0.571 kg/N/ha/yr).

Under planning policy MD12 & in line with NPPF to mitigate for the increase ammonia and nitrogen deposition an additional area of tree shelter belt planting has been conditioned.

Natural Assets (LWS & AW)

SC Ecology has identified 3 Natural Assets in 2km of this proposal:

Cow Pasture has not been assessed by the applicant. However, it is further from the source, and therefore is unlikely to cause an adverse impact as sites within closer proximity screen out.

A change of more than 1% of the Critical Level or Critical Load does not necessarily indicate that a significant effect (or adverse effect on site integrity) will occur. Referring to the England Commissioned Report NECR210 (March 2016), table 21, If your background level is between over 20kg N then, for example, a sensitive habitat (Upland Heath) would have to increase N deposition (in kg N ha yr) by 2kg N ha yr to reduce measured species richness by 1.

Under planning policy MD12 & in line with NPPF to mitigate for the increase ammonia and nitrogen deposition an additional area of tree shelter belt planting has been conditioned.

SC Ecology would recommend the following planning conditions:

1.No more than 250,000 birds shall be kept on the site at any one time.

Reason: To ensure that the restriction on the maximum number of birds to be kept at the site at any one time can be satisfactorily enforced, in order to prevent adverse impact on local wildlife sites & ancient woodland from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

2. The agreed Ammonia Mitigation Planting Scheme, which includes (drawing number SA28959/08 dated January 2019) shall be implemented in the first planting season and retained thereafter (minimum 1.9 hectare tree planting). Any trees planted as part of the ammonia mitigation scheme that are lopped, felled or die within five years of first planting shall be replanted.

Reason: To ensure an appropriate level of mitigation against the adverse impacts that the development would have on designated sites from ammonia emission/nitrogen deposition, and to seek a biodiversity enhancement consistent with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

3. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

4. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. 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

Informative

Where it is intended to create semi-natural habitats, all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

Informative

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.

Nesting bird informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

An earlier response indicated:

Recommendation:

- Information is required relating to impact on wildlife sites.
- Information is required to demonstrate biodiversity enhancement in line with MD12 and NPPF.

Shropshire Council's Interim Guidance Note GN2 (Version 1, April 2018):

Assessing the impact of ammonia and Nitrogen on designated sites and Natural Assets from new and expanding livestock units (LSUs) can be accessed on the Shropshire Council webpage

(<http://www.shropshire.gov.uk/environment/biodiversity-ecology-and-planning/new-interim-guidance-for-livestock-unit-lsu-applications/>)

In the absence of additional information, as outlined in GN2, it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010), or Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

In addition, based on the current level of information Shropshire Council is unable to conclude that the planning application will not be contrary to MD12, CS17 and NPPF due to impacts on Natural Assets (Ancient Woodland and Local Wildlife Sites).

Please note application 15/03927/DIS has landscaping. The proposed planting from the previous application (drawing SA17258/02) includes 3 bands of trees. The additional 2 poultry units will impact this, compensation planting would be required and would need to be submitted in support of this proposal.

Please formally consult Natural England and take their comments into account prior to granting a planning decision.

There are currently two poultry buildings situated to the rear of the farm yard which were commissioned early in 2016 and house up to 120,000 broiler chickens. It is proposed to erect 2 new buildings either side of these existing sheds to increase total numbers to 250,000.

Designated Sites

European Designated Sites

Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the 2017 Regulations”) requires that the Council, as competent authority (see regulations 3 and 7), before it determines to grant planning permission for any application likely to have a significant effect on an European Protected Site (either on its own or in combination with other plans or projects) must first make an appropriate assessment of the implications of the application for the European Protected Site in view of that site's conservation objectives.

Each application should be considered on its own merits. There are occasions when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.

The assessment of cumulative effects is in accordance with the decision in Wealden judgement, which held that in-combination effects should be taken into account at both the scoping and appropriate assessment stage (Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council, South Downs National Park Authority v Natural England [2017] EWHC 351).

The assessment of air pollution for Poulton Farm has not undertaken an in-combination assessment. Justification as to why an in-combination assessment is not required has also not been submitted.

There is one European protected site in 5km of this proposal. A summary of the ammonia assessment is provided:

Habitat Type	Habitat Name	Receptor Number	PC NH3 (mg/m3)	PC N
Dep. (kg N/ha/yr)	Critical Level	Critical Load	PC as % of CLe	PC as % of CLo
SAC & SSSI	The Stiperstones and the Hollies	Special Area of Conservation		
29				
31-36	0.03	1	10	3%

Information has not been provided to justify why an additional 3% of the sites critical level is acceptable. Based on the information currently submitted SC Ecology is unable to pass a Habitat Regulations Matrix. Please refer to GN2.

Nationally Designated Sites

Sites of Special Scientific Interest are nationally designated nature conservation sites that have statutory protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). Based on the information currently submitted in support of this proposal SC Ecology cannot conclude that the application will not damage the scientific interest features of Nationally designated sites.

Shropshire Council, Natural England and the Environment Agency are Public Bodies under the Countryside and Rights of Way Act 2000, Schedule 9, Section 28G:

An authority to which this section applies (referred to in this section and in sections 28H and 28I as “a section 28G authority”) shall have the duty set out in subsection (2) in exercising its functions so far as their exercise is likely to affect the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest.

The duty is to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

There are 3 Nationally Designated sites in 5km of this proposal:

Habitat Type	Habitat Name	Receptor Number	PC NH3 (mg/m3)	PC N
Dep. (kg N/ha/yr)	Critical Level	Critical Load	PC as % of CL _e	PC as % of CL _o
SAC & SSSI	The Stiperstones and the Hollies	Special Area of Conservation		
29				
31-36	0.03	1	10	3%
SSSI (& LWS)	Minsterley Meadows	13-17	0.185	3
6%				20
SSSI	Earl's Hill & Habberley Valley	21-27	0.083	1
				10
				2.7%

Based on the level of information provided SC Ecology is unable to conclude that the application will not impact SSSI designations. Please refer to GN2 and provide additional supporting information. There is currently no in-combination assessment made, and although the process contribution has been provided for each site but there is no further assessment on what impact this increase will have.

Natural Assets (LWS & AW)

SC Ecology has identified 3 Natural Assets in 2km of this proposal:

Habitat Type	Habitat Name	Receptor Number	PC NH3 (mg/m3)	PC N
Dep. (kg N/ha/yr)	Critical Level	Critical Load	PC as % of CL _e	PC as % of CL _o

LWS/AW	Poles Coppice and Lees Coppice LWS			
1-8	0.166			
	1	10	16	
LWS	Cow Pasture Marsh SJ397038			
?	?		1	10
AW	Eastridge Wood			
18-20	0.059	1	10	5.9

In accordance with MD12 Policies CS6 and CS17 the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved by:

2. Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following:

- i. the special qualities of the Shropshire Hills AONB;
- ii. locally designated biodiversity and geological sites;
- iii. priority species;
- iv. priority habitats
- v. important woodlands, trees and hedges;
- vi. ecological networks
- vii. geological assets;
- viii. visual amenity;
- ix. landscape character and local distinctiveness.

will only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset.

In all cases, a hierarchy of mitigation then compensation measures will be sought.

The change in pollutant concentration rate at the locally designated sites is >1% of the critical level/site critical load. We do not know if the Local Wildlife Sites or AW contain features (or could be restored to contain features) that would be sensitive to an increase in nitrogen. Shropshire Council is unable to conclude if the proposal will/will not have a significant adverse effect, directly, indirectly or cumulatively on the sites identified from the assessment currently undertaken.

Options for the applicant regarding impact on LWS and AW:

- a) Provide detailed modelling of the Process Contribution (PC), including BAT (Best Available Techniques) or other avoidance/mitigation measures (i.e. woodland planting, bunding) to reduce the Nitrogen Deposition by more than or equal to the Process Contribution. This would have to be supported by scientific evidence that the proposed mitigation would be appropriate)

If evidence of this can be submitted in support of this proposal then SC Ecology update their comments.

OR

b) Provide sufficient information on the ecological impacts of the development by an ecological consultant on the specific sensitive receptors, in order to determine if the proposal will have a significant adverse effect, directly, indirectly or cumulatively on the sites identified.

- If an adverse effect is identified, provide details of avoidance, mitigation and compensation measures. Provide detailed reasoning as to why the socio-economic benefits out-weigh the quantified residual harm to the sensitive receptor. A planning decision will then be taken based on the information provided and planning policy.

- If an adverse effect is not identified, the ecologist should provide details of enhancements that the planning proposal can offer which will ensure a biodiversity net gain in line with CS17.

Further explanation of point b to assess impact on LWS & AW:

An ecological consultant should be instructed to interpret the likely implications of that increase in pollutant. A sufficiently knowledgeable ecological surveyor, with good botanical skills including lower plants, lichens and fungi, should be instructed to undertake this work. Please check with SC Ecology that the ecologist has sufficient experience before instructing the survey work. Some recommended surveyors can be provided.

The following paragraphs are intended to aid an ecologist in their assessment of impact from pollution concentration on designated sites, in order to make an informed judgment as to whether an adverse effect will actually arise.

This advice should not be taken as strict guidance but does seek to provide a systematic basis for ecologists to make a structured assessment of the likely effects.

Conduct Ecological Survey - Is the site sensitive to Ammonia & Nitrogen Deposition? i.e. are there interest features present (is the site intended for restoration) which could be impacted by increase in pollution concentration?

Step 1. Data search. SC Ecology would recommend contacting Robin Mager at Shropshire Wildlife Trust – Robin Mager robinm@shropshirewildlifetrust.org.uk – to find out the reasons for Natural Asset designations. Robin can also provide a data search for the LWS/AW, this will be able to inform the ecologist if there have been species sensitive to nitrogen recorded in the past or if the habitat present is one in which nitrogen sensitive species are typically found. It should be recognised that the species most sensitive to nitrogen are often the most difficult to identify and are therefore a lack of records for these species doesn't mean they are not present. Just that a suitably competent surveyor has not visited the site.

Step 2. Competent Ecological Surveyor to undertake a detailed survey. This is to confirm whether the habitat feature for which the screening threshold is exceeded is actually present within the area to be affected or should be present in order for the site to achieve its conservation objectives i.e. are there any species which are sensitive to nitrogen, or could there be if the habitat was put into appropriate management?

It should be noted that ammonia modelling uses a precautionary scenario, and the most sensitive habitat type for which that site is designated would have been selected to model the impact from increase in ammonia/nitrogen. However, the ecological surveyor will be able to use APIS and their site visit to see what Critical Level/Load is appropriate.

To aid the ecological consultant, a list of vascular plants and a numeric figures for their nitrogen sensitivity can be found here:

<https://www.brc.ac.uk/biblio/plantatt-attributes-british-and-irish-plants-spreadsheet>

Sites with species listed as having Ellenberg indicator values for Nitrogen of 1 or 2 will be considered to be very sensitive to aerial nitrogenous inputs.

To aid the ecological consultant a guide to nitrogen sensitive lichens can be found on APIS - <http://www.apis.ac.uk/nitrogen-lichen-field-manual>

To aid the ecological consultant, a list of bryophytes and a numeric figures for their nitrogen sensitivity can be found here:

<https://www.brc.ac.uk/biblio/bryoatt-attributes-british-and-irish-mosses-liverworts-and-hornworts-spreadsheet>

Sites with species listed as having Ellenberg indicator values for Nitrogen of 1 or 2 will be considered to be very sensitive to aerial nitrogenous inputs. Note however that the absence of a species does not mean that there is no requirement for protection of the habitat and that in future, the species may return.

Step 3. If there are pollutant sensitive species then a detailed isopleth drawings (contour maps showing the range of Process Contribution across the designated site) could be used to further assess the impact. Comparison of the isopleths with habitat maps prepared by the ecologist for the site (gained from field surveys) may show that the habitats present within the area that is subject to the highest PCs are less sensitive, or are not habitats for which the site was designated. For example: the designated site may have a belt of poorer quality habitat on the outer edge of the site and this may be the area subject to elevated ambient pollutant levels or deposition.

Alternatively, if there are species or habitat that will be impacted by the increased amount of pollutants, consider what proportion of the total resource within the designated site will be affected by concentrations above that threshold. If it is a very small amount (particularly if below 1 % of the habitat resource area or species population) then it may be possible to conclude that no adverse effect would arise, given the relatively subtle effect of atmospheric pollution on many vegetation types (epiphytic vegetation would be impacted to a greater degree). This decision would need to be made on a case by case basis.

Step 4. In all circumstances the ecologist should consider the 'restore' objective. It is also important to consider whether restoration may actually be possible in the affected area due to other historic and perpetual impacts.

Interpretation:

The ecological report, once the actual impact from the increase in pollutant is known, should give consideration to the wording of MD12 where the assessment

predicts adverse effects will occur. The following mitigation hierarchy is followed:

- Preference should be given to preventing or avoiding exposure to the pollutant in the first place by eliminating or isolating potential sources or by replacing sources or activities with alternatives. This is usually best achieved through taking air quality considerations into account at the design stage. For most projects, by the time the air quality effects are assessed in detail, the basic project parameters have been fixed. For some projects, however, it is possible to avoid adverse effects by changing the location and/or design of a project to reduce potential effects. These include:
 - o Relocating the emissions further from the designated site(s) as air quality tends to improve with distance from a source.
 - o Relocate a project downwind of the designated site(s). The prevailing wind direction in the UK is generally, but not always, from the south west. This may significantly reduce pollutant concentrations and deposition rates over the designated site.

- Mitigation Measures should next be considered to minimise, reduce and / or negate the effects of exposure, once all options for prevention/avoidance have been implemented so far as is reasonably practicable (both technically and economically). To achieve this, preference should be given first to:
 - o mitigation measures that act on the source; before
 - o mitigation measures that act on the pathway; which in turn should take preference over
 - o mitigation measures at or close to the point of receptor exposure (all subject to the efficacy, cost and practicability of the available solutions).
 In each case, measures that are designed or engineered to operate passively are preferred to active measures that require continual intervention, management or a change in people's behaviours.

Where the ecologist considers that a potential adverse effect from air quality impacts may occur, it may be appropriate to consider undertaking monitoring of the impact of the project to evaluate whether the mitigation measures are effective. There may also be a case for monitoring where no adverse effects are predicted, but where there is uncertainty in this finding. There are a variety of means by which impacts could be monitored e.g. measurement of atmospheric concentrations, habitat assessments to determine species composition/growth rate.

Where an adverse effect cannot be prevented or avoided, reduction and minimisation measures may be considered in order to increase the acceptability of the project

Compensation for ecological effects of air pollution impacts could therefore include one or more of the following;

- o providing new areas of habitat that support the qualifying interests of the designated site, either at or near to the designated site;
- o enhancing the management of the existing habitats that support the qualifying interests of a designated site, either at or away from the designated site;
- or
- o Where a qualifying interest is a species rather than a habitat, carrying out targeted interventions to improve the conservation status of the species.

The applicant should provide detail to cover:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset.

Environment Network

The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

This proposed development site must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.

The existing hedgerows are gappy and offer low ecological value. The proposed landscape scheme should include hedgerow improvements, with planting of additional mixed native species. In order to enhance the site tree belt/woodland planting are recommended, additional field margins of taller vegetation would benefit the wider environment.

4.11 **SC Highways** raises no objections. The response indicates:

No Objection – Subject to the development being undertaken in accordance with the approved details and the following conditions/informatives

Observations/Comments:

It is considered that the Highway Statement supporting this development proposal adequately demonstrates the potential impact this development might have on the adjacent public highway. In addition, the adjacent A488 has sufficient capacity to accommodate the additional vehicles generated by this development. Therefore, from a highways & transport perspective, it is considered that the proposed development is acceptable.

In an attempt to improve the local situation, it is also recommended that the developer provides an appropriate sealed surface to the first 20 metres of the existing access road. To ensure that any loose material from the site is not deposited on to the adjacent public highway. Not only for vehicular safety but also the safety of passing pedestrians and cyclists using the adjacent foot/cycleway along the A488.

It should also be noted that the safe use of the existing access is reliant on maximising the visibility splays along the A488. Therefore, the applicant should ensure that these splays are maintained appropriately, in perpetuity.

Notwithstanding the above, it is noted that the proposed modified access road serving these poultry units is subject to a relatively sharp right-angled bend, which may prove difficult for HGV's to manoeuvre around, as well as hamper two-way flow. However, this is unlikely to be a highway safety issue, as this bend is located far enough away from the public highway.

Conditions: Driveway, Parking, Loading, Unloading and Turning The development hereby permitted shall not be brought into use until the first 20 metres of the driveway and the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

Informatives:

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

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

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

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.

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.

4.12 **SC Conservation Manager** has responded indicating:

Background to Recommendation:

This proposal affects the farmstead known as Poulton Farm, which lies to the north east of Minsterley. There are no designated heritage assets on site or in close proximity, although the farmstead itself has been recorded by the Council's Historic Farmsteads Characterisation Project. The farm house dates to the early 19th Century and the farmstead is comprised of a mix of the remaining traditional agricultural buildings of the same period which would be considered to be non-designated heritage assets in accordance with policy MD13 of the SAMDEV plan, with a series of modern farm buildings of some size surrounding these. A previous historic impact assessment has been updated for the current proposal, and this is acceptable under the terms of the NPPF Para 128 and of the above policy.

The new poultry units proposed would be sited to the rear (south) of the farmstead, with one of these lying closer to the historic farmstead than the existing two sheds. They would largely be subsumed within the context of the current poultry unit in key views of the site.

Principles of Scheme:

As we would normally require, a Heritage Impact Assessment has been prepared by Richard Morris which has informed the Environmental Statement submitted with this scheme, and we are generally content with its conclusions. External materials, finishes and colours should match the existing poultry sheds in order to minimise any potential visual impact on any adjacent heritage assets.

RECOMMENDATION:

Generally we have no objection subject to the inclusion of relevant conditions on external detail, materials and finishes to ensure that the external appearance of the development is satisfactory and to protect the setting of nearby designated and non-designated heritage assets.

4.13 **Public Comments**

4.14 **The Ramblers Association** have responded indicating:

It is so disappointing to have to point out yet again that in an Application prepared by Berry's the questions (6 and 24) relating to Rights-of-Way have been answered incorrectly, as the diversion of a footpath is involved. It is mentioned in the Design Statement and included in the associated documents and the Ramblers have already been consulted about, and agreed to, the proposed diversion. Please can more care and attention be paid to the answering of these questions

5.0 **THE MAIN ISSUES**

- Environmental Impact Assessment
- Planning policy and principle of development.
- Siting, scale and design of structures and visual landscape and historic

impact.

- Residential amenity.
- Ecology
- Highway access and transportation

6.0 OFFICER APPRAISAL

6.1.1 Environmental Impact Assessment

6.1.2 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, (came into force on 16th May 2017 replacing the 2011 Regulations), and specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of broiler birds is 85,000 or more. The proposed development falls into the remit of schedule 1 development of the 2017 EIA Regulations in accordance with 1:17(a) – Installations for the intensive rearing of poultry where the amount of broilers exceeds 85,000 birds. As such the proposal is EIA development and an Environmental Statement is required in support of the application. The planning application is accompanied by an Environmental Statement, as referred to in the 2017 Regulations.

6.1.3 The Environmental Statement in support of the application makes reference to a sequential site selection, (alternative locations), as set out in Chapter 3:1 of the Environmental Statement, to which detail indicates that choice of location was largely down to the sustainability of the existing site in relation to the existing intensive poultry operation as well as requirements in relation to landscape impact, operations efficiency of the agricultural business concerned and locational issues such as highway access and amenity issues. Officers consider detail as set out on site selection is considered satisfactory with consideration to the farming business concerned and the location and impacts etc.

6.2 Planning policy and principle of development

6.2.1 The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 7) and establishes a presumption in favour of sustainable development (para. 8). One of its core planning principles is to proactively drive and support sustainable economic development. 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. The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth diversification of agricultural and other land based rural businesses. (para. 83).

6.2.2 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.

6.2.3 SAMDev Policy MD7b indicates planning applications for agricultural development will be permitted where it can be demonstrated that the development is of a size/scale and type which is consistent with its required agricultural purposes and the nature of the agricultural enterprise, well designed and located and, where possible, sited so that it is functionally and physically closely related to existing farm buildings, with no unacceptable impacts on environmental quality and existing residential amenity.

6.2.4 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy, and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of an extension to the poultry enterprise in this location, as an extension of acceptable scale to the existing poultry unit can be supported. Policies recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

6.3 **Siting, scale and design of structures and visual landscape and historic impact.**

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. Policy MD12 of the SAMDev also puts emphasis on the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration. It is noted that the site is not located within an area designated for landscape value, and whilst located near to the Shropshire Area of Outstanding Natural Beauty, (AONB), impact on this is considered acceptable.

6.3.2 The application site is located either side of two existing intensive poultry sheds, also in the control of the applicants, producing broilers and therefore this application is to be considered as a proposal to extend the existing intensive poultry enterprise.

6.3.3 The surrounding landscape is characterised by fields with hedgerow boundaries and small copses of native woodland. The site being located to the rear side of a traditional working farmstead.

- 6.3.4 It is considered that the two further intensive poultry units and the feed silos as proposed will impact on the landscape visually and its character. Poultry sheds often have a significant impact on the surrounding landscape, however in this instance with consideration to the location, and surrounding land topography and built environment, it is considered that any impact will not be severe and that the impact can be mitigated with further landscape mitigation in the form of vegetative planting. As such it is necessary to attach a condition to any approval notice issued, in order to ensure adequate landscaping is carried out in order to mitigate the development into the surrounding landscape to an acceptable manner.
- 6.3.5 The Environmental Statement in support of the application includes a chapter that refers to a Landscape and Visual Impact Assessment (LVIA). This concludes that there are no other known poultry developments or other large scale agricultural developments taking place in the area and therefore no known potential for cumulative landscape of visual effects.
The direct effects on landscape will be limited. The proposed development is on the existing poultry site and no important landscape features or elements will be lost as a direct consequence of the development. The proposed development will be compatible with the surrounding agricultural land uses including the existing poultry site. With regard to indirect effects and the perception of landscape character, it is considered that the proposed development will have minor effect on the Principal Settled Farmlands on which the development site is located. The effects on the other character areas surrounding the site will also be minor. The development will not have a significant impact on the overall character of the AONB or impact the reasons for why it was designated. The impacts on visual amenity have been assessed and considered to be minor. The landscape is capable of accommodating the development and additional mitigation works will further lessen any impact. Overall, the landscape and visual assessment has established that the proposed poultry installation will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity particularly considering the location of the proposed buildings are either side of the existing units. The proposed development is considered to be acceptable in with regard to the potential effects on landscape character and visual amenity.
- 6.3.6 In conclusion, although the development would be visible to certain receptors within the 2km study area, the low level of the buildings, existing buildings, and the restricted/ partial views are such that the development would not dominate the overall scenery. In overall terms, despite a degree of potential impacts, Officers on balance whilst considering development will have a substantial impact on the landscape, with consideration to the location, land topography and existing intensive poultry unit, overall share the findings of the LVIA in that the location of the proposed poultry unit is not considered to be significantly out of scale or keeping with the local setting, or the areas visual amenity and character.
- 6.3.7 It is also acknowledged that this application is for an extension to an existing poultry unit and as such with landscape mitigation in the form of native tree and hedge planting development on site, can be mitigated to an acceptable level, both visually and cumulatively with consideration to the existing on site. Existing screening on site is not considered adequate in relation to the scale of the

development on site in relation to the overall character of the existing landscape, and as such this further strengthens the requirements for landscape mitigation. It is also acknowledged that detail in support of the application indicates the applicants' willingness for further landscape mitigation.

- 6.3.8 The application is accompanied by a historic impact assessment and this concludes that there will be little or no impact on, or cause little or no harm to, the character, setting or significance of any designated or non-designated heritage assets and that the proposal is to extend an existing poultry unit and it is considered that there will be little or no harm to the character, setting or significance of any designated or non-designated heritage assets. If anything, the existence of the new poultry unit on the site has made any such impact even less significant as the character of the existing farmstead will not be altered further to any degree. The new shed to the south is the nearest to any heritage asset – Callow Hill as well as the AONB – but will be dug further into the terrain and will be screened by a new hedgerow and tree planting, thus mitigating any visual impact. With regards to heritage impacts, these comments are shared by Officers, as subject to consideration to external colour it is noted the Council's Conservation Manager raises no objections.
- 6.3.9 With consideration to the above-mentioned, and further landscape mitigation as discussed, on balance, the development is acceptable in relationship to siting, scale and landscape and visual and historic impact, and as such considered in accordance with the overall aims and objectives of the NPPF, Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and Policies MD2, MD12 and MD13, of the SAMDev.
- 6.4 **Residential amenity and public protection**
- 6.4.1 The proposed development is located approx.300 metres from the nearest residential receptors which are outside of the applicants control. The applicants will need to obtain from the Environment Agency a variation to their existing Environmental Permit in order to operate from the site, this will control issues on site in relation to residential amenity. It is noted that the Environment Agency's response to the application raises no objections, indicating that they have recently issued a variation to the site permit. This will cover issues such as on site noise, emissions and waste and their management, the permit also covers issues of concern in relationship to surrounding residential amenity. An odour management plan will also form part of the Environmental Permit. The response also refers to planning advice as set out in the NPPF. Management operations are as outlined in the EA response as indicated in paragraph 4.5 of this report. The EA response indicates that 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 the Environment Agency confirm in their response that they will take action in-line with their published Enforcement and Sanctions guidance.
- 6.4.2 The applicants as part of their Environmental Statement in support of the

application have submitted an odour impact assessment in relation to the additional housing of up to 130,000 boilers on site, and this indicates that a detailed odour impact assessment (OIA) of the proposed extension to the poultry development at Poulton Farm. Dispersion modelling has been completed, which predicts that the occasional odour will be perceived the closest locations, however the proposed development is unlikely to lead to odour impacts at a level which would be regarded as unacceptable, when operated in accordance with the recently varied Environmental Permit, issued December 2017. Should the odour control measures detailed in a site odour management plan be followed during typical operation and abnormal events, these potential impacts will be reduced even further.

- 6.4.3 Information submitted in support of the application, as part of the Planning Statement and odour impact assessment is considered on balance acceptable in relationship to residential amenity in relation to odour and noise issues, and it is noted that none of the statutory consultees raise any objections on this matter. Any issues of concern in relation to odour once the unit is in operation will be clearly covered by the Site Permit under the remit of the Environment Agency.
- 6.4.4 It is noted that SC Regulatory Services have responded to the application raising no objections. Based on the information submitted in support of the application and on-site observations, it is considered that there will be no significant adverse impact on the amenity of the area and that the permit issued and regulated by the Environment Agency will control elements in relation to surrounding amenity.
- 6.4.5 However it is noted that the response to the application from the Environment Agency as outlined in paragraph 4.5 above indicates that as part of the site permit determination, they do not normally require the applicant to carry out dust or bio-aerosol emission modelling, and that they require a 'risk assessment' be carried out and if there are relevant sensitive receptors within 100 metres of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plan is required. A dust management plan is required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Whilst it is acknowledged that the site permit issued and monitored by the Environment Agency will control relevant point source and fugitive emissions to water, air and land; including odour, noise and dust, from the intensive poultry farming activities within the permit 'installation boundary', it is noted their response to the application indicates that they do not wish to make detailed comments on these emissions as part of the current planning application process, and that it will be the responsibility of the applicants 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 the Environment Agency will take action in-line with their published Enforcement and Sanctions guidance.
- 6.4.6 It is considered that information in relation to dust management in support of the application whilst on balance acceptable, (owing to dwellings outside of the applicants control being over 100 metres from the application site), it is weak, and

it is noted that there are dwellings within 400 metres of the application site. (This includes dwellings within the applicants control and out of their control). This matter is of some concern, as the Environmental Permit issued and monitored by the Environment Agency will not take effect until development is operational on site and as such the applicants all be it at their own risk will of spent considerable sums of money constructing the development. In this instance although owing to distances involved not considered a significant issue, it is considered that further detailed information is required in relation to dust management and that this information is required prior to any development on site and this can be secured via the attachment of a condition to any approval notice issued in order to adequately address this matter.

- 6.4.7 It is also noted that the Environmental Permit issued and monitored by the Environment Agency only covers on site activities and therefore feed deliveries to the site and manure movements off the farming unit concerned will not be covered by the permit, (other than on-site activities), and as such, with consideration to vehicle movements as well as residential amenity, it is recommended that conditions are attached to any approval notice issued restricting times for feed deliveries and that any manure removed off site is done so in sealed and covered containers/trailers. Manure disposal on site will form part of the Environmental Permit regime and is a matter for the applicants to address as part of their environmental permit.
- 6.4.8 Manure management, storage and disposal
- 6.4.9 Information in support of the application as part of the Ammonia Mitigation Strategy indicates that manure will be used on the farm or sold to local farms for spreading directly to the land. Any manure required to be stored on the farm will be in temporary field storage sites. The Environmental Statement further states that manure storage is important when preventing fly infestations as it can be attractive as a breeding site. By reducing moisture levels in the manure (to around 30%) flies will not find it suitable for laying eggs. Frequent inspections of storage sites are required to ensure there is no fly activity as even manure that is produced, transported and delivered in a dry, fly free condition can sometimes become infested. There will be careful management and monitoring of any manure stockpiles, although the management practices will minimise the need to stockpile by having quick spreading and incorporating to land. Any stockpiled manure will be checked once a week between April and October inclusive to ensure there is no fly activity in the manure. If on these inspections, any fly larvae are found in the manure, immediate steps will be taken to control the fly and larvae populations. The methods to be used for the control are those recommended in the 'Code of Practice for the use of Poultry Manure'. This includes keeping records of inspections, covering the stockpiles at the first sign of fly activity (sheeting raises the temperatures which kills any flies and larvae), ensure the manure remains covered for at least 10 days, and during the summer months of May to September not to store manure near to residential areas.
- 6.4.10 As part of the Environmental Permit the application will need to supply a manure management plan, this includes 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. The unit is also thoroughly cleaned down at the end of each bird cycle. Manure will be removed from the poultry houses at the end of each rearing cycle in sealed trailers and taken from the site to land in the applicants ownership or receiving farms, to which it is understood a 'Farm Manure Management Plan', will ensure satisfactory management, This ensures that the rates and area for spreading within the farm unit are sustainable and meet the DEFRA guidelines to meet:

- Protecting our Water, Soil and Air - A Code of Good Agricultural Practice for farmers, growers and land managers 2009 and
- Manure Management Plan: a step-by-step guide for farmers – June 2003

- 6.4.11 Poultry manure is considered a valuable agricultural fertiliser and there is high demand from the arable farming industry. Spreading manure provides nutrients to grow crops and also adds organic matter to the soil to improve soil structure. The storage and spreading of farmyard manure is controlled through the Nitrate Pollution Prevention Regulations 2015. These regulations dictate where manure can be stored, where it can be spread and the timing of spreading during the year. Compliance with the regulations is monitored by DEFRA under cross compliance legislation with fines in place for none compliance.
- 6.4.12 The legal process for the transfer of the waste from the site will require the applicant to record the dates and quantities of manure exported and the name address and farm holding number of the recipient farm. Once the manure reaches the recipient farm, the legal duty of compliance with the Nitrate Pollution Prevention Regulations 2015 passes to the recipient. The storage of manure in field heaps is regulated in Part 6 (para 23, sub section 3) of the Nitrate Pollution Prevention Regulations 2015 and the application of organic manure to land is controlled within Part 5 of the Nitrate Pollution Prevention Regulations 2015. The regular removal of the manure removes the potential breeding medium for flies.
- 6.4.13 In accordance with the Environmental Permitting Regime, 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.
- 6.4.14 It is noted that neither the Environment Agency or the Council's Regulatory Services Manager raises any issues of concern on these matters and this includes reference to potential fly problems. Officers consider information in support of the application on these issues to be acceptable with consideration to the required processing as discussed above.
- 6.4.15 It is recommended that conditions are attached to any approval notice if members are mindful to approve the application, in order to ensure adequate consideration

to disposal of manure generated on site and its spreading on land and consideration to residential amenity, as well as impacts in relation to use of surrounding public footpaths by means of a manure management plan, and also a condition in order to ensure all manure removed off the intensive poultry site is done so in sealed and covered trailers. It must also be noted that the Council's Public Protection section has statutory powers to deal with any proven amenity issues as a result of the development.

6.4.16 On balance the proposal is considered acceptable in relation to surrounding residential amenity issues with consideration to measures as discussed in the paragraphs above. As such the proposal is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's SAMDev and the National Planning Policy Framework on issues in relation to residential amenity and public protection.

6.5 **Ecological issues.**

6.5.1 Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and Policy MD12 of the SAMDev clearly indicate the requirement for development proposals to demonstrate that there are no unacceptable adverse environmental impacts. Applications should demonstrate a project level Habitats Regulations assessment for all proposals where the local planning authority identifies a likely significant effect on an internationally designated site. Developments should only be permitted if it can be clearly demonstrated there will be no likely significant adverse effects directly, indirectly or cumulatively in relationship to a number of criteria which includes reference to priority species, priority habitats important woodlands, trees and hedges, ecological networks, visual amenity, landscape character and local distinctiveness.

6.5.2 Both the Council's Planning Ecologist and Natural England have considered this application. Determination of this application has been held up owing to the on-going concerns in relation to ammonia impacts and the requirement to ensure that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

6.5.3 The key issue of concern related to ammonia emissions as a result of the proposed development. All environmental sites need to be assessed in terms of ammonia screening. It is also considered necessary for the requirements for habitat enhancements as a form of ammonia mitigation which is required or should be demonstrated on a proposed landscape plan. (For further information on this issue please refer to paragraphs 4.3 and 4.10 above).

6.5.4 On further consideration in relation to ammonia outputs and mitigation and enhancement measures offered, the Council's Planning Ecologist and Natural England consider that there will be no significant effects on sites of ecological interest, and as such the proposal does not need to be considered in-combination with other plans or projects.

6.5.5 SC Ecology In their response has indicated that they are satisfied that the proposal for 120,000 birds is unlikely to have a significant adverse effect, directly,

indirectly or cumulatively on designated Wildlife Sites as the citation features are not sensitive to increase in ammonia/nitrogen deposition. SC Ecology concludes that no further information is required to assess impacts on designated sites.

- 6.5.6 Natural England have formally responded stating no objection, indicating no further survey work is required to support this proposal.
- 6.5.7 The site has the potential to enhance the area for biodiversity. The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.
- 6.5.8 This proposed development needs to protect and enhance biodiversity and as such the proposed scheme will need to clearly demonstrate how the development will 'promote the conservation, restoration and enhancement of priority habitats and ecological networks' as required by paragraph 174 of the National Planning Policy Framework. It is considered that a landscape mitigation condition attached to any approval notice can adequately address this matter.
- 6.5.9 With consideration to the above-mentioned and with additional mitigation and biodiversity enhancement by way of a condition attached to any approval notice issued as discussed, it is considered that the concerns as initially raised on ecological issues can be addressed satisfactorily and as such the development on balance considered to be in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policy MD12 of the SAMDev and the overall aims and objectives of the NPPF in relationship to sustainable development and environmental and ecology matters.
- 6.6 **Drainage.**
- 6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. The site is located in Flood Zone 1 (low probability, in Zone rating) based on the EA indicative Flood Zone Map. The applicants have submitted a flood risk and drainage assessment in support of the application and its findings are considered acceptable. It is noted neither, the EA, or the Council's Drainage Manager raise any objections in relation to drainage matters, the latter indicating the proposal acceptable in principle on receipt of further information in relation to drainage calculations. It is recommended that a condition with regard to a sustainable drainage system is attached to any approval notice issued. With consideration to such a condition the proposed development considered acceptable on drainage matters and in compliance with Policies CS5 and CS18 of the Shropshire Core Strategy and Policies MD2 and MD7b of the SAMDev and the NPPF on drainage matters.
- 6.7 **Highway access and transportation issues.**
- 6.7.1 Highway and transportation issues are considered acceptable and it is noted that the Council's Highways Manager raises no objections in relation to the proposed development, indicating it is considered that the Highway Statement supporting

this development proposal adequately demonstrates the potential impact this development might have on the adjacent public highway. In addition, the adjacent A488 has sufficient capacity to accommodate the additional vehicles generated by this development. Therefore, from a highways & transport perspective, it is considered that the proposed development is acceptable. In an attempt to improve the local situation, it is also recommended that the developer provides an appropriate sealed surface to the first 20 metres of the existing access road. To ensure that any loose material from the site is not deposited on to the adjacent public highway. Not only for vehicular safety but also the safety of passing pedestrians and cyclists using the adjacent foot/cycleway along the A488. It should also be noted that the safe use of the existing access is reliant on maximising the visibility splays along the A488. Therefore, the applicant should ensure that these splays are maintained appropriately, in perpetuity. The response from SC Highways further notes that the proposed modified access road serving these poultry units is subject to a relatively sharp right-angled bend, which may prove difficult for HGV's to manoeuvre around, as well as hamper two-way flow, although acknowledges that this is unlikely to be a highway safety issue, as this bend is located far enough away from the public highway. The response recommends a condition be attached to any approval notice issued with regards to surfacing of the first 20 metre of the driveway to the site and areas for turning, parking and unloading in accordance with detail as set out on the proposed plans.

- 6.7.2 On highway and transportation matters the application is considered acceptable as the site has on balance good access to the adjoining A488 public highway, the proposal representing an extension to the existing intensive poultry enterprise on site. With a condition attached as recommended by the SC Highways Manager in relation to highway safety, on balance this application is considered acceptable and in accordance with relevant local plan policies and the NPPF on highway and transportation matters.

7.0 CONCLUSION

- 7.1 The proposal is for two intensive broiler units in addition to the two existing ones which will add a further 130,000 broilers on site taking the total up to 250,000 on site. The application also provides provision for feed silos, (which will increase to eight on site), and hard standing area.
- 7.2 It is acknowledged that the development is significant in scale and does have a limited impact on the landscape. However it is considered that the proposed development, with consideration to the surrounding landscape character, topography and field layout, and existing development on site, (which includes consideration to the AONB), as well as the original farmstead, that with further landscape mitigation, development can be successfully integrated into the surrounding landscape. This will also assist in relation to ammonia emissions which has recently been a contentious issue in relation to intensive poultry applications, a matter that has been subject to detailed and complex consideration. Consideration has also been given to impacts on the historic landscape, as special regard has to be given to the desirability of preserving the historic environment and listed buildings and their settings or any features of

special architectural or historic interest as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7.3 On balance with consideration to the location, size and scale and cumulative impacts, it is considered that there will not be an adverse impact. Also the economic benefits to the business concerned and production of local food with further landscape mitigation in the form of native planting and the external colour of the development, is on balance acceptable in principle.
- 7.4 Public highway access and transportation issues are considered acceptable, as are residential amenity issues, with conditions attached to any approval notice with regards to dust and a manure management plan and transportation of manure off site. It is also noted that matters in relation to on site issues in relation to amenity and day to day management of the site are subject to the Environment Agency's permitting regime. Other issues such as the matter raised by the Ramblers Association are noted, although it is also noted that the Council's Public Rights of Way Manager raises no objections.
- 7.5 The findings and conclusions as indicated in the information submitted in support of the application and the Environmental Statement are on balance considered acceptable, with further consideration to dust management as discussed in this report.
- 7.6 As such the proposed development overall is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance and legislation which includes the provisions of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The recommendation is therefore one of approval subject to conditions as attached as appendix one to this report, with any modifications as considered necessary by the Head of Service.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

18/02023/EIA
Poulton Farm
Little Minsterley
Minsterley
Shrewsbury
Shropshire
SY5 0BW

Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works.

Date of completion for the HRA screening matrix:

1st February 2019

HRA screening matrix completed by:

Nicola Stone
Planning Ecologist
01743-252556

Table 1: Details of project or plan

Name of plan or project 18/02023/EIA
Poulton Farm
Little Minsterley
Minsterley
Shrewsbury
Shropshire
SY5 0BW

Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works.

Name and description of Natura 2000 site The Stiperstones and the Hollies SAC
(601.46ha) represents a Nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with Ilex and Blechnum.

Annex I Habitats that are a primary reason for selection of site:

- European dry heaths

Annex I Habitats present as a qualifying feature but not a primary reason for selection of site:

Old sessile oak woods with Ilex and Blechnum in the British Isles

Description of the plan or project Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works.

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)? Yes.

In-combination assessment completed please see below.

There is one European protected site in 5km of this proposal. A summary of the ammonia assessment is provided:

Habitat Type	Habitat Name	Background N Dep	Receptor Number	PC NH3 (mg/m3)
PC N Dep. (kg N/ha/yr)		Critical Level	Critical Load	PC as % of CLe
% of CLo				PC as % of CLo

SAC & SSSI The Stiperstones and the Hollies Special Area of Conservation 23.2 29
31-36 0.03 0.156 1 10 3% 1.56

I have identified the following sites which should be assessed in-combination with The Stiperstones & The Hollies SAC: planning application 18/02023/EIA.

A summary of ammonia/nitrogen deposition from the proposals are as follows:

Application	Habitat Name	Distance from Emission Source (m)	PC NH3 (mg/m ³)	Background N/ha/yr	PC N Dep. (kg N/ha/yr)	Critical Level
	Critical Load	PC as % of CLe	PC as % of CLo			
18/00473/FUL	The Stiperstones and The Hollies SAC	<7km (NE have asked that this site is assessed)	337364/302113	0.02	23.2 0.10 1 10 2% 1%	
18/02023/EIA	The Stiperstones and the Hollies Special Area of Conservation				23.2	
			0.03	23.2	0.156 1 10 3% 1.56	

A change of more than 1% of the Critical Level or Critical Load does not necessarily indicate that a significant effect (or adverse effect on site integrity) will occur. Referring to the England Commissioned Report NECR210 (March 2016), table 21, If your background level is between over 20kg N then, for example, a sensitive habitat (Upland Heath) would have to increase N deposition (in kg N ha yr) by 2kg N ha yr to reduce measured species richness by 1.

The SCAIL modelling which has been undertaken is known to be precautionary, i.e. if detailed modelling was undertaken for planning application 18/00473/FUL the process contribution is likely to decrease at the designated sites listed.

In-combination the two planning proposals listed would add 0.25 kg/N/ha/yr to the wildlife receptor. SC Ecology would not expect this proposal to result in the loss in integrity of the designated site assessed based on the current background level.

In order to reduce the ammonia emissions from this proposal the following planning condition will be on a planning decision notice:

1. The agreed Ammonia Mitigation Planting Scheme, which includes (drawing number SA28959/08 dated January 2019) shall be implemented in the first planting season and retained thereafter (minimum 1.9 hectare tree planting). Any trees planted as part of the ammonia mitigation scheme that are lopped, felled or die within five years of first planting shall be replanted.

Reason: To ensure an appropriate level of mitigation against the adverse impacts that the development would have on designated sites from ammonia emission/nitrogen deposition, and to seek a biodiversity enhancement consistent with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

The Significance test

The proposed works under application No 18/02023/EIA will have a likely significant effect on Stiperstones and the Hollies SAC. An Appropriate Assessment is required.

The Integrity test

It was concluded that the proposed works under planning application No. 18/02023/EIA will not adversely affect the integrity of the European Designated Site: Stiperstones and the Hollies SAC.

Conclusions

Natural England should be provided with SC Ecologist HRA and the planning case documents and formal comments should be received prior to a planning decision being granted.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

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

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

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

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

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

Habitat Regulation Assessment Outcomes

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

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

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority 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.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS13 - Economic Development, Enterprise and Employment
 Economic Development, Enterprise and Employment
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7B - General Management of Development in the Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

10/02638/AGR Erection of a grain storage building GRANT 20th July 2010
 10/02639/AGR Erection of an extension to an existing agricultural building GRANT 20th July 2010
 12/03128/AGR Erection of a steel portal storage shed PNR 9th August 2012
 15/00487/EIA Erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works GRANT 17th July 2015
 15/03927/DIS Discharge of Conditions 4 (Attenuation Pond), 5 (Permeable Surface Drainage), 6 (Road Design), 7 (Parking/Turning/Loading), 8 (On Site Construction Method Statement), 9

(Programme of Archaeological Work), 13 (Landscaping) and 14 (External Colour) on Planning Application 15/00487/EIA for the erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works DISAPP 2nd November 2015

15/05111/PSPPA Application for prior approval under Part 14, class J of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the installation of solar panels on the roofs of non-domestic buildings PNR 15th January 2016

18/00078/AGR Erection of a general agricultural storage building WDN 23rd February 2018

18/02023/EIA Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works. PDE

18/03291/FUL Insertion of windows, replacement of window with door and provision of external timber decking GRANT 23rd November 2018

SA/93/0709 Erect and display non-illuminated sign boards. PERCON 6th October 1993

SA/05/1583/F Erection of a portal framed agricultural building and construction of new roadway PERCON 21st December 2005

SA/04/1473/F Alterations and conversion of farm buildings to 4 dwellings and associated workshops and construction of new vehicular access and roadway PERCON 25th November 2004

SA/03/0471/F Conversion of farm buildings to create 4 dwellings and associated office/workshops REFUSE 5th November 2003

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder)
Cllr R. Macey
Local Member
Cllr Nick Hignett
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 a scheme of the 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.

4. Prior to any development on site a dust management plan will be submitted to the Local Planning Authority and approved in writing. This plan will take into consideration issues on dust and bio-aerosol emission modelling as referred to in the Environment Agency's response to the application.

Reason: In order to ensure adequate consideration to dust and bio aerosol issues prior to any development on site.

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

5. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

6. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. 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

7. The development hereby permitted shall not be brought into use until the first 20 metres of the driveway and the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

8. Prior to first use of the development hereby permitted a manure management plan will be submitted to the local planning authority and approved in writing. This will include detail in relation to where manure will be disposed of/spread and its storage prior to disposal. The approved plan shall be adhered to at all times.

Reason: In the interests of the amenity of the surrounding area.

9. The agreed Ammonia Mitigation Planting Scheme, which includes (drawing number SA28959/08 dated January 2019) shall be implemented in the first planting season and retained thereafter (minimum 1.9 hectare tree planting). Any trees planted as part of the ammonia mitigation scheme that are lopped, felled or die within five years of first planting shall be replaced with species of similar species and size within the first planting season of the loss of the original plan being replaced.

Reason: To ensure an appropriate level of mitigation against the adverse impacts that the development would have on designated sites from ammonia emission/nitrogen deposition, and to seek a biodiversity enhancement consistent with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

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

10. Notwithstanding the approved plans all building development on site, (including all the feed silo's), are to be all externally in accordance with colour code BS12B29, (Olive green).

Reason: In consideration of the visual impact and to mitigate the development into the surrounding landscape.

11. All feed deliveries to the site shall take place between the hours of 0700 hours to 2100 hours.

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

12. All manure removed off site will be done so in sealed and covered trailers.

Reason: In order to protect the amenity of the surrounding area.

13. No more than 250,000 birds shall be kept on the whole of the intensive poultry site at any one time.

Reason: To ensure that the restriction on the maximum number of birds to be kept at the site at any one time can be satisfactorily enforced, in order to prevent adverse impact on local wildlife sites & ancient woodland from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

Informatives

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

2. This planning permission does not authorise the applicant to:

- o construct any means of access over the publicly maintained highway (footway/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.

3. 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.

4. 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.

5. Where it is intended to create semi-natural habitats, all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

6. 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.

7. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

-



Committee and date
 Central Planning Committee
 14 February 2019

Item
6
 Public

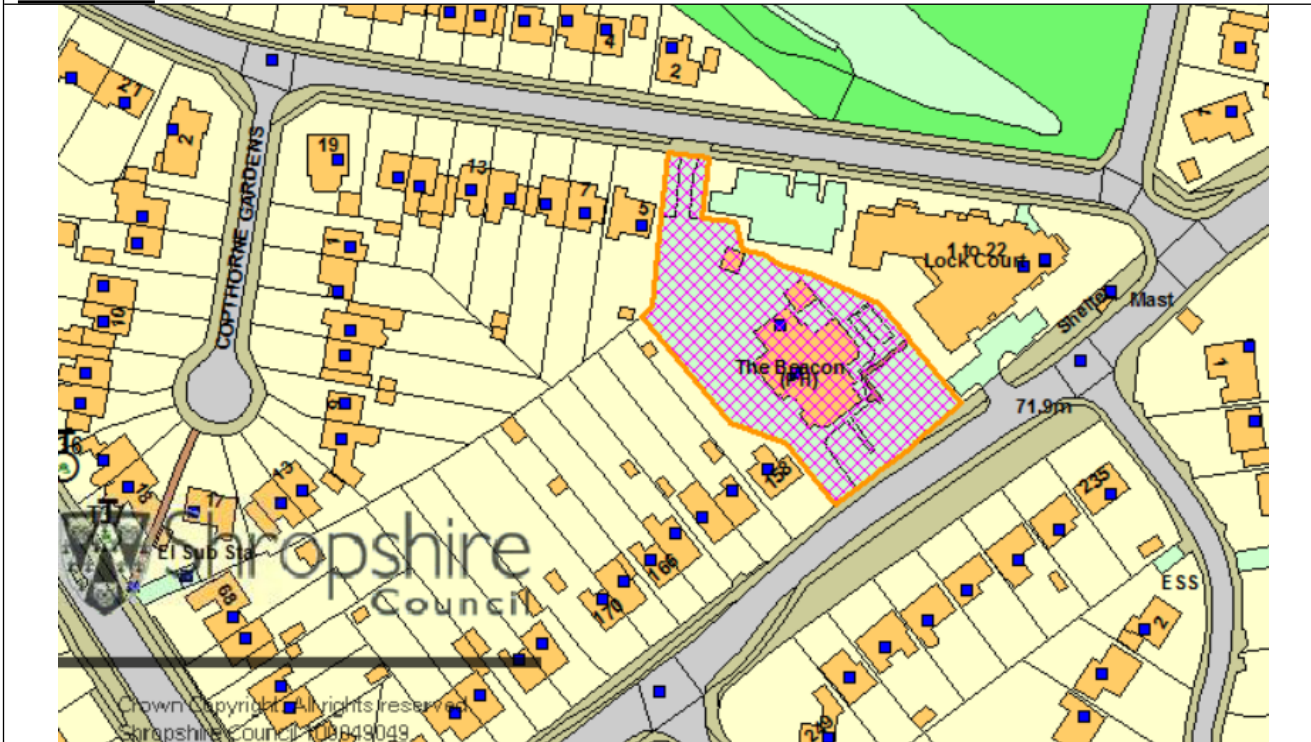
Development Management Report

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

Summary of Application

Application Number: 18/04372/FUL	Parish:	Shrewsbury Town Council
Proposal: Installation of raised timber decking areas complete with balustrading and steps and erection of an open sided timber framed pergola structure (revised description).		
Site Address: Beacon Hotel 156 Copthorne Road Shrewsbury SY3 8LP		
Applicant: GREENE KING PLC		
Case Officer: Shannon Franklin	email: planningdmne@shropshire.gov.uk	

Grid Ref: 347534 - 312708



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REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the installation of raised timber decking areas complete with balustrading and steps and erection of an open sided timber framed pergola structure at the public house known as The Beacon Hotel within the Copthorne area of Shrewsbury.
- 1.2 The application is part retrospective as the works have already been undertaken. The application has been submitted following an enforcement enquiry at the site (Reference: 16/05014/ENF) which recommended no further action was taken subject to the receipt of an appropriate planning application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located on the north side of the B48386 Copthorne Road with an access to the southern corner of the site which runs northwards through the associated bar park and exits onto Copthorne Park. The outdoor space associated with the public house, in which the works subject to the application will be located is to the south and east of the main building.
- 2.2 The wider site is bounded to the southwest and north by residential properties and their gardens. To the northeast the site is bounded by a retirement apartment complex.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers. While the Local Member does not consider a committee decision is necessary, the Chair and Vice Chair, in consultation with the Area Planning Manager and Principal Officer, consider that due to the Town Council's concerns, the decision is appropriate to be determined by Members at committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Shrewsbury Town Council – 02.11.2018 – Objection

The Town Council considers the development of this outdoor space will have a detrimental impact on the neighbouring residential properties by intruding on their privacy and causing additional noise disturbance.

4.1.2 SC SUDS – 15.10.2018 – No Objection

No objection has been raised to the application however the applicant should implement an appropriate sustainable drainage scheme. The relevant Guidance

provided by the council and within the Planning Practice Guidance should be adhered to and preference should be given to drainage measures which allow rainwater to soakaway naturally.

4.1.3 **SC Regulatory Services – 30.10.2018 - No Objection**

Having considered the application it is noted that the premises license states a condition that: External area would be cleared by 23:00. As a result, this limits use of the external area to 2300 hours on any day. This is considered to be the latest that this area could be opened until given that there are residents in close proximity.

It is noted that by increasing the attraction to the external area that this may increase the number of people using the external area and in turn noise. As a result, the applicant should be advised that they will need to carefully manage the area. It is noted on the Sunday Jobs Summary that the lower decking areas will be cleared by 2100 hours. Please can the applicant inform me if this is to occur on all days or just Sundays. I would consider it a useful management technique for every night of the week and would suggest it is conditioned to ensure that noise is not likely to become an issue in the locality as mentioned above.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site and the residents of three neighbouring properties were individually notified by way of publication. At the time of writing this report, no representations had been received in response to this publicity.

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Siting, scale and design of structure**
 - **Visual impact and landscaping**
 - **Residential amenity and conditions**

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area.
- 6.1.2 Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
- 6.1.3 Section 12 of the National Planning Policy Framework; Achieving well-designed places, reinforces these goals at a national level, by requiring design policies to reflect local aspirations ensuring developments are sympathetic to local character, visually attractive and establish a strong sense of place.

6.1.4 Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets.

6.1.5 Policy CS8 Facilities, Services and Infrastructure Provision also aims to develop sustainable places in Shropshire and maintain and enhance existing services and facilities. The provision of outdoor recreation spaces in association with an established public house use is acceptable and would contribute to improving the functioning and facilities for local residents, therefore the proposals meet the above policy aims in principle.

6.2 Siting, scale and design of structure

6.2.1 The application relates to works within the garden of The Beacon Hotel, a public house within the area of Copthorne. The outdoor area has been renovated to include a terraced seating area to the southern elevation fronting Copthorne Road, and a raised timber decking area to the west, with a children's play area at a lower level. Currently the raised timber decking area has a covered pergola on it however, following amendments, the application seeks permission for an open sided structure without a roof.

6.2.2 The landscaping and associated structures are all to be utilised by patrons of the public house and as such their siting within the existing area used for outdoor seating is acceptable. Similarly, no concern is raised over the scale of the proposals; the timber fences are of an appropriate height which does not detrimentally affect the visual appearance of the locality and the pergola structure is set back from the road frontage and the principal elevation of the public house and is of an appropriate height and scale.

6.2.3 It is recognised that the proposal introduces additional structures into the garden area however, they are of a design suited to a residential area and constructed of appropriate materials. Landscaping is proposed to screen some of the proposal and resultantly no concerns over the design are raised.

6.3 Visual impact and landscaping

6.3.1 The proposals utilise timber fencing; both close boarding panels and picket, timber sleepers at ground level to form terraces, timber decking and the pergola is also constructed out of timber. The majority of the timber is untreated and has been left to weather naturally. It is considered that the proposed materials are acceptable for their intended use and the wider locality.

6.3.2 Following the advice of Officers, the proposal includes provision of a landscaping buffer to the site's eastern boundary with the nearest residential neighbour. The buffer, which is up to approximately 2.0m in width, will be planted with mixed native species to be agreed by condition. The purpose of the buffer zone is to improve the visual appearance of the site together with assisting to reduce any noise associated with the development; firstly, by ensuring children do not play immediately adjacent to the boundary and secondly by assisting to dissipate noise from any users of the decking area once the planting has established.

6.3.3 No concerns are raised regarding the visual appearance or proposed landscaping included within the scheme.

6.4 Residential amenity and conditions

6.4.1 The primary concern of the application is the impact upon residential amenity which is also the reason the Town Council have objected to the scheme. The use of the outdoor space for recreation associated with the public house is acceptable and permitted and the Council cannot reasonably prevent patrons from using this area, for drinking and eating in connection with the pub. It is however noted that the outdoor space has previously been used to televise sports events on outdoor screens which has resulted in excess noise disturbance.

6.4.2 The nearest residential neighbours are No.158 Copthorne Road to south west whose boundary is 9.5m from the edge of the beer garden and Lock Court; a 22 unit retirement apartment complex, the boundary of which immediately adjoins the beer garden although the buildings itself is 5.5m from the boundary. With regards to No.158 Copthorne Road the carpark and vehicle access associated with the public house is located between the beer garden and the property and mature trees and hedging form the boundary. As such it is not considered that the proposal will result in increased noise or impact upon the privacy of this property. With regards to the residents of Lock Court it is considered that the proposal as amended would not result in a substantial impact upon their residential amenity. Firstly, due to the minimal windows in the Lock Court's southwest elevation and the ground level differences between the sites, there are no direct views into these windows at eye level as a result of the proposal. Additionally, the lawful use of the garden area for recreation associated with the public house is existing and therefore the scheme offers an opportunity to reasonably control its use and potentially improve the existing scenario in terms of the times at which the outdoor space can be used, limiting noise and light disturbance. The imposition of appropriate conditions would suitably limit any perceived impact upon the neighbours in this direction.

6.4.3 It is necessary to recognise that the external space at present can be utilised for outdoor eating and drinking in connection with the public house use without any restrictions; save for those imposed via the premise's alcohol license under an alternate regime. Additionally, there are currently no restrictions on the use of the outdoor space for screening televised sports or events, amplified music or live music, nor opening times. As such Officers must consider whether the proposal would sufficiently increase the impact upon neighbouring residential amenity; through a combination of overlooking, negative impact on privacy and nuisance caused by noise and light pollution, above the existing lawful use thereby, constituting a significant impact worthy of refusing the application.

6.4.4 As part of the application the applicant has removed the outdoor televisions and projector screens and agreed to the imposition of a condition preventing their reinstatement and future use of external televisions screens or amplified music. The applicant has also agreed to remove the roof to the pergola structure to further discourage late night outdoor drinking, thereby reducing noise. Additionally, a daily task sheet has been submitted for the outdoor space, restricting the uses to the following times, seven days a week:

- Children's Play Area opening hours - 12:00 to 21:00
- Lower Deck Seating Area opening hours - 12:00 to 21:00

- Upper Deck and Beer Garden opening hours - 12:00 to 23:00

which will be included within a condition imposed on any approval.

- 6.4.5 Resultantly, it is considered that subject to the imposition of conditions regarding the implementation of a landscaping scheme, use of the outdoor space for televisions and music, the opening hours of the outdoor spaces, the impact upon neighbour residential amenity through overlooking and privacy would be limited and through nuisance incorporating noise and light disturbance, would be neutral and therefore not sufficient to warrant refusal of the scheme.

7.0 CONCLUSION

- 7.1 The works are judged to be in scale and character with the existing public house building and its associated outdoor space, and of no demonstrable harm in terms of visual impact. Subject to the imposition of appropriate conditions concerns over the impact of the scheme on neighbouring residential amenity are not sufficient to warrant refusal of the scheme. The application therefore accords with the principal determining criteria of the relevant development plan policies including CS6 and MD2 and approval is recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

CS8 - Facilities, Services and Infrastructure Provision

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

11/01001/FUL Erection of a timber smoking canopy to north east elevation GRANT 3rd May 2011

PREAPP/12/00625 Re-development of redundant overflow car park to nineteen retirement apartments PREAIP 18th January 2013

13/02251/FUL Residential development comprising 21 retirement apartments with communal facilities; formation of vehicular and pedestrian accesses, associated car parking and landscaping GRANT 4th April 2014

15/01495/DIS Discharge of Condition 6 (Parking) on Planning Application 13/02251/FUL for the residential development comprising 21 retirement apartments with communal facilities; formation of vehicular and pedestrian accesses, associated car parking and landscaping DISAPP 11th May 2015

15/02080/TEL The replacement of an existing 11.8 metre monopole for a new 15 metre replica telegraph pole and 2 no. equipment cabinets ancillary thereto PNR 9th June 2015

18/04372/FUL Installation of raised timber decking areas complete with balustrading and steps and erection of an open sided timber framed pergola structure (revised description). PCO SA/92/0505 Construction of fixed play equipment. For Ansells Retail Ltd. PERCON 8th July 1992

SA/90/0793 Erect and display various illuminated and non-illuminated signs (retrospective). PERCON 1st August 1990

SA/90/0018 Erect and display various illuminated and non-illuminated signs. PERCON 14th February 1990

SA/89/1533 Erection of an extension to front elevation to provide an entrance lobby. PERCON 4th January 1990

SA/80/0989 Erection of a detached flat roof double garage to replace existing timber garage and bottle store. PERCON 18th November 1980

SA/76/0564 Erection of a building to be used as sub-store and workshop. PERCON 2nd September 1976

SA/86/0452 Alterations and additions to provide a new entrance porch. PERCON 25th June 1986

SA/74/0734 Display of two illuminated projecting box signs (20" x 18"). PERCON 11th December 1974

SA/90/1287 Siting of bottle bank. OBJECT 22nd April 1991

SA/91/0013 Erect and display a non illuminated freestanding "V" sign (1700mm x 600mm). PERCON 20th February 1991

SA/98/0519 Erection of a single storey flat roof extension within yard area of existing public house. PERCON 9th July 1998

SA/07/1034/F Erection of two timber shelters and associated timber decking in Public House garden REFUSE 13th September 2007

SA/02/1004/ADV Erect and display 2 no. double sided externally illuminated freestanding sign (mounted on same post), 1 no. wall mounted Q sign, 1 no. front fascia sign and 1 rear fascia sign, 5 new floodlights, 4 no. internally illuminated amenity boards and 1 non-illuminated entrance sign (amended description). PERCON 2nd October 2002

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Peter Nutting

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. **Within 3 months of the date of this permission a written specification clearly describing the species, sizes, densities and planting numbers of the landscaping buffer as shown on approved plan referenced 2420-02 Rev C, received 4th February 2019, shall be submitted to the local planning authority for approval.**

The landscaping scheme as approved shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To preserve and enhance the quality of the environment.

4. **Within three months of the date of this permission, the roof cover and sides to the pergola structure identified within the submitted plans will be removed in accordance with the approved plans. The roof cover and sides shall not be reinstalled at any point.**

Reason: In order to comply with the approved plans and limit the impact upon neighbouring residential amenity.

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

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

5. No televisions, live entertainment, public address system or other amplified sound equipment shall be permitted in the pergola and shall not be sited internally to provide entertainment to patrons in all external areas indicated on the approved plan.

Reason: To protect the amenities of the occupiers of nearby residential properties.

6. The decking, pergola and outdoor space, identified within the approved plan referenced 2420-02 Rev C received 4th February 2019, shall be managed in accordance with the submitted Daily Task Sheet received 4th February 2019. Details of the site operating in accordance with this Daily Task Sheet shall be maintained and made available at all reasonable times to the local planning authority.

In accordance with the details of the Daily Task Sheet, the area edged blue on plan referenced 2420-02 Rev C, incorporating the Upper Deck Area and Beer Garden shall not be open for customers and no customers shall remain within this area Monday to Sunday, outside the following hours 12:00 to 23:00. The area edged red on plan referenced 2420-02 Rev C, incorporating the Lower Deck Area and Children's Play Area shall not be open for customers and no customers shall remain within this area Monday to Sunday, outside the following hours 12:00 to 21:00

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

7. The decking, pergola and outdoor areas shown in the approved plan shall only be used by visitors to the Beacon Hotel public house and shall not be used outside the authorised opening hours of the establishment.

Reason: In the interest of the amenity of nearby residents.

Informatives

1. In arriving at this decision Shropshire 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 38.

2. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

3. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

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Committee and date
 Central Planning Committee
 14 February 2019

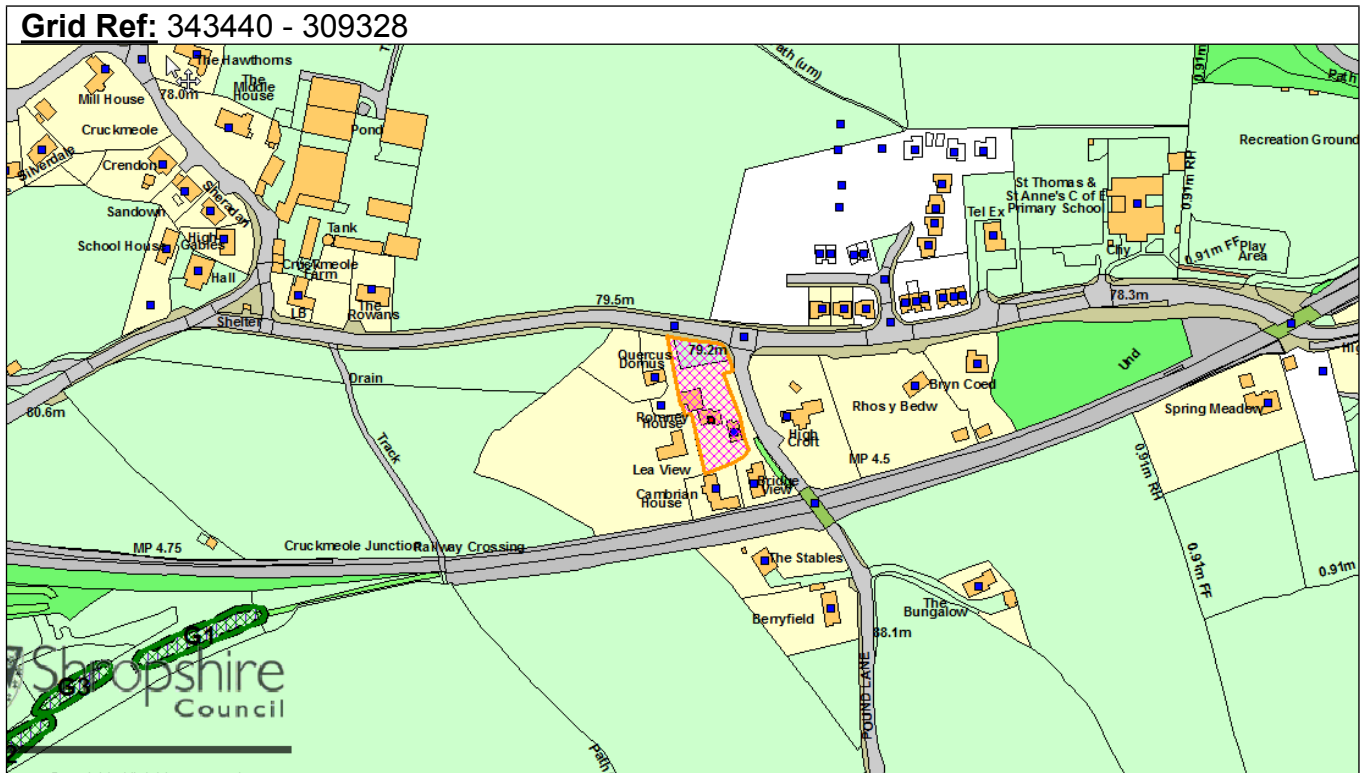
Item
7
 Public

Development Management Report

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

Summary of Application

Application Number: 18/04723/FUL	Parish: Pontesbury
Proposal: Alterations to existing annex to form living accommodation, and erection of a log store to aid existing biomass boiler.	
Site Address: Romney House Pound Lane Hanwood Shrewsbury SY5 8JR	
Applicant: Mr Steve Goodall	
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application is seeking full planning permission for alterations to an existing annex to form living accommodation which will be utilised as a holiday let; and the erection of a log store for the storage of material for an existing biomass boiler.
- 1.2 During the assessment of the proposal at the request of officers the applicant has confirmed:
- ☐ The use of the annex as a holiday let on the first floor of the existing garage;
 - ☐ That the biomass boiler serves five dwellings/buildings;
 - ☐ Submitted revised drawings for the log store which reduces its width by a third to 10 metres from its originally proposed 15 metres and its external material from agricultural profiled metal panelling to timber cladding (plan reference NAC/0011/POUND/004 received 17.12.18);
 - ☐ Provided a revised site plan showing site layout and proposed screening (plan reference NAC/0011/POUND/002 A received 18.12.18).
- 1.3 The Parish Council has been re-consulted on the revised log store proposal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Romney House is situated close to the corner of Pound Lane and the main Shrewsbury to Pontesbury road (A488). The site lies outside of Hanwood and is located within the Pontesbury Parish and Longden Ward.
- 2.2 Five other dwellings (including an annex to Romney House) reside within this pocket of development between the A488 and up along Pound Lane to the railway bridge. Access to all is via the main access to Romney House. New housing is also sited across the A488, an extension to Hanwood SAMDev reference S16.2(x).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Pontesbury Parish Council have submitted a view contrary to Officers recommendation for approval based on material planning reasons where these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and the Area Manager in consultation with the committee chairman and vice chairman agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

Regulatory Services

Initial concerns raised by the Councils Regulatory Services regarding noise, mitigation and attenuation measures, and whether the plant room contains other noise producing equipment has been addressed by the applicant submitting as requested the details of the boiler mass model which have been assessed by Regulatory Services. No further comment/concerns raised.

Trees

No objection to the proposed development.

Highways

No objection subject to the development being constructed in accordance with the approved details. Informatives recommended.

Affordable Housing

There is no affordable housing obligation associated with this proposal.

4.2 -Pontesbury Parish Council

22.01.19

Pontesbury Parish Council object to the proposed development. We note the reduction in size but still feel that the scale and design of the building as proposed is inappropriate for a residential setting and that the existing and newly proposed screening is inadequate.

20.11.18

Pontesbury Parish Council objects to this application as the size of the proposed log store is out of character and too large for the setting. The Parish Council may look sympathetically on an application for a substantially smaller development or if the elements of the application were separated out. The Parish Council have no issues with the proposed changes to the annexe.

4.3 - Public Comments

Five neighbours have been notified and a site notice placed by officers on 02.11.18. No public comments have been received at the time of writing this report.

5.0 THE MAIN ISSUES

Principle of Development
Design, Scale and Character
Impact on Residential Amenity
Noise of biomass boiler on holiday let
Highways

6.0 OFFICER APPRAISAL

Annex / Holiday Let

6.1 Principle of development

6.1.1 Policy CS5 'Countryside and Green Belt' concerns development in the countryside. It advises that proposals on appropriate sites which maintain and enhance countryside vitality and character, which bring local economic and community benefits particularly where they relate to the conversion of rural buildings which take account of and make a positive contribution to the character of the buildings and the countryside. Proposals for conversions will be considered for small scale economic development / employment generating use, including live-work proposals and tourism uses.

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

6.1.3 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.

6.1.4 Policy CS16 (Tourism, Culture and Leisure) requires that development delivers high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities, with the emphasis placed on supporting new and extended tourism development, and cultural and leisure facilities, that are appropriate to their location, and enhance and protect the existing offer within Shropshire.

6.1.5 The first part of the proposal is for alterations to an existing annex to form living accommodation which will be utilised as a holiday let.

6.1.6 Officers consider the site to be situated in a sustainable location within walking

distance of local services and facilities and is not considered to result in isolated or sporadic development. The principle of development for the annex / holiday let is also supported by the Parish Council.

- 6.1.7 Officers consider that the proposal will maintain and enhance the vitality and character of the area by providing accommodation for visitors to the area utilising facilities such as the nearby Rights of Way and Golf Club, the village of Hanwood and its facilities,. It is considered it will improve the sustainability of the community by bringing local economic benefits to the area.
- 6.1.8 Officers consider that the proposed annex / holiday let above the existing garage of Romney House accords with policy and is therefore acceptable in principle.
- 6.2 Design, Scale and Character
- 6.2.1 No external changes are proposed for the change of use for the above garage storage area into an annex holiday accommodation.
- 6.3 Impact on Residential Amenity
- 6.3.1 Officers consider that the proposed change of use to the storage area above the existing garage will not result in any detrimental overlooking or loss of privacy on the locality and area.
- 6.3.2 In addition and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation a condition will be imposed stating the criteria under which the accommodation shall be used and that the owners maintain an up-to-date register of the names of all owners/occupiers of the unit of holiday accommodation and that this information will be made available at all reasonable times to the local planning authority.

Biomass Log Store

- 6.4 Principle of development
- 6.4.1 Within the development plan policy, there is a general presumption in favour of extensions to dwellings provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not have any detrimental impact on residential amenities.
- 6.4.2 In addition to CS6, CS17 'Environmental Networks' also applies. This states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.
- 6.4.3 SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or

recreates natural assets.

6.4.4 Policy CS18 requires all developments to integrate sustainable water management measures to reduce flood risk.

6.4.5 In addition MD2 also builds upon CS18 requiring that Sustainable Drainage techniques, in accordance with Policy CS18, are incorporated as an integral part of design and apply the requirements of the SuDS handbook as set out in the Local Flood Risk Management Strategy.

6.4.6 An informative will be placed on any planning permission advising the applicant should consider employing measures to ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

6.5 Design, Scale and Amenity

6.5.1 The second part of the proposal is for the erection of a log store for the storage of material for an existing biomass boiler.

6.5.2 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.5.3 On the concerns raised by officers and the initial objection raised by the Parish Council, the size of the log store has been reduced in size from a width of 15 metres to 10 metres and its external material changed from agricultural profiled metal panelling to timber cladding with roller shutter doors x2 (plan reference NAC/0011/POUND/004 received 17.12.18). The size of the log store is therefore proposed as approximately 10 metres wide, 8 metres deep with a ridge height of 5.8 metres.

6.5.4 The Parish Council have stated within their re-consultation comments that they note the reduction in size but still feel that the scale and design of the building as proposed is inappropriate for a residential setting and that the existing and newly proposed screening is inadequate.

6.5.5 Officers note the Parish Council's concerns and although the log store has not been reduced further, the reduction by a third in width and the change of materials from metal to wood is considered will allow for a more sympathetic appearance and reduces the possible impact the structure will have on the site and area.

6.5.6 The applicant has also stated that the biomass boiler serves five buildings and not just Romney House and the existing annex. It serves Romney House, Disability Annex 1, Proposed annex 2 /double garage/ workshop, Quercus domus and Lea View.

- 6.5.7 The applicant has also confirmed that the delivered log stacks require to be seasoned in a dry store and rotated within the store. In addition for security purposes the log store will also house the applicants forklift.
- 6.5.8 The size of the log store will not only enable the seasoning and rotation of the wood stacks but also reduce the number of deliveries that would be required if the log store were smaller. Therefore not only saving on cost for the applicant but also reducing possible impacts upon the road network from the reduced number of delivery journeys as well as carbon emissions from road traffic.
- 6.5.9 Officers agree with the Parish regarding their concerns with the lack of screening proposed and therefore it is proposed that a landscape condition be imposed on any planning permission that may be granted in order that officers can ensure that sufficient and adequate screening of the log store can be established and maintained.
- 6.5.10 Officers also propose that a condition is imposed for the log stores wood cladding to be allowed to weather naturally aiding the structure to blend into both its developed and natural surrounds.
- 6.5.11 The proposal has also been assessed by the Councils Trees Officer who states there is not anything particularly significant on the site and raises no concerns with regards the proposed log store.
- 6.5.12 Conditions therefore as proposed will be placed on any planning permission that may be granted regarding weathering of the stores wood exterior, limiting the log stores use so that it is not used for anything other than the storing of biomass material and machinery to move the material from the store to the existing boiler room to avoid any future undesirable fragmentation of the curtilage. And requiring improved landscaping.
- 6.5.13 Officers consider that on balance the log store with both the reduction in size and change of external materials and that it will be used for storing and seasoning wood for the existing biomass boiler that serves five buildings is acceptable.
- 6.6 Noise of biomass boiler on holiday let
- 6.6.1 Initial concerns raised by the Councils Regulatory Services regarding noise, mitigation and attenuation measures, and whether the plant room contains other noise producing equipment has been addressed by the applicant submitting as requested the details of the boiler mass model and supporting documentation.
- 6.6.2 This has been assessed by Regulatory Services who have stated that as the plant will be in a separate room inaccessible from the proposed dwelling that they raise no further comment.
- 6.7 Highways

- 6.7.1 The proposal has been assessed by the Councils highways who have stated that the proposed development seeks to alter an existing annex to form living accommodation and to erect a log store/barn at Romney House, Pound Lane, Hanwood. It is noted that previous planning application 16/03631/FUL for a separate 2-bed annex for elderly relatives, was granted on 16th November 2016. The current proposal is for single bedroom accommodation above the existing garage.
- 6.7.2 The application is for further ancillary accommodation to the main residence, providing one additional bedroom. The proposal also includes a detached barn/log store. The supporting information has stated that there will be no change in vehicular movements. It is considered that as submitted with the accommodation being ancillary to the main dwelling, a highway objection to the proposal would be difficult to sustain.
- 6.7.3 Informatives are recommended for inclusion on any planning permission that may be granted.

7.0 CONCLUSION

Officers consider that the proposed change of use to the storage area above the existing garage will not result in any detrimental overlooking or loss of privacy on the locality and area and that the proposal will help to maintain and enhance the vitality and character of the area by providing additional accommodation for visitors to the area.

With regards the proposed log store, officers consider that on balance the log store with both the reduction in size and change of external materials and that it will be used for storing and seasoning wood for the existing biomass boiler that serves five buildings is acceptable.

Officers therefore recommend that the proposal for alterations to an existing annex currently used as a storage area above the existing garage to form living accommodation, which will be utilised as a holiday let; and the erection of a log store for the storage of material for an existing biomass boiler be granted full planning permission.

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.

② 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.

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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

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9.0 FINANCIAL IMPLICATIONS

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

10. BACKGROUND

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD12 - Natural Environment

Relevant Planning History:

12/02619/REM Reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning application 11/04825/OUT for the erection of two detached dwellings following demolition of existing buildings GRANT 23rd August 2012
PREAPP/12/00448 Erection of a dwelling NPW 22nd April 2013
12/04369/DIS Discharge of Condition 2 (External Materials) attached to planning reference 12/02619/REM - Reserved matters (appearance, landscaping, layout, scale) pursuant to outline planning application 11/04825/OUT for the erection of two detached dwellings following demolition of existing buildings DISAPP 12th November 2012
13/01656/FUL Erection of a 2-bed affordable dwelling and detached double garage GRANT 18th June 2014
14/04658/DIS Discharge of Conditions 3 (External Materials), 4 (Boundary Treatments), 5 (Foul & Surface Water) and 6a (Land Contamination) on Planning Permission 13/01656/FUL for the erection of a 2-bed affordable dwelling and detached double garage DISAPP 25th November 2014
14/04846/OUT Outline planning application for a single open market dwelling (All matters reserved) GRANT 15th July 2015
16/00801/REM Approval of Reserved Matters pursuant to 14/04846/OUT for the erection of a dwelling GRANT 1st July 2016
16/03631/FUL Erection of annex accommodation GRANT 16th November 2016
17/00065/DIS Discharge of condition 3 (Details of External Materials) attached to planning permission 16/03631/FUL Erection of annex accommodation DISAPP 17th March 2017
SA/92/0399 Stationing of mobile home in garden for a temporary period of 18 months during modernisation/extension work to existing dwelling. WDN 8th May 1992
SA/93/0974 Erection of an extension to provide dining room, utility and playroom on ground floor and 2 additional bedrooms and en-suite above. PERCON 2nd November 1993
SA/04/0615/F Erection of a detached pitched roof double garage with store together with attic space above (amended description) PERCON 25th June 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)
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Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Roger Evans

Appendices

APPENDIX 1 - Conditions

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

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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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. No above ground works shall be commenced until full details of a landscaping plan showing boundary treatments 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.

The submitted scheme shall include:

- means of enclosure
- hard surfacing materials
- minor artefacts and structures e.g. furniture, refuse or other storage units, signs, lighting
- planting plans
- boundary treatment of native species hedging between site and main road
- schedules of plants
- implementation timetables

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

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

4. The external materials and their colour of the log store shall be as shown on the deposited plan reference number NAC/0011/POUND/004 received 17.12.18.
Reason: To ensure that the proposed development shall harmonise with surrounding development.
5. Notwithstanding Condition 4 external materials the cladding of the log store in order to blend in with the surroundings shall be left to weather naturally.

Reason: To ensure that the proposed development shall harmonise with its surrounding development.

6. The log store hereby approved shall not be used for anything other than the storing of biomass material and machinery to move the material from the store to the existing boiler room.

Reason: To ensure proper control of the development and to avoid any future undesirable fragmentation of the curtilage.

7. The unit of holiday accommodation hereby permitted shall not be occupied or used other than in accordance with the criteria set out below:

- (i) the building shall be used for holiday accommodation associated with and ancillary to Romney House only;
- (ii) the unit of holiday accommodation shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the unit of holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

The register required in (iii) above shall normally be collected by the site owner or his/her nominated person.

Reasons: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

Informatives

1. Works on, within or abutting the public highway
This planning permission does not authorise the applicant to:
 - construct any means of access over the publicly maintained highway (footway or verge)
 - or
 - carry out any works within the publicly maintained highway, or
 - authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
 - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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.

2. No drainage to discharge to highway
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
3. The applicant should consider employing measures such as the following:

Water Butts
Rainwater harvesting system
Permeable surfacing on any new driveway, parking area/ paved area
Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.
4. In arriving at this decision Shropshire 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 38.
5. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.



Committee and date
 Central Planning Committee
 14 February 2019

Item
8
 Public

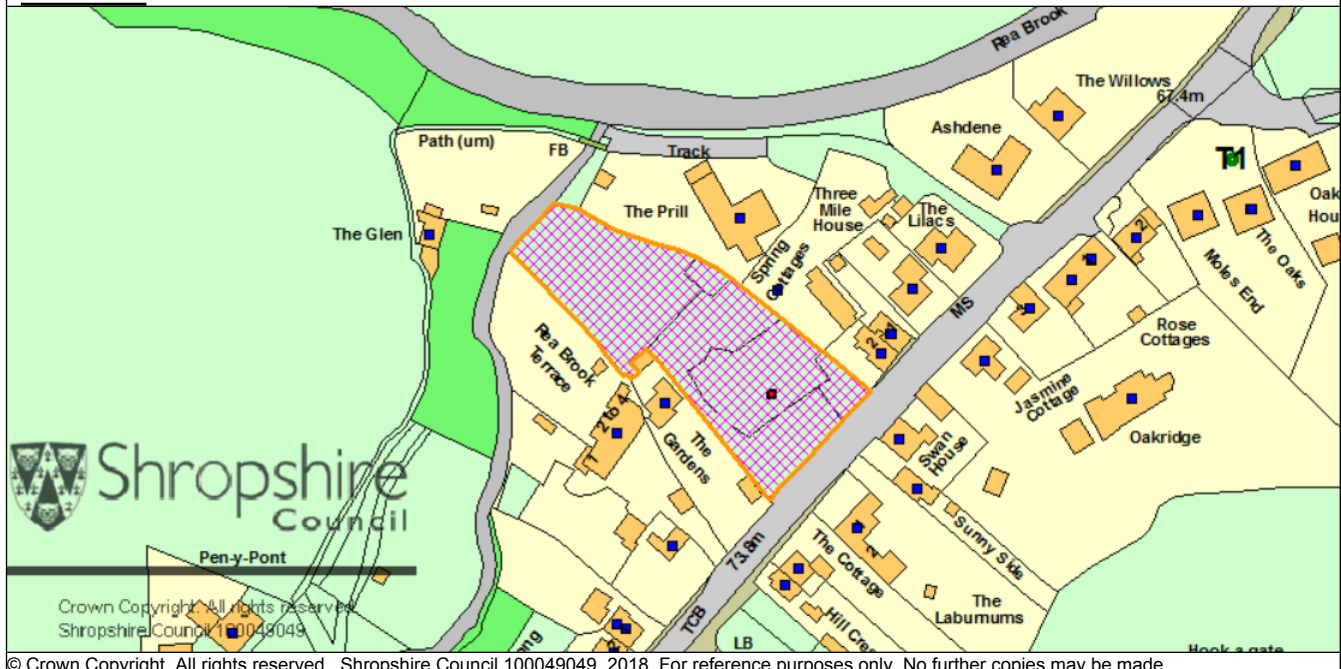
Development Management Report

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

Summary of Application

Application Number: 18/05838/FUL	Parish: Longden
Proposal: Erection of 8no new dwellings and alterations to vehicular access	
Site Address: Site Of The Cygnets Hookagate Shrewsbury Shropshire	
Applicant: Shrewsbury Developments	
Case Officer: Toby Cowell	email: planningdmc@shropshire.gov.uk

Grid Ref: 346489 - 309124



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

Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

- 1.1 Planning permission is sought for the erection of 8 dwellings, consisting of 4 pairs of semi-detached properties comprising a mix of 2 and 3 bedrooms. The proposals would also include the relocation of the existing bus shelter at the north-eastern corner of the site to the south-western corner along Longden Road.
- 1.2 Permission was previously granted at the site on 16th February 2016 for the demolition of the existing pub and erection of 6 x 3-bedroom dwellings with additional parking and garaging. This permission currently remains extant.
- 1.3 The application has since been amended upon initial submission by way of removing a dwelling from the southern portion of the site and thus negating the need for a row of 3 terraced dwellings and a pair of semis. The 4 resultant dwellings at the front of the site have also been moderately enlarged to incorporate 3-bedrooms each as opposed to the previously proposed two, with plots 4 – 8 being pushed further to the north within the site to allow rear gardens of a moderately greater depth for plots 1 – 4. The latest site plan also incorporates details pursuant to the location of bin storage facilities for each dwelling as requested at the Central Planning Committee's agenda setting meeting.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises the former Cygnets pub within the centre of the village of Hook-a-Gate which has since been demolished. The site is located on the northern side of Longden Road and surrounded by residential properties on either side and directly opposite the main road to the south. Surrounding dwellings within the vicinity comprise a mix of detached, semi-detached and terraced properties and of no set architectural vernacular. There is also no defined front building line or consistent relationship between surrounding dwellings and the corresponding highway, with the neighbouring properties of The Gardens and Nos. 1-4 Rea Brook Terrace to the west significantly recessed from the streetscene. A tributary from the Rea Brook forms the site's northern boundary, with the topography of the site sloping from south to north towards the watercourse. The southern portion of the site closest to the highway is however relatively flat and currently comprises a substantial degree of hardstanding and rubble from the former pub.
- 2.2 The site is located within a Community Cluster which includes Hook-a-Gate as defined in the SAMDev, and primarily consists of linear development along the

main thoroughfare through the village.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation' given the objection from the Parish Council and local Member being in conflict with the officer's recommendation. The application was appraised by the Central Planning Committee's agenda setting meeting and deemed appropriate to be heard at Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Longden Parish Council

Longden Parish Council object to this applications for the following reasons:

- On Highway Grounds as the proposal for access and egress onto the Highway and within the site itself are not sufficient;
- The houses are too high and are above neighbouring properties in height;
- The houses are too crowded on the site and this constitutes overdevelopment of the site;
- The increase of dwellings in the village as a result of this proposal is 20%;
- There is no bin storage proposed - no collection point for bin day;
- There is insufficient lighting for safety;
- There is insufficient parking for the expected vehicles for 9 dwellings;
- The road which this development is off will not cope with the additional vehicular traffic

4.1.2 SC SuDs

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. No objection, subject to conditions and informatives.

4.1.3 SC Highways

No objection, subject to conditions and informatives.

The development site is the former Cygnets public house at Hook-a-Gate. The site is accessed off the C5150 road running through Hook-a-Gate which is governed by a local 30mph speed limit. The site was the subject of previous planning application 14/01589/FUL for six larger 3 and 4 bedroom dwellings approved on 16th February 2016. The current proposal seeks approval for development of nine 2 bedroom dwellings rather than the previous six larger dwellings. Two parking spaces per dwelling are to be provided. The access drive will be centralised as required and approved under planning application

14/01589/FUL. Further details are required regarding the access drive, including construction and surface water drainage.

4.1.4 **SC Affordable Houses**

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

4.1.5 **SC Ecology**

No objection; subject to conditions and informatives.

A Habitats Regulations Assessment (HRA) Screening Matrix has been undertaken and concluded by the Ecologist that there is no legal barrier preventing planning permission being granted in this instance.

4.2 - **Public Comments**

4.2.1 This application was advertised via notice at the site. Additionally, the residents of 13 neighbouring properties were individually notified by way of publication. At the time of writing this report, 8 letters of representation have been received objecting to the proposed development on the following grounds:

- Increase of vehicles parking on the road;
- Likely obstruction from parking outside bus stop;
- Overdevelopment of the site;
- Increase of traffic through village;
- Height of houses will impact privacy and outlook;
- Impact on drainage;
- Impact on light levels of adjacent property;
- Contrary to local policy and Parish Plan;
- No bin storage facility or provision to site bins on collection day;
- Impact on visibility towards Shrewsbury due to bend in the road;

Cllr Evans also asked that the application be heard at Planning Committee should officers recommend approval due to the level of local objection.

5.0 **THE MAIN ISSUES**

5.1 **Principle of development**

Character and appearance

Neighbouring amenity

Highways

Ecology

Flooding/Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Core Strategy Policies CS1, CS3, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages. Policy CS4 also allows for the identification of 'Community Hubs and Clusters' within the rural area where further housing development can occur; these hubs and clusters were designated as part of the adoption of the Council's Site Allocations and Management of Development (SAMDev) plan.
- 6.1.2 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 6.1.3 Policy CS6 of the Core Strategy seeks to ensure development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character.
- 6.1.4 The site is located within the Community Cluster of Longden, Hook-a-Gate, Annscroft, Longden Common, and Lower Common/Exfords Green, and Policy S16.2(xi) has set a housing guideline of up to 50 additional dwellings over the plan period to 2026. Such housing development comprising infilling, the conversion of buildings and groups of dwellings within the villages may be considered acceptable on suitable site. 25-30 dwellings are expected to be delivered within Longden itself, with the remaining quantum of development spread evenly across the remaining villages. It is acknowledged that the housing guideline has been marginally exceeded in terms of actual housing completions and housing commitments through sites with planning permission, amounting to a total of 19 completions and 33 commitments as of March 2017.
- 6.1.5 The abovementioned housing guideline is a significant policy consideration in accordance with SAMDev Policy MD3. However, it should be noted that the 33 dwellings commitment figure includes the previous permission granted at the site for 6 dwellings. Consequently, such development in this case would only result in the addition of 2 further dwellings over and above the current figure of 52 dwellings (completions and commitments). Such an increase is not considered to result in a significant material impact relative to the housing guideline. In addition, it is considered that such proposals would result in the development of 8 relatively affordable dwellings, including the erection of 4 x 2-bedroom properties which would likely be aimed at first time buyers.

6.1.6 In comparison to the previous permission, such development is considered likely to result in a greater benefit for those wishing to get on the housing ladder given the reduction in size of the units proposed with an even spread of 2 and 3-bedroom properties. Therefore, such development is considered to result in a positive benefit in accordance with Policy MD3 which would render the principle of development to be acceptable in this case.

6.1.7 It should also be further emphasised that the proposed development would make use of an existing brownfield site, and Section 11 of the NPPF places great importance on planning policies and decisions giving substantial weight to the value of using suitable brownfield land within settlements for homes. Paragraph 38 of the NPPF also states that decision-makers at every level should seek to approve applications for sustainable development where possible, and it is considered that the proposed development would constitute a sustainable and effective re-use of an existing brownfield site within an area identified for additional housing within the SAMDev.

6.2 Character and appearance

6.2.1 Policy CS6 of the Core Strategy requires development to be designed to a high quality using sustainable design principles, which should be responsive to the local character and context of existing development and its wider surroundings. Likewise, SAMDev Policy MD2 requires development to respond positively to local design aspirations, and be reflective of locally characteristic architectural design and details.

6.2.2 The development includes the erection of 4 pairs of semi-detached dwellings, comprising a total of 8 dwellings. Four of the properties (plots 1 – 4) would be located adjacent to the Longden Road streetscene and fairly equally spaced either side of the proposed access road leading northward within the site. A separation distance of between 3 and 4m would be retained between the flank wall of the outermost dwellings and the corresponding flank boundaries, with additional soft landscaping proposed within such gaps. Further soft landscaping in the form of box hedging is proposed to the front of the dwellings behind Longden Road in order to soften the appearance of the properties with respect to the aforementioned streetscene. Each dwelling would be served by corresponding rear gardens, with the outer-most dwellings benefitting from slightly enlarged private amenity areas extending to the side up to the site's flank boundaries.

6.2.3 A total of 16 car parking spaces and hardstanding to facilitate turning within the site is proposed to the rear of plots 1 – 4, with additional landscaping along each flank boundary and interspaced between some of the proposed parking spaces. A further 4 x 2-bedroom dwellings (plots 5 – 8) are proposed within the rear of the site, with highly elongated rear gardens stretching northward and sloping down towards the watercourse bounding the site to the north.

- 6.2.4 The proposed dwellings would mirror each other in design, scale and appearance; albeit with plots 1-4 of a marginally greater width in order to facilitate 3-bedrooms. The dwellings would extend to a height of 8.8m (plots 1 – 4) and 8.4m (plots 5 – 8), incorporating a traditional pitch with flank facing gables and open canopied front porches with a mono-pitch roof. The arched brickwork above the ground floor windows would mirror the detailing of the adjacent properties of Spring Cottages to the north-east, with the overall scale and massing reflective of the aforementioned neighbouring properties. Due to the high variation in architectural character within the vicinity, it is not considered that the overall design and scale of the proposed dwellings would be incongruous with the wider locality, especially given the relatively uncomplicated and traditional nature of the development's design.
- 6.2.5 Plots 1 – 4 would all follow a distinct front building line moderately recessed from the Longden Road streetscene and that of Spring Cottages to the north-east. Such an arrangement would ensure that the development would have an appropriate relationship with the highway and correspond more successfully with the existing residential development extending north-eastwards along Longden Road towards Shrewsbury, especially in comparison to the pub previously in situ. The frontages of plots 1 – 4, whilst relatively narrow, would be generally reflective of the neighbouring properties of Spring Cottages and additional properties further to the north-east. The moderate gardens to the rear of plots 2 and 3 would not be apparent within the context of the streetscene, with reasonable degrees of spaciousness proposed either side of plots 1 and 4 allowing suitable soft landscaping.
- 6.2.6 Likewise, Plots 5 – 8 would be substantially recessed from the streetscene and therefore have a limited impact upon the visual amenities of the same. The design and scale would be reflective of plots 1 – 4 (albeit of a moderately reduced height), with the proposed layout making best use of the plot's shape yet ensuring adequate degrees of spaciousness would be retained either side up to the flank boundaries. Landscaping proposed along the flank boundaries and either side of the outermost dwellings at the rear (plots 5 and 8) would soften the visual appearance of the dwellings in time and ensure a generally harmonious form of development. The scale of plots 5 and 8 would also be reflective of the neighbouring properties of The Gardens (south-west) and The Prill (north-east) in terms of scale, and therefore not appear overdominant or incongruous in this respect.
- 6.2.7 Due to the lack of a distinct pattern of development within the wider vicinity, particularly in terms of grain and layout, and a wide variation of architectural styles and dwelling types present; it is not considered that the proposed development would appear out of place or generally incongruous with respect to the visual amenities of the locality. Moreover, adequate degree of spaciousness and soft landscaping are proposed within the site to ensure that the development would not appear cramped within the existing plot. Consequently, the development is considered to be acceptable from a visual perspective which would not represent an overdevelopment of the site as a whole.

6.3 Neighbouring amenity

- 6.3.1 Policy CS6 of the Core Strategy seeks to safeguard residential and local amenity. Plots 1 – 4 would be located within a similar position to the 4 dwellings previously proposed and granted at the site, yet with the dwellings now shifted further to the south-west. The north-eastern flank boundary of plot 4 would be sited approximately 9m from the flank wall of the adjacent neighbouring property to the north-east, and at a greater distance than the previously approved dwelling in this location. Likewise, plot 1 would only marginally extend further towards the mutual flank boundary with The Gardens to the south-west than the previously approved dwelling in this location. The layout of The Gardens is such that plot 1 would be sited adjacent to their front parking area as opposed to being within close proximity to the actual dwelling or its private amenity. The rear wall of plot 1 would also be sited in excess of 18m from the principal elevation of The Gardens, and almost an identical positioning to the previously approved dwelling in this location. Such a separation distance is considered sufficient to ensure the front habitable rooms of The Gardens would not be unduly overlooked, and would have no greater material impact than the extant permission with regards to this particular consideration.
- 6.3.2 With respect to the rear elevation of The Gardens, it is noted that plot 5 would be located to the north of the respective rear amenity space and therefore not result in any overshadowing of the rear garden serving The Gardens. A separation distance of approximately 4.5m would be retained between the southern flank wall of plot 5 and the northern flank wall of The Gardens, which would ensure that the impact of the development would not result in a demonstrable level of harm with regards to overdominance or constituting a generally overbearing form of development to unacceptable levels. The addition of soft landscaping in the resultant gap would also soften the appearance of plot 5 to some degree and, whilst the outlook from The Gardens to the north-east would be marginally reduced, it is not considered that the impact would be adverse enough to warrant the refusal of this application in isolation with outward views to the rear towards the watercourse still afforded.
- 6.3.3 Concerns have been raised over the topography of the site sloping downwards to the north, with the proposed dwellings within plots 5 – 8 extending to 2 stories in height and the subsequent impact upon neighbouring amenity. It is accepted that the extant permission in relation to the rear 2 plots saw a split level with the 2 dwellings having the appearance of being single storey at the front and extending to 2 stories at the rear following the drop in land level.
- 6.3.4 The current proposals would necessitate the increase in height of the current land level where the plot begins to slope to ensure an even land level for the erection of such 2 storey dwellings. However, it should be noted that plots 5 – 8 would not extend as far rearward as plots 5 and 6 of the extant permission, with only the approximate rear 4m of each dwelling requiring an increase of land level. A separation distance of approximately 9m would also be retained between the northern flank wall of plot 8 and the southern flank wall of the neighbouring

property of The Prill.

- 6.3.5 Whilst it is accepted that the development would result in a marginally greater impact upon the amenities of the aforementioned neighbouring property in terms of dominance and proximity than the extant permission, the separation distance proposed is still considered to be sufficient to ensure that such an impact would not result in a demonstrable level of harm. It is also noted that substantial soft landscaping is proposed along this particular flank boundary which would further ameliorate the impact in this respect.
- 6.3.6 A separation distance of in excess of 25m would be afforded between the rear of plots 1 – 4 and the front of plots 5 – 8, which is considered to be acceptable to ensure the privacy of future occupants would be maintained. Likewise, only a single window has been proposed at first floor level in the flank elevation of each dwelling to serve bathrooms. Such windows should be permanently fitted with obscure glazing and non-opening below 1.7m to ensure the privacy of future and adjoining occupants in perpetuity. This can adequately be secured via condition should planning permission be forthcoming.
- 6.3.7 Each dwelling would be served by a rear garden, and it is considered that whilst the level of amenity proposed for plots 2 and 3 is substantially less than the other 6 dwellings; the level of amenity proposed would be adequate, private and commensurate to the size of the resultant dwellings. All gardens would also be north-west facing and therefore receive adequate levels of sunlight during the latter parts of the day as a minimum. The amended site plan also demonstrates that each dwelling would have clear space for bin storage, with access being provided for each occupant in order for bins to be taken to the front of the site adjacent to the Longden Road streetscene.

6.4 Highways

- 6.4.1 The development site comprises the former Cygnets public house at Hook-a-Gate. The site is accessed off the C5150 road running through Hook-a-Gate which is governed by a local 30mph speed limit. The site was the subject of previous planning application 14/01589/FUL for six larger 3 and 4 bedroom dwellings approved on 16th February 2016. The current proposal seeks approval for development of eight dwellings (mix of 2 and 3-bed) as opposed to the previously approved 6 dwellings. Two parking spaces per dwelling are to be provided which is considered to be more than adequate. The access drive will be centralised as required and approved under planning application 14/01589/FUL. Further details are however required regarding the access drive, including construction and surface water drainage. Such details can be adequately secured via condition should planning permission be forthcoming, and the Highways department have raised no objections to the proposals in their current form.
- 6.4.2 No issues have been raised over the relocation of the bus shelter, and this can satisfactorily be secured and implemented by way of condition should planning permission be forthcoming. Whilst concerns have been raised over the potential

traffic generation resulting from the proposed development, it should be noted that the site used to operate as a pub which would likely have resulted in a substantial increase in traffic generation in comparison to the proposed development comprising a total of 8 dwellings. Consequently, an objection could not be sustained on such grounds.

6.5 Ecology

6.5.1 This application has been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Species and Habitats Regulations 2010 (known as the Habitats Regulations). A Habitats Regulations Assessment matrix is included at the end of this report. The Council's Ecologist has noted that Bomere, Shomere & Betton Pools lie approximately 3.2km to the south-east, with Hencott Pool lying approximately 7.1km to the north-east. The proposed development site does not lie within the water catchment for either of these European Designated Sites. Therefore, no impacts in relation to water pollution are predicted. No impacts are anticipated from air pollution as the development is small and a significant distance from the European Designated Sites.

6.5.2 Neither of the European Designated Sites are publicly accessible so there will be no increase in recreational pressure. It is concluded that there are no pathways between the development and any European Designated Sites which could cause an effect, alone or in-combination with other plans or projects. An appropriate assessment (HRA Stage 2) is therefore not required. There is therefore no legal barrier under the Habitats Regulations Assessment process to planning permission being granted in this case.

6.5.3 The Ecologist has no objection to the proposed development subject to the imposition of planning conditions requesting details pursuant to bird/bat boxed, an ecologically sensitive lighting plan and the submission of a report demonstrating implementation of the RAMMS, as set out in section 6.1 of the Ecological Appraisal (Greenscape Environmental, December 2018).

6.6 Flooding/Drainage

6.6.1 No objections have been raised by the Council's drainage team provided details pursuant to surface and foul water drainage are submitted to and approved by the drainage team prior to the commencement of development at the site. This can adequately be secured by way of condition should planning permission be forthcoming.

7.0 CONCLUSION

The proposals are considered to constitute an effective and sustainable use of the plot, with the principle of development deemed acceptable within an existing residential area. Moreover, such development is not considered to adversely impact the visual amenities of the immediate locality, nor unduly impact residential amenity or the safety and convenience of the local highway network. Ecology and drainage matters can also be satisfactorily controlled by way of

planning conditions.

Officers therefore recommend that planning permission be granted, subject to conditions as outlined in Appendix 1.

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.

Habitats Regulations Assessment (HRA) Screening Matrix

1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the project at Site Of The Cygnets, Hookagate, Shrewsbury, Shropshire (18/05838/FUL), undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

Date of completion for the HRA screening matrix:

16th January 2019

HRA screening matrix completed by:

Sophie Milburn
Assistant Biodiversity Officer
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Name of plan or project	18/05838/FUL Site Of The Cygnets, Hookagate, Shrewsbury, Shropshire
Name and description of Natura 2000 site	<p>Bomere, Shomere & Betton Pools Midland Meres and Mosses Ramsar Phase 1 (59.08ha), as a group, are particularly important for the variety of water chemistry, and hence flora and fauna, which they display. It is included within the Ramsar Phase for its Open Water, Swamp, Fen, Basin Mire and Carr habitats with the plant species <i>Elatine hexandra</i> and <i>Thelypteris palustris</i>.</p> <p>Most of Hencott Pool Midland Meres and Mosses Ramsar Phase 2 (11.5ha) is swamp carr on very wet peat dominated by alder <i>Alnus glutinosa</i> and common sallow <i>Salix cinerea</i> with frequent crack willow <i>Salix fragilis</i>. Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. It is included in the Ramsar Phase for its Carr habitat and the species <i>Carex elongata</i> and <i>Cicuta virosa</i>.</p>
Description of the plan or project	Erection of 9no new dwellings and alterations to vehicular access
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 projects or plans have been identified which could act in-combination with this project to cause likely significant effects on Bomere, Shomere & Betton Pools.

2.2 Statement

Bomere, Shomere & Betton Pools lies approximately 3.2km to the south-east. Hencott Pool lies approximately 7.1km to the north-east.

The proposed development site does not lie within the water catchment for either of these European Designated Sites. Therefore, no impacts in relation to water pollution are predicted.

No impacts are anticipated from air pollution as the development is small and a significant distance from the European Designated Sites.

Neither of the European Designated Sites are publicly accessible so there will be no increase in recreational pressure.

It is concluded that there are no pathways between the development and any European Designated Sites which could cause an effect, alone or in-combination with other plans or projects. An appropriate assessment (HRA Stage 2) is therefore not required.

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

3.0 Guidance on completing the HRA Screening Matrix

The Habitats Regulations Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

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

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

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

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

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

Habitats Regulations Assessment Outcomes

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

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

Duty of the Local Planning Authority

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach
 CS6 - Sustainable Design and Development Principles
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 Settlement: S16 - Shrewsbury
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

14/01589/FUL Demolition of public house and erection of 6 new dwellings including alterations to access GRANT 19th February 2016

18/05838/FUL Erection of 8no new dwellings and alterations to vehicular access PDE

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Roger Evans

Appendices

APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

5. No development shall take place until a scheme of the surface and foul 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 until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

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

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

8. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the RAMMS, as set out in section 6.1 of the Ecological Appraisal (Greenscape Environmental, December 2018).

Reason: To demonstrate compliance with the RAMMS to ensure the protection of the brook, which forms part of the Environmental Network.

9. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

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

7. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings hereby approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority.

Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

10. The first floor windows in the flank elevations of the dwelling shall be permanently shall be non-opening at 1.7m above the finished floor level, fitted with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in such elevations.

Reason: To preserve the amenity and privacy of adjoining properties.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 classes A, B and E shall be erected, constructed or carried out.

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

12. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

13. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use. Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

14. Prior to the demolition of the existing bus shelter, the proposed bus shelter must be erected within the location as specified on plan number PL-001 Rev B and retained as such thereafter.

Reason: In the interests of the local community.

Informatives

1. In arriving at this decision Shropshire 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 38.

2. Himalayan balsam is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to allow this species to be released into, or cause it to grow, in the wild and landowners should not allow it to spread onto neighbouring land, although they may not be obliged to remove or treat it on their own land.

Treatment of Himalayan balsam should be carried out by an experienced contractor and development cannot commence until the plant has been completely removed from the site.

Use of herbicides alongside water courses should only be undertaken by experienced, licensed contractors following advice from the Environment Agency.

Himalayan balsam is classed as a controlled waste and should be disposed of by an experienced contractor to an approved waste site in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991).

3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

4. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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 close-fitting 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.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

5. Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

6. The use of soakaways should be investigated in the first instance for surface water disposal.

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

7. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare	Change allowance	% of impermeable area
Less than 25	10	

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

8. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new driveway run onto the highway.

9. On the Surface Water Flood Map, Plots 6 and 7 are at risk of surface water flooding. The applicant should provide details on how the surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.

10. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

11. This planning permission does not authorise the applicant to:

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

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

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

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.

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

13. The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at

all times, in the interests of public and highway safety.
<https://new.shropshire.gov.uk/planning/faqs/>

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

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Committee and date
 Central Planning Committee
 14 February 2019

Item
9
 Public

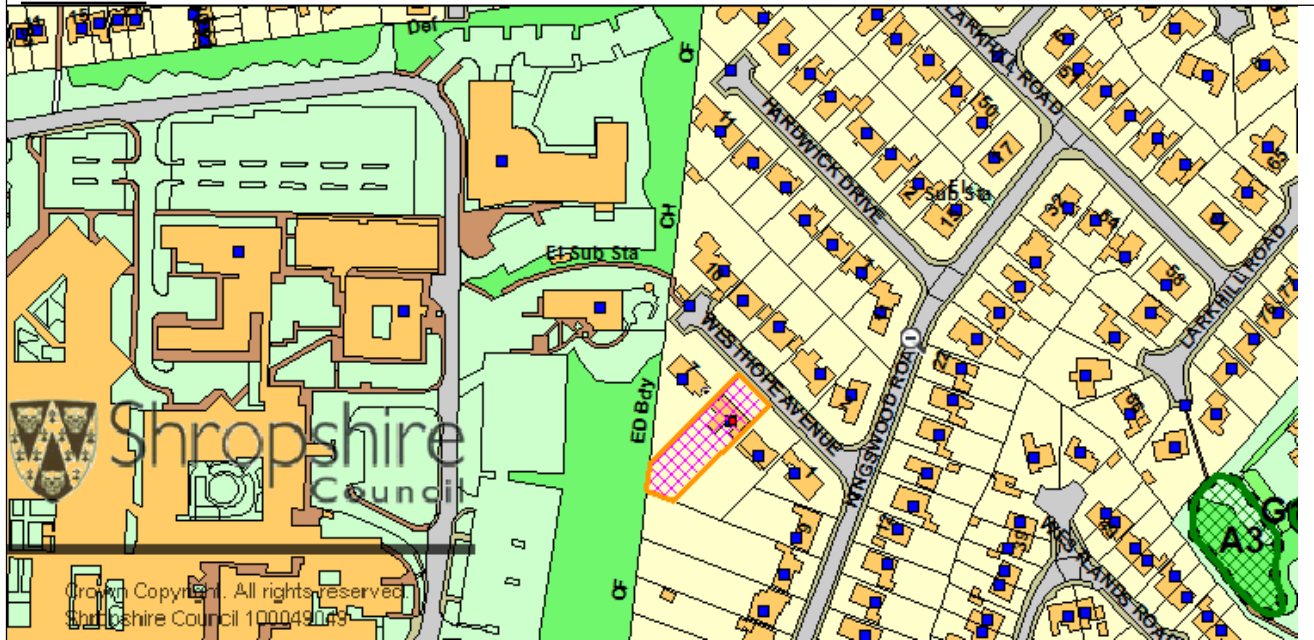
Development Management Report

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

Summary of Application

Application Number: 18/05630/FUL	Parish: Shrewsbury Town Council
Proposal: Replacement enclosed front porch and enlarged room over	
Site Address: 5 Westhope Avenue Shrewsbury Shropshire SY3 8UY	
Applicant: Mr And Mrs Nutting	
Case Officer: Charlotte Murchington	email: planningdmne@shropshire.gov.uk

Grid Ref: 346773 - 312768



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey front extension.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 5 Westhope Avenue is an existing detached dwelling located approximately 2 miles west of Shrewsbury Town Centre. The dwelling is located within a relatively modest curtilage with neighbouring properties to either side.

- 2.2 Westhope Avenue is a cu-de-sac, consisting of 9 detached dwellings, which joins onto Kingswood Road to the east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The applicant works for Shropshire Council and to accord with the Scheme of Delegation it is a requirement that this application be determined by Planning Committee.

4.0 Community Representations

- 4.1 Consultee Comments

4.1.1 Shrewsbury Town Council:

The Town Council raises no objections to this application.

- 4.2 Public Comments

- 4.2.1 None received.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual and residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. The National Planning Policy Framework (NPPF) reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people and which reinforce local distinctiveness.

6.2 Siting, scale and design of structure

6.2.1 Proposed is the erection of a two storey front extension to provide a porch to the ground floor and to enlarge an existing first floor store room to create an additional bedroom. The proposed extension would measure approximately 2.1 metres in length and 5.2 metres in width. The extension would measure approximately 3.5 metres to the eaves and 6.1 metres to the ridge.

6.2.2 Initial concerns were raised regarding the proposed height of the extension, as the ridgeline would have the same height as the existing dwelling. Officers are of the opinion that, given its height, the extension would not be considered as a subservient addition to the dwelling. Also, due to the extensions prominent location at the front of the dwelling within a relatively open street scene, there would be opportunity for this addition to be viewed from the wider built environment and have the potential to impact further on the visual amenity.

6.2.3 Subsequently, amended plans were received 23.01.2019 which have reduced the height of the ridgeline to 5.9 metres.

6.3 Visual and residential amenity

6.3.1 As the proposed works are to the front elevation of the dwelling, there will be opportunity for the addition to be viewed from the highway, therefore warranting a careful consideration of the visual amenity. The extension proposed is of generally high quality design and has been reduced in scale to remain as a subservient addition. In this light, it is not considered that the proposal shall give rise to any undue visual harm.

6.3.2 Policy SC6: Sustainable Design and Development Principles of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Having regard to the proposed layout, design and scale of the proposal in relation to the boundary, it is considered that the development would not result in any detrimental overbearing impact or result in any noise disturbance.

6.3.3 Additionally, it is not considered that the levels of activity associated with a minor increase in living accommodation shall give rise to levels of disturbance sufficient to cause undue harm to neighbouring properties.

7.0 CONCLUSION

7.1 The extension is judged to be in scale with the original dwelling and is of no detrimental harm in terms of neither residential nor visual amenities. The application therefore accords with the principle determining criteria of the relevant development plan policies and approval is recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

18/05630/FUL Replacement enclosed front porch and enlarged room over PDE
SA/03/0857/F Erection of a single storey garden room to the rear of the property PERCON 30th July 2003

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member

Cllr Peter Nutting

Appendices

APPENDIX 1 - Conditions

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

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).

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 ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

The external materials shall be as described within the application form (dated 07.12.2018).

Reason: To ensure that the works harmonise with the existing development.

Informatives

In arriving at this decision Shropshire 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 38.

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<u>Committee and date</u>
Central Planning Committee
14 February 2019

<u>Item</u>
10
Public

Development Management Report

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

LPA reference	17/05969/FUL
Appeal against	Appeal Against Conditions Imposed
Appellant	Andy Cutler
Proposal	Minor works to rear to improve toilet access, fire escape and provide shelter to yard area
Location	The Dog And Pheasant 20 Severn Street Shrewsbury
Date of application	13.12.2017
Officer recommendation	Grant Permission
Committee decision (delegated)	Delegated
Date of decision	08.03.2018
Date of appeal	01.05.2018
Appeal method	Written Representations
Date site visit	18.12.2018
Date of appeal decision	11.01.2019
Determination time (weeks)	
Appeal decision	ALLOWED
Details	

LPA reference	18/00483/FUL
Appeal against	Appeal Against Refusal
Appellant	Eagle Cressage Limited
Proposal	Erection of 4No. dwellings and conversion of existing former Public House to form 2No. additional dwellings with associated car-parking and landscaping (re-submission)
Location	The Eagles Inn 1 Harley Road Cressage Shrewsbury
Date of application	29.01.2018
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	18.04.2018
Date of appeal	24.08.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	18/00543/FUL
Appeal against	Appeal Against Refusal
Appellant	Lord Ambrose Colan Langley-Ingress
Proposal	Change of use and extension of an existing vacant station waiting room building to provide a single detached holiday let, together with associated access and curtilage arrangements (amended description).
Location	The Old And New Stations Bomere Heath Shrewsbury
Date of application	01.02.2018
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	27.09.2018
Date of appeal	21.01.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

LPA reference	18/00544/OUT
Appeal against	Appeal Against Refusal
Appellant	Lord Ambrose Langley-Ingress
Proposal	Outline planning permission for the siting of two holiday lets to include access arrangements
Location	The Old And New Stations Bomere Heath Shrewsbury
Date of application	01.02.2018
Officer recommendation	Refusal
Committee decision (delegated)	Delegated
Date of decision	27.09.2018
Date of appeal	21.12.2018
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Determination time (weeks)	
Appeal decision	
Details	

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Appeal Decision

Site visit made on 18 December 2018

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2019

Appeal Ref: APP/L3245/W/18/3201632

The Dog and Pheasant, 20 Severn Street, Shrewsbury SY1 2JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Andy Cutler (Marstons Plc) against the decision of Shropshire Council.
 - The application Ref 17/05969/FUL, dated 12 December 2017, was approved on 8 March 2018 and planning permission was granted subject to conditions.
 - The development permitted is minor works to rear to improve toilet access, fire escape and provide shelter to yard area.
 - The condition in dispute is No 4 which states that: *"the external rear courtyard area shall not be used by members of the public after 21:00 hours and before 11:00 hours the following day"*.
 - The reason given for the condition is: *"to reduce residential amenity impacts such as smoke and noise on the nearest sensitive premises"*.
-

Decision

1. The appeal is allowed and the planning permission Ref 17/05969/FUL for minor works to rear to improve toilet access, fire escape and provide shelter to yard area at The Dog and Pheasant, 20 Severn Street, Shrewsbury SY1 2JA granted on 8 March 2018 by Shropshire Council, is varied by deleting condition 4.

Background and Main Issue

2. Planning permission was granted for relatively minor works to an existing public house located in a Conservation Area. These works include a modest extension to the rear elevation to enable internal access to the existing toilet facilities which are currently accessed externally via the rear yard area. In addition a small bench seat and shelter are proposed in the rear yard area.
3. The permission includes a condition which prevents the use of the rear yard area by members of the public between the hours of 21:00 and 11:00 the following day. The condition appears to have been imposed following concerns raised by the Council's Regulatory Services department about the proposed seat and shelter in the rear yard area and the potential for the future use of this aspect of the proposal to cause problems for the occupiers of a neighbouring residential property.
4. The appellant objects to the condition stating that the rear yard area is already used by members of the public for smoking and/or drinking and that the proposal is not for a change of use of this area. The proposal merely proposes a fixed seat for the comfort of one or two patrons who may otherwise stand or

sit on removable chairs under a removable umbrella. In addition the appellant states that the proposal would remove the need for members of the public to use the yard area as a means of access to the toilet facilities, thereby reducing the intensity of its use.

5. Having regard to the background to the application and the imposition of the condition, the main issue is whether the condition is reasonable and necessary having regard to the living conditions of occupiers of nearby residential properties.

Reasons

6. The appeal site comprises a public house located mid terrace in a residential street in a predominantly residential area. The pub has a modest sized rear yard area which currently provides access to the toilet facilities and to a store room. In addition it appears that the yard area is and has historically been used as an outside drinking and smoking area and at the time of my visit there were a number of chairs and a large parasol in the yard as well as a number of ashtrays. The side wall of the dwelling and a high brick boundary wall mark the common boundary with the adjacent dwelling at 21 Severn Street. Though the walls prevent any view of the ground floor or rear garden of No 21 from the rear yard, at my visit I noted that No 21 has a first floor window in its rear elevation positioned near to the appeal site.
7. I agree with the Council that the provision of a fixed seat and shelter in the yard area would provide a more permanent covered seating space for use by customers of the pub to drink and/or smoke outside. However noting the modest size of the seat and shelter, its position set away from the common boundary with No 21 and the existing and historic use of the yard area in connection with the pub, I do not consider that this aspect of the proposal would be likely to materially increase the amount of drinking and/or smoking taking place in the yard to the extent that it would be harmful to the living conditions of any nearby residential occupiers. In addition and as accepted by the Council, the proposed alterations would result in a reduction in footfall and noise from customers accessing the toilet facilities.
8. In reaching my decision I note that no objections were received in relation to the proposal from nearby residents and I have seen no evidence of any complaints in relation to the existing use of the yard for drinking and/or smoking by customers. Whilst I have had regard to the concerns raised by the Council's Regulatory Services department about the potential for the use of the rear yard area to create a public nuisance, I do not consider that there is any substantive evidence to suggest that this would be the case.
9. The condition not only restricts the use of the proposed seat and shelter but restricts the use of the whole of the rear yard area notwithstanding that the Council's delegated report stated that the proposal would not result in any material harm to living conditions acknowledging the existing use of the rear yard. Having regard to this and for the reasons stated above I do not consider that the condition is either reasonable or necessary noting the existing use of the rear yard, the modest scale and location of the seat and shelter and having regard to the living conditions of occupiers of nearby residential properties.

Conclusion

10. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed and the permission varied to delete condition 4.

Beverley Wilders

INSPECTOR

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